

Minutes of the Third meeting of the Parish Liaison Panel of the Board of Conservators of Ashdown Forest

1900, Wednesday 13 May 2009
Ashdown Forest Centre

1) Welcome and introductions

Present on behalf of the *Board*: Leslie Gillham (Chairman, in lieu of John Barnes), Philip Glyn, Hew Prendergast (Clerk), John Spicer, Rupert Thornely-Taylor.

Present on behalf of Parishes/Councils: *Crowborough*, Sandra Timms; *Forest Row*, Vivien Hill, Brian Killick; *Hartfield*, Clair Park; *Maresfield*, Charlie Stevenson; *West Hoathly*, Paul Brown; *Withyham*, Jill Pardey.

2) Apologies

Board: John Barnes, Michael Cooper.

Parishes: *Buxted*, Geoffrey Sheard; *Danehill*, Joan Lunn; *Maresfield*, Roger Street.

3) Assorted issues

Leslie Gillham took the minutes of the last meeting as read. The agenda items were each introduced by Hew Prendergast.

a) Mountain biking. Although maintaining its policy of not allowing biking on the Forest, the Board has nonetheless resolved to keep communication open with local bikers. On the question of erosion, there are few UK data on the physical impact of bikes. Vivien Hill mentioned that photos could document where 'lumps and bumps' had been made in Forest Row (where recently some had been removed by the Board). Leslie Gillham commented that the notion of bikers consisting of parents and children did not bear scrutiny. As was clear in a *Countryfile* programme aired last week about the Malvern Hills, what bikers really want is speed!

b) Tree-felling. Since the last meeting complaints have come from just two sources: one person concerning the felling of a dangerous beech overhanging the Wych Cross traffic lights and of an oak that was overhanging a public footpath; the other about commoners cutting trees in woodland near Twyford car park. Nearly 100 people were cutting wood on the Forest last winter, an unprecedented number. This is the first time that cutting was taking place on any scale in woodland rather than on heathland. Leslie Gillham said that perhaps notices warning of winter work were having some effect. Philip Glyn said that the thinning of trees by the 1987 storm had allowed certain large trees to grow well since – one aim of the Board's new woodland management plan. Hew Prendergast added that a recent survey had identified 47 ancient, veteran or notable trees on that part of the Forest managed by the Board.

c) Deer. At a meeting on 28 April organised by the Ashdown Area Deer Group, with about 25 participants, land-owners/managers decided to set up a Deer Management Group to cover the Group's area with corners at Turners Hill, Haywards Heath, Tunbridge Wells and Hadlow Down. This meeting followed up on a questionnaire that was sent out earlier in the year. A summary of the results was handed out. Jill Pardey commented that her garden in Crowborough now had to be netted against deer. In reply to a question about muntjac by Vivien Hill, Leslie Gillham said he saw 18 at Crowborough Rugby Club. Lyme Disease (conveyed by ticks) was mentioned. Hew Prendergast said that two days of sweep-netting by Pfizer in 2003 or 2004 produced not a single tick on the Forest. Rupert Thornely-Taylor, however, reported that his dogs had picked them up. Charlie Stevenson asked if land-owners could be held liable for accidents involving deer on adjacent roads. Several

replied that deer were wild animals and that, in contrast to domestic stock, they were not under anyone's control and that no one could therefore be deemed negligible (NB. See Postscript).

d) Fish on the Forest. Putting exotic fish (for example goldfish and pumpkinseed) into SSSIs like the Forest is illegal. Ellisons Ponds (on the Crowborough Road between Nutley and Duddleswell), despite being dredged a couple of years ago with the primary aim of getting rid of an exotic Brazilian plant (parrotfeather), already has a new population of goldfish and the Braeberry Ponds (by Chelwood Gate) have large populations of carp and North American pumpkinseed that will be removed in due course. It is not known who is (re-)stocking them. Such introductions have implications beyond the Forest. Although the Ouse already has an exotic fish problem, the Environment Agency is concerned that the Medway, currently 'clean' and into which most of the Forest drains, does not follow suite. John Spicer said that he has seen fishermen on the ponds by the Colemans Hatch road. Vivien Hill suggested that notices be put up beside ponds warning that the introduction of exotic fish into a SSSI was illegal and could have a serious environmental impact.

e) Traffic speed. The Ashdown Forest Villages Road Safety Partnership (which involves most Forest parishes) is waiting for feedback from the Safer Wealden Partnership before planning its next campaign. Its current aim is to get Sussex Police (which are part of both partnerships) to provide enforcement to back up the recording efforts of volunteers from the parishes.

Leslie Gillham said that when the fencing was put in (round the grazing area) people said that they were too busy to slow down. When a speed camera was put up in Nutley, some residents were affronted according to Charlie Stevenson. He added that it went up because a casualty target had been reached and emphasised how critical it was to get casualty data from the County Council. In answer to a question from Paul Brown, he said that the circumstances of a fatality did not count, only the 'points' it created. Leslie Gillham said that on motorways warnings of the monitoring of average speed seems to be effective - he at least slows down!

f) Communication. The Board is committed to improving communication via any media possible, including parish and parish council magazines. Its e-news service is building up (with 149 subscribers now). Hew Prendergast asked anyone interested to subscribe to it via the Board's website. Clair Park said that parish magazines may not go to all households although, in Hartfield at least, the parish council newsletter does. Sandra Timms recommended that articles are submitted to tie in with publication and Charlie Stevenson said that the Maresfield Parish Council website (which he manages) has a link to that of the Board; any articles could be sent to him.

There being no further business, Leslie Gillham thanked everyone for their attendance and the meeting closed at 1959.

NB. The next meeting is on Wednesday 2 September at the Forest Centre.

PTO.

Postscript from 3c). This was received from Jamie Cordery, South East Deer Liaison Officer, The Deer Initiative on 14 May.

***Deer: Law and Liabilities.* 2nd ed. Parkes and Thornley.**

OWNERSHIP AND RIGHTS TO TAKE WILD DEER

Wild deer that are free to roam from one person's land to another belong to no one; they are ownerless. They are wild animals, *ferae naturae*, and therefore are known as *res nullius*, things without an owner.

Ownership of the land which wild deer may occupy does not carry with it any rights of ownership of the deer whilst they remain wild. However, the Common Law has always conveyed to the landowner certain rights in respect of the use of the land and things found upon it. Consequently deer found dead on the land, caught accidentally in fences or killed in some other way become the property of the landowner, subject to any legal agreement in which the rights may have. passed to another - e.g. in a sporting lease.

It is suggested that the ownership of cast antlers is also vested in the owner of the land on which they fall and that someone removing them without authority may be liable if the matter were disputed. Similarly, the ownership of deer killed in road accidents passes to the owner of the land upon which the collision has occurred. This will normally be the adjacent landowner rather than the highway authority. *However, the driver has no claim on the landowner in cases involving wild deer regardless of whose land they were on immediately prior to the collision.* The driver has no legal right to retain the deer carcass.

The spread and increase of wild deer in the U.K. have led to serious national concern not only for road safety but also for the conservation and welfare of the species involved. The problem is not merely restricted to a few counties with high densities of deer. Accidents involving deer pose a significant risk of human injury and damage to vehicles and is closely correlated to the size of the species concerned. Reliable statistics for the U.K. relating to accidents involving deer are not available; road traffic legislation does not require the mandatory reporting of such accidents to the police unless someone other than the driver involved is injured.

Considerable research has been undertaken into methods designed to prevent deer-related accidents. Whilst some have had a measure of success, only full-height deer fencing has been found to significantly reduce accidents. Civil litigation may in the future be pioneered in areas of new development in which the highway authority has not adequately safeguarded road users from the dangers caused by deer.