



Minutes of the meeting of the Board of Conservators of Ashdown Forest
Monday 10 June 2013 at 14.00
Ashdown Forest Centre

Present: Mr R Thornely-Taylor (Chairman), Mr R Galley (Vice Chairman), Cllr J Barnes, Mr M Cooper, Mr J Francis, Mr P Glyn, Cllr C Hardy, Mrs D Hurrell, Cllr R St. Pierre, Mr A Reid, Cllr R Stogdon, Cllr S Tidy and Cllr F Whetstone.

In attendance: Mrs P Buesnel (Director).

There were four members of the public present. Mr B Thompson asked for information regarding the fence posts being erected on the Forest at Nutley. The Director said that it was likely that they were for the grazing animals and said the Conservation officer was in the process of circulating information to Parish Magazines and notices would be posted at the site.

The Chairman asked if the Board was content for him to remain in the Chair until item 26/13. There were no objections.

	Item	Action
13/13	Apologies.	
	Apologies were received from, Mr J Spicer and Cllr M Weaver.	
14/13	Declarations of any interest by Members of a Personal or Prejudicial Nature.	
	Mr Galley declared a personal interest in all minutes relating to Millbrook Farm. Mr Reid declared an interest in all minutes relating to Millbrook Farm.	
15/13	Welcome to New Board Members.	
	The Chairman welcomes Cllr Belsey (Lord of the Manor's representative) and Cllr Keeley to the Board. Both new members introduced themselves. The Chairman hoped they would find the Board's business both interesting and valuable.	
16/13	To approve the minutes of the Board meeting of 11th March 2013, and matters arising – BD 13/13.	
	The minutes of the last meeting had been circulated and were assessed by the Board for accuracy. A minor stylistic error was corrected in 03/13 and with that correction made the minutes were duly received and approved in accordance with Standing Order 2.6.	
27/13	Any Urgent Item of which the Clerk has notice in order to pass to the elected Chairman.	
	<p>The Chairman asked to take agenda item 27/13 at this point in the meeting. There were no objections. The urgent item related to Millbrook Farm. Mr Reid left the meeting.</p> <p>The Chairman said that all Board members had received e-mail copies of the correspondence between East Sussex County Council and the Land Registry. He went on to say he did not wish to comment about the merit of the claim but that he found the process somewhat 'disturbing' and the response from the Land Registry in rejecting the County Council's objection as groundless 'extraordinary'. Furthermore there was no right to appeal against the decision other than through a judicial review. The correct course would have been for the Land Registry to consider the objection under Section 73(5) of the Land Registration Act 2002 and not to reject it as groundless under section 73(6). To reject it as groundless was to deny the "locus standi" of the Ashdown Forest Trust and the Board of Conservators which was a seriously disturbing precedent for future claims. He hoped that the ESCC Board members would see fit to make representation to the Officers at County Hall to seek a judicial review.</p> <p>Cllr Barnes said the Board had the power to instruct legal counsel. In his opinion the precedent being set by the Land Registry was 'dangerous'.</p> <p>Cllr Stogdon said he did not agree. There was, in his opinion, nothing exceptional about the decision either in law or circumstance. He said the law relating to adverse possession was very clear and straightforward and that he would be uncomfortable with spending money on a review. The</p>	

decision makers were experts in their field and the information handed to the Land Registrar would have covered all the circumstances. He went on to say this decision should be a 'catalyst for change' for the Board to ensure that issues like this do not arise in the future.

Mr Glyn agreed with Cllr Stogdon. He said he had no desire to apportion blame but a review of the Board's processes was overdue. This issue had been a 'wake-up call' for the Board.

Cllr Tidy agreed with the previous two speakers. As a Cabinet Member of ESCC she would not agree to supporting the 'astronomical costs' surrounding a judicial review. She went on to say the claim of adverse possession was, in her opinion, 'cut and dried after so many years' and that the Board needed to learn lessons.

The Chairman stated he was unhappy that detail was being discussed rather than the procedures involved.

Mr Cooper agreed with what had been said by Cllr Stogdon, Cllr Tidy and Mr Glyn but for rather different reasons. He said the issue had dominated RPA agendas for many years and that the Committee had tried, without success, to reach an amicable resolution. He said he hoped this decision, which was in his opinion a pragmatic one, would finally put an end to the matter.

The Vice Chairman said that he supported what had been said so far. He agreed with Mr Cooper that amicable resolutions had been sought. He understood the concern raised by Cllr Barnes but felt a line had to be drawn under the issue. He went on to say that new cases, for example those of 10 years or less, would need a new and clear Board policy to deal with them in a more robust way. He agreed that it would be a waste of time and money to seek a judicial review.

Cllr Barnes said that the merits of the claim had been discussed. The issues had been badly handled and a solution should have been reached many years ago. There was, in his opinion, 'odd legal conduct' and he remained deeply worried about a precedent being set. He said he would rest easier if there was certainty that the land in question would be treated as common land with its statutory designations. The Chairman replied that that land would remain common land and all rights and obligations would remain in place. It was simply a matter of a change in title and ownership. The Chairman stated, again, that he was unhappy that the detail and merits of the individual case were being discussed rather than the processes that he wished to focus on.

Cllr St Pierre asked, via the Chairman, Cllr Stogdon to clarify his earlier comment on costs. She said that justice should not be based on wealth and the Board needed to be able to 'fight its corner'. She asked if the Board was in this position because it did not follow 'procedure'. Cllr Stogdon replied that to establish a case, the Forest or the Trustees would have to be in a position to point to evidence of having taken exception to the encroachment. That opportunity had occurred, but no action had been taken by the Conservators, therefore the grounds for refuting the adverse possession claim were not there.

The Chairman thanked the Board for their comment and said he was dismayed and that the Board had focussed on the merits of the claim rather than on the shortcomings of the process. Mr Reid was invited to return to the meeting.

17/13 To approve the minutes of the Conservation Committee meeting of 25th March 2013 - BD 14/13 and 3rd June 2013 – BD 14/13a and to receive the paper “Grazing Ponies” – BD 15/13.

The Chairman asked Cllr St Pierre to present the minutes of the meeting of 25th March 2013 which had been assessed by the Committee for accuracy. The minutes were duly received and approved in accordance with Standing Order 2.6.

17.1/13 Matters Arising

Cllr St Pierre drew the Board’s attention to minute 16/13 which was elaborated on at the June meeting.

The Chairman then asked Cllr St Pierre to present the minutes of the meeting of 3rd June 2013 which had also been assessed by the Committee for accuracy. The minutes were duly received and approved in accordance with Standing Order 2.6.

17.2/13 Matters Arising

Cllr St Pierre drew the Board’s attention to minute 18/13. She said that the proposal would be re-worded so that the Forest benefitted, to the fullest extent, from any available funding. Mr Glyn gave a brief background saying there was still debate as to the benefits of grazing over mechanical methods of management and that there was surprisingly little published research. In order for the Board to determine the full benefits and best levels of grazing, applied research was needed and this was likely to be costly. There was a possibility that funding from SAMMS and SANGs could be harnessed and that it would be an appropriate use of such funds. The Vice Chairman said he agreed but there was no guarantee it would be forthcoming. The Director said that a submission, as a package, had been made to the four local authorities involved, which included the Dog Project, education and volunteering. A grazing project would now be added.

Cllr Barnes said he was worried that there had not been a proper evaluation of grazing and was aware that there were areas of the Forest not suitable for mechanical work. Mr Glyn said that the grazing area had been evaluated and the overall results were beneficial but research outside the grazing area was needed. Cllr St Pierre said it would be interesting to look at the outcome of grazing by different animals and assess the different effect that they had on flora and fauna. Mrs Hurrell said that any research which had the possibility of providing good PR, educational benefits and fitted well with Natural England would be very welcome.

17.3/13 Cllr St Pierre drew the Board’s attention to the Grazing Ponies paper BD15/13. She said Exmoor were the breed of choice. The animals had been selected for their temperament as they had been well handled and would be easy to catch. The cost of feed was high and this was partly to do with the lack of large scale storage and the inability to bulk purchase. The Director reassured the Board that the staff involved with grazing were acutely aware of these issues and they were being taken into consideration and addressed on an almost daily basis.

17.3/13 There was a short discussion on foot trimming and Mr Glyn said he was not concerned as Exmoor ponies were hardy, resilient and would only need attention twice a year.

The Board agreed to accept the “Grazing Ponies” paper.

18/13	<p>To approve the minutes of the Roads, Planning & Amenities Committee meeting of 15th April 2013 - BD 16/13.</p>	
	<p>The Chairman asked Cllr Hardy to present the minutes of the meeting which had been assessed by the Committee for accuracy. The minutes were duly received and approved in accordance with Standing Order 2.6.</p> <p><i>18.1/13 Matters Arising</i></p> <p>Cllr Hardy drew the Board's attention to minute 11/13. He said that, at the request of Ranger Allum, a second site visit had been made and a cause of action agreed on. This would be discussed in detail at the next RPA meeting. The Director said that it was vital that the Chase Ranger be included in such visits as a matter of course and there was agreement that this should be the case.</p> <p>18.2/13 Cllr Tidy commented that issues such as the 'gardenisation' noted in minute 11/13 should be monitored and an evidence trail created so matters did 'not slip' and become major issues similar to that discussed at the start of the Board meeting. Cllr Barnes agreed and said that managing land exchanges with 'a nod' was no longer acceptable. Meetings and/or decisions should always be followed by a letter and put on a more formal footing. The Chairman commented that the previous Director had taken a 'zero-tolerance' approach to such matters and it would now seem that the Board had become more tolerant. He went on to say the RPA committee did need to discuss how they would manage such issues and find a balanced approach. He hoped that the Strategic Plan would help to achieve this.</p>	
19/13	<p>To approve the minutes of the Finance and General Purposes Committee meetings of 20th May 2013 - BD 16/13.</p> <p>The Chairman asked Cllr Whetstone to present the minutes which had been assessed by the Committee for accuracy. The minutes were duly received and approved in accordance with Standing Order 2.6.</p> <p><i>18.1/13 Matters Arising</i></p> <p>Cllr Whetstone pointed out minutes 14.2 and 14.4 and recommended the two policies to the Board. The Director said there was a timetable of policy review and creating. The policies in minutes 14.1, 14.3 and 14.5 required further work.</p> <p>18.2/13 Cllr Whetstone pointed out minute 12.2 and recommended this request to the Board.</p> <p>The Board agreed to adopt the Tree Safety Policy and the Staff Training and Development Policy. The Board agreed to allocate from the reserves the FCDC a sum of £20,000 as detailed in FGP minute 12.3/13.</p>	
20/13	<p>To receive the Statement of Accounts for the year ending 31 March 2013, approve the Accounting Statement, the Internal Auditor's report and the Annual Governance Statement for the year ending 31 March 2013 contained in the Annual Return and to approve the Annual Return - BD 18/13.</p> <p>The Statement of Accounts, the Accounting Statement, the Internal Auditor's Report and the Annual Governance Statement contained in the Annual Return had been previously circulated. A £2.00 discrepancy caused by rounding was noted. Mrs Hurrell reminded the Board that the accounts would be in future presented in the new format. She went on to say that there would be some amendment to how the debtors, creditors and assets were displayed.</p> <p>There was a short discussion regarding VAT and the Chairman said that he would continue discussions with Charles Hendry MP, in the light of a circular from Eric Pickles, Secretary of State for Communities and Local Government, even though he would no longer be a member of the Board.</p> <p>Cllr Barnes proposed acceptance of the Statement of Accounts, the Accounting Statement, the Internal Auditor's Report and the Annual Governance Statement contained in the Annual Return. Cllr Stogdon seconded the proposal. The Board agreed.</p> <p>Cllr Barnes proposed acceptance of the Annual Return. Cllr Stogdon seconded the proposal. The</p>	

	<p>Board Agreed.</p> <p>The Annual Governance Statement forms part of the Annual Return. It was noted and accepted by the Board as was the report from the Internal Auditor.</p>	
21/13	<p>To approve the minutes of the Forest Centre Development Committee of 22nd April 2013 – BD 07/13 and to note the Forest Centre Development Current Status report – BD 19/13a.</p>	
	<p>The Vice Chairman presented the minutes. They had been assessed by the Committee for accuracy. There was one error in the attendee list and in line one of minute 07/13 '<i>alternative</i>' should be changed to '<i>other</i>'. With those amendments made the minutes were duly received and approved in accordance with Standing Order 2.6. The Board also received the Status Report.</p>	
	<p>21.1/13 Matters Arising</p> <p>Cllr Tidy said the Committee had now fulfilled its current remit and was ready to start the next phase which would be more expensive than the first and was pleased to note the Board's agreement regarding funding (as discussed in agenda item 18/13). She went on to say that now the Committee, since taking a firmer grasp of the Standing Orders and Financial Regulations, had improved their management of a complex issue. She thanked Mr Francis and Mr Hurst for their very valuable input. The Committee were now in the process of tendering for architects to manage the revised and the new (workshop) planning applications and the drawing up/amendment of the plans. She went on to say that Mr Hassall was confident regarding a £2 million fund raising package.</p> <p>21.2/13 Mr Cooper said that he would like his comments regarding the situation with the Ashdown Forest Conservation Trust recorded. He said that the Trust had considerable holdings that they should be making available for the Forest Centre Development and suggested the Director should approach them. The Director replied that positive discussions were underway and that sensitivity was required. The Trust was happy to learn that the Board had committed reserves to the Forest Centre Development.</p>	
22/13	<p>To amend the remit of the Forest Centre Development Committee within the Standing Orders – BD 20/13.</p>	
	<p>It was noted that the Committee had met its current remit. After a very brief discussion Cllr Tidy proposed and Cllr Stogdon seconded accepting the wording in BD 20/13. The new remit in the Standing orders would therefore read:</p> <p><i>"Forest Centre Development Committee (FCDC): to exercise all the powers and duties of the Board in respect of the Forest Centre Development"</i>.</p> <p>The Board agreed to accept the wording for the new remit, shown above in italics, for the Forest Centre Development Committee.</p>	
23/13	<p>To receive the draft Strategic Plan – BD 21/13.</p>	
	<p>The Director drew the Board's attention to the tabled paper and explained the process. She said she was very grateful to everyone who had provided input and to Mrs Hurrell, who had lead on this issue, for her hard work.</p> <p>Cllr Barnes said it needed to be clear that this was a replacement plan and the Director replied that those words would be added to the introduction / foreword. The Director went on to say that a few more changes to the text were required and that the document would be sent out for consultation in July/August. She hoped the document would be adopted by the Board in September.</p> <p>There was a short discussion about including 'timings' with Mr Cooper saying they were vital and that the consultees would expect to see them. Cllr Tidy explained that an action plan with timings would be expected to run alongside the Strategic Plan. The Director said that timings would be set out in the covering letter and the documentation that would accompany the Plan when it was forwarded to the consultees.</p> <p>Cllr Whetstone proposed that the Board accept the draft Strategic Plan and Cllr Tidy seconded the</p>	

	proposal. The Board agreed to accept the Draft Strategic Plan.	
24/13	To receive the Director's report – BD 21/13. The Director talked to her report. Cllr Barnes asked if the Field Guide was free and the Director replied that donations would be expected. Mr Cooper said that Ashdown Forest Life was 'delightfully informal but informative' and was excellent. Cllr St Pierre said that there was likely to be interest, from schools, about the archaeology/history of ironworking on the Forest as a result of an archaeological dig on a Roman iron working at Barcombe. Mr Reid said it was important to share information regarding EU Habitat Directives with the community in a sensitive way and the Director said she was keeping the Parishes up to date at every opportunity including at the regular Parish Liaison meetings. Cllr Tidy said there was a great deal of interest in Forest Schools and the Director replied she was having discussions with Sussex Wildlife Trust and local Forest Schools.	
25/13	To receive the Clerk's report – BD 22/13. The Director talked to the Clerk's paper. Cllr Whetstone said that the Clerk should get authority from the landowner in order to deal with the Land Registry. The Chairman said the Land Registry had no right to refuse to deal with the Clerk and she already had the powers to act on the Board's behalf. The Director said that the Clerk feels she does not have the specialist legal expertise. There was a short discussion on the creation of new Commoners. It was agreed that this issue would need a detailed policy discussion and a paper setting out the situation and procedure before any decision could be made. There was agreement that advice would have to be taken from the Trust in the first instance and the legal and practical ramifications would have to be explored. There was no deadline given for this work.	PB
28/13	Any Urgent Item of which the Clerk has notice in order to pass to the elected Chairman. The Vice Chairman said he had been at a meeting with the Local Fire Authority who had reported to him that the rangers and staff were 'magnificent' in their dealings with the recent fire. The Director said that the whole team had acted professionally, that there was no damage to property or injuries. The sheep had been evacuated, which was very difficult, but all staff pulled together. She went on to say this was a great illustration of the value of joint working and training. As yet the Police had not given a view of how the fire had started. The Vice Chairman asked that the thanks of the Fire Authority be passed to staff and the Board added their appreciation. Cllr Barnes said it was important to assess both the positive and negative effects of the fire. Mr Glyn said that the Conservation Officer was 'sanguine' but from the point of view of the birds, reptiles and insects it could not have happened at a worse time.	

This part of the meeting closed at 16.00.

Chairman _____

9 September 2013

Clerk _____

26/13	Election of the Chairman and Vice Chairman of the Board (as per Standing Order 1.2). Mr Thornely-Taylor stood down as Chairman and thanked the Board for their support over the last three years. The Mr Thornely-Taylor invited nominations for the post of Chairman of the Board. Cllr Barnes nominated Mr Galley and Mr Glyn seconded the proposal.	
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There being no other nominations, Mr Galley was duly elected as Chairman for a period of twelve months and took the chair.

The Chairman then invited nominations for the post of Vice Chairman of the Board.

Cllr Stogdon nominated Mr Reid and Cllr Hardy seconded the proposal. Mr Glyn nominated Mrs Hurrell and Cllr St Pierre seconded the proposal. The Chairman said that the Board should have a secret vote and paper was handed around and nominations made. The Director and the minute taker counted the votes twice for accuracy. The vote was tied. The Standing Orders were scrutinised and offered no advice as to the process. The Director and the Chairman suggested that the only way to resolve the position was through the Chairman's casting vote. A second round of voting and tossing a coin were also mooted. However, the Board agreed to accept the Chairman's casting vote. He cast his vote for Mr Reid.

Mr Reid was elected as Vice Chairman for a period of twelve months.

The Chairman thanked Mr Thornely-Taylor for his very good Chairmanship over three, rather challenging, years and wished him well and bon-voyage. Cllr Whetstone also thanked Mr Thornely-Taylor stating that he had had an especially tough Chairmanship and had, in his opinion, the most to do of all the recent Chairmen.

27/13 Allocation of Board Members to Committees.

The Following changes would be made to the existing Committees: *Conservation*: Cllr Keeley to be added. *RPA*: Cllr St Pierre to be removed. *FGP*: Cllr Whetstone to be removed. *FCDC*: Mr Cooper and Mr Stogdon to be removed. The Director reminded the Board that members can attend any meeting; that the Chairman and Vice Chairman were *ex-officio* at all meetings and that meetings commence at 14.00. The Chairman said that a more social aspect would be added to the Board meetings with tea and cake being provided at the end.

This part of the meeting closed at 16.30

Chairman _____

9 September 2013

Clerk _____