

## Minutes of the

### ROADS, PLANNING & AMENITIES COMMITTEE MEETING OF THE BOARD OF CONSERVATORS OF ASHDOWN FOREST

1430, Monday 23 April 2007

Fords Green, Nutley and Education Barn, Ashdown Forest Centre

Present: Cllr J. Barnes, Mr R. Beal (Ranger), Cllr F. Brown, Mr M. Cooper, Cllr D. Elkin, Mr L. Gillham; Mr P. Glyn, Mr F. Marshall; Mr J. Spicer; Mr E. Stenhouse; Cllr Cllr R. Parsons, R. St. Pierre, Dr H. Prendergast (Clerk), Mr R. Thornely-Taylor, Mr F. Whetstone. Minutes taken by Mrs T. Buxton.

Apologies: There were no apologies.

#### **1) Encroachments/bye-law breaches/access issues**

The meeting commenced at 14.30 at Fords Green, Nutley in order that Committee Members could see, first hand, some typical examples of encroachments, bye-law breaches and access issues.

#### **2) Election of Chairman of the Committee**

On return to the Forest Centre the members of the public were welcomed and business began with the election of a new Chairman. Mr Cooper was proposed by Mr Glyn and seconded by Cllr St. Pierre. A vote was taken and passed unanimously. Mr Cooper was duly elected and took up the Chairmanship with thanks.

#### **Questions were taken from members of the public**

*The following notes on the questions/answers are an aide memoire only and do not form part of the minutes of the Meeting of this Committee.*

Mr P. Crane requested an explanation as to why the Board had ignored Parish Council comments regarding the new signs onto the Forest. He cited an email from the Parish Clerk. Dr Prendergast responded by stating that four of the six local Parish Councils made no comments regarding the entrance signage. The County Council are introducing new deer warning signs. Dr Prendergast gave a short explanation of the situation regarding deer signage, using as an example Poundgate where the problem of deer is on the road nearby *off* the Forest (the A26), not the one *on* the Forest; in other words deer signage there should target motorists leaving the Forest, not coming onto it. The Chairman requested that further discussion of this matter should continue outside of this meeting.

Mrs A. Haig McVitty commented about the start time of this meeting, advertised as 14.30. She had not been aware that there was a site visit, that the public meeting would commence later and that the public would have to wait. She felt that this was not acceptable and that the same thing had happened at the Conservation Committee. The Chairman stated that this would be dealt with in the future and ensure that timings were correctly advertised.

Mrs G. Nassau stated that she had previously asked whether the Board are covered by the Freedom of Information Act. Cllr Parsons replied that he had consulted Wealden District Council lawyers regarding this issue. Although the Board is one of very many small bodies not covered under this Act, it should attempt to behave in the spirit of the Act and give information

where and when it can. It was suggested, after a short discussion, that a policy on compliance with the Freedom of Information Act should be prepared and that this should be an agenda item at the June Board Meeting.

Mr Alan White stated he had downloaded a riding permit application form expecting to be able to buy a summer permit. He stated that the forms showed six month permits were only available from October but not for the summer months. He thought that the decision had been made to allow permits and asked what had gone wrong. Mr Stenhouse agreed that six month summer and winter permits had been raised and agreed by the Board and that a mistake had been made in implementation. Dr Prendergast stated he would look into this issue.

Mr White also stated that some of the mounting blocks at the gateways were rotting away; the block at Duddleswell Tea Rooms was in a very poor condition. These required replacement and could some of the recently felled large oak timber be utilised for this purpose? Dr Prendergast commented that he had not received any complaints from AFRA and that the Rangers would assess the situation.

### **3) Matters arising from last meeting.**

All matters arising had been dealt with at the previous meeting. Mr Stenhouse stated that he had not been sent copies of the minutes. The Chairman thought it would be helpful if new members could be sent relevant copies.

### **4) Encroachments/bye-law breaches/access**

Cllr Barnes stated that there were ways, when dealing with encroachments, of bringing people on side but that small businesses may have to be dealt with in a slightly different way from householders. Permits may be required to stop ad-lib parking and encroachments; where, however, there is parking on hard-standing this could prove difficult. There needs to be a written record of where breaches exist, however, there also needs to be toleration and licensing where appropriate. There followed a short discussion regarding this issue and there was a general agreement that existing householders should receive a 'Code of Conduct' and new ones would also continue to get copies of the bye-laws and a copy of *Ashdown Forest. An illustrated guide*. It was agreed by all there were a large number of such encroachments to deal with. Cllr St Pierre stated that people should want to help rather than being forced and that a method of encouragement should be developed. It was suggested that a working party of this committee should be created with appropriate legal advice to draw up a policy to bring before this Committee and the Board as the issue is too complex to be dealt with in this meeting. Cllr Elkin suggested that permits and licences should be discussed by the working party and charges raised used to cover any costs. It was agreed that any 'Code of Conduct' should be backed up by enforcement which was a basic tenet of the 1974 Act. Mr Glyn endorsed this idea. Mr Spicer, Mr Stenhouse, Cllr Elkin and Cllr Barnes volunteered to act on this working party. A member of Forest staff would also be required. Dr Prendergast would set a date and time and provide a progress report.

Mr Thornely-Taylor stated that, if the selection of cases he had seen today were a typical example, he could rest assured that it was not a big problem and could be made acceptable by appropriate permits. He was concerned that the 10 m wide fire-breaks were not large enough to provide adequate protection although agreed that the expansion of greenswards needs to be limited.

Mr Beal gave details of properties that there had been no time to visit, and described hard-standing and access issues along the A22. Dr Prendergast gave some background on a bye-law issue at one property whose reporting in the *Courier* had omitted and trivialised problems occurring there.

Cllr Barnes went on to state that he remained concerned regarding hard-standing being used for cars and preventing access for the Fire Service. He was also concerned that hard-standing without permission after a period of time would become a right and he agreed that there needs to be regulation and control. He went on to say that he was more concerned about bonfires on the Forest and that these require strict enforcement. There followed a longer discussion on parking and hard-standing with comments made about not upsetting the local communities, historical encroachments, permits, licences and taking a 'thus and no further' stance. Dr Prendergast gave an example of how a problem regarding access was successfully dealt with at a property change of ownership and how only through court action was one long-standing problem elsewhere resolved. Mr Gillham described a local community working together with the Parish Council and Wealden District Council to achieve a positive result in another encroachment situation.

Mr Stenhouse asked about how encroachments were recorded and Mr Beal described the Ranger's Boundary Books and the office files for each and every property. Mr Whetstone stated that a written record of encroachments would be useful for the Committee and the Chairman agreed that a wide range of infringements and enforcements would allow some perspective on the situation. Mr Beal agreed to prepare a document containing all infringements and photographic evidence on the South Chase.

Mr Spicer queried the use of the term 'permit' in relation to charges and there was short discussion regarding the technical differences between licences and permits and charging. Dr Prendergast explained that there were current plans to review all property licences (as in the *Action Plan*).

Cllr St Pierre queried the relationship between the Conservators and ESCC's legal department. Cllr Barnes stated that there were things that the legal department did not feel qualified to advise on as some issues were becoming very specialised and that some advice should go out to more specialised solicitors. There were also attempts within the legal department to sort out the exact relationship between them and the Forest. Mr Whetstone commented that the legal department feel that they are being asked too many questions which deflects them from doing their regular work. It was agreed that there should be a protocol for communication with ESCC's County legal department to rectify this situation.

*16.30 Mr L. Gillham left the meeting.*

##### **5) Forest Centre development – update on the *Parkin Business Plan***

Dr Prendergast drew the Committee's attention to the tabled diagrams. Mr Stenhouse expressed his opinions regarding the *Parkin Business Plan* and voiced his concerns regarding visitor numbers, finance, costing and the plan in relation to the Act. The Chairman thanked Mr Stenhouse for his very legitimate question but stated that the discussion was not appropriate or constructive for this meeting and reminded him that decisions had been taken by the whole Board following very detailed discussions. The Chairman went on to describe how the Board regarded the development in a very positive light and asked the Committee to view the documents tabled by Dr Prendergast. There followed a short discussion regarding the phasing and timing and priorities of the plan.

Mr Thornely-Taylor explained that Mr Stenhouse did not have a great deal of background information but as the Board had made these decisions it was up to Committee members to pick up what has gone on and influence the future.

Dr Prendergast explained the background and content of the tabled diagrams. He had met a retired local architect, Ian Hurst, who had drawn up plans that were much more modest than those on in the *Plan*. Mr Hurst's suggestions include presenting the site to the road rather than the Centre car park, so the entrance and café seating would be visible to passing traffic and vegetation would be cleared to improve this view. The proposed link building would be smaller, the café would be inside and upstairs in the barn (this does not infringe DDA Regulations). All the new changes were self-evident, more modest, more achievable; the documents had been brought to this meeting to maintain momentum. Cllr St Pierre stated she liked the proposal and asked the Committee to look at the example set by Cooksbridge Village Hall who raised £180,000 in grants by making their building sustainable with the use of geothermal heating, local timber, wind turbines, solar panels, fleece insulation and rainwater harvesting. The quantity surveyor who had contributed to the *Parkin Plan* could, for £800.00, provide new costings for Mr Hurst's ideas.

Cllr Parsons stated that some very sensible suggestions had been made and at first glance some useful information that was worth taking into account. The document was a breath of fresh air, short and well to the point. However, we do have time on our side to deal with what is quite a venture even if it has been modified; the costs will be well into six figures and sustainability has not been talked about. The Chairman stated that it would be a pity to let momentum die away and that there was a need to resolve what would happen to the Centre.

Mr Glyn commented that Ian Hurst was an outstanding and enthusiastic architect who had evidenced his enthusiasm by not charging for the work he has done so far. He urged the Committee not to let the project die.

Mr Stenhouse asked that a written statement be produced to evidence the right the Board has to be involved in education, tourism and their entitlement to enlarge the car park and turn it into a Centre car park. Is all this work permissible under the Act? The Chairman asked that authority should be checked. There was a short discussion regarding the precedent that had been set by the Board in the early 1980s in constructing the current building and if the records were likely to be located in the County Archives.

There was a short discussion regarding the timing of the project and if Ian Hurst can meet the current phasings. It was agreed that the working party on the *Parkin Plan* should be re-convened within the next couple of months. The office will find a suitable date and time for this meeting to take place. It was agreed that a short statement/overview regarding the legal entitlement of the Conservators, under the Act, to build a visitor centre and/or run a visitor centre on this site and have a car park on Forest land would be drafted. This short statement of historical fact would help remind the Committee of what lead to the establishment of the Forest Centre in the 1980s.

*17.00 Mr Spicer left the meeting.*

Cllr Parsons stated that he thought a written statement was unfair to ask for and a time-consuming exercise relating to actions of 27 years ago. However, the Committee may want to test the situation in order to ensure we stand on firm ground.

## **6) Stakeholder Engagement**

Dr Prendergast reported on the meeting of 13 January 2007. The points raised in it have been grouped and analysed by Chris Marrable and compiled into a document to go on the website. This document also provides some initial responses to the points and raises questions and comments to which stakeholders can make their own additions. Further stakeholder meetings have been organised on 8 May at Crowborough and 11 May in Forest Row. One meeting may cover both Buxted and Maresfield parishes. Forest staff who have been trained will attend and, hopefully, a Conservator. Cllr Barnes initiated a discussion regarding the function of the meetings and if they are for an interchange of views, information and presentation or for debate. The process remained unclear to some members of the Committee and there was concern that 3KQ need to be very clear of their function. Mr Whetstone queried what the villages and the people in and around the Forest actually want. He considered that some people felt out of touch with the Forest and tend to pick up the end of processes and it was important to consider how they feel and how we go forward. Dr Prendergast stated that two parishes made it clear that they wanted to be fully informed and Maresfield wants very full consultation and involvement.

Mr Stenhouse stated that a written report should have been provided rather than a verbal one. Dr Prendergast said that once all information has been passed back from 3KQ it will be made available to the Board. The Chairman reminded Mr Stenhouse that there was much background work already undertaken, the process was already underway, advice had been sought and, however imperfect it may be, it is to the credit of the Forest staff that the process is underway at all.

*17.22 Mr R. Thornely-Taylor left the meeting.*

Mr Glyn stated that professionals were being used and their guidance being followed. Mr Whetstone was concerned that direct input with the Parish Councils was being advocated and that care should be taken as to what 3KQ was coming up with. Cllr Parsons stated that that it was not Hartfield Parish Council but the Parish of Hartfield that was being consulted and that the invitation looked like it was coming from 3KQ as an instrument of the Board. The Chairman agreed that 3KQ should not be asking questions independently and without our participation. Dr Prendergast stated that part of the plan was to go out to the parishes via the Clerks, but not to the Parish Councils, to book and organise parish halls. Cllr Barnes noted that the date of the meeting at Crowborough clashed with a large health consultation meeting. The Chairman asked that 3KQ be asked to produce a briefing paper for the Board and to ensure that a Conservator is available to attend meetings but not to react to any comments made.

## **7) AOB**

Standing Orders. Mr Cooper said that several items are in need of correction and everyone should think about them. At its June meeting the Board should aim to sign off the Orders, the latest draft of which will be circulated.

A member of the public noted that she had seen hawking on the Forest and had reported it to the police. She was told that hawking was not permitted.

*The meeting closed at 17.30.*