

## Minutes of the

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

1430, Monday 14th April 2008  
Education Barn, Ashdown Forest Centre

Present: Mr M Cooper (Chairman), Cllr J Barnes, Mr R Beal (Ranger), Mr L Gillham, Dr H Prendergast (Clerk), Cllr R St. Pierre, Cllr S Shing, Mr J Spicer, Mr R Thornely-Taylor.  
Minutes taken by Mrs T Buxton.

Also present: Mr E Stenhouse and Cllr F Whetstone.

The Chairman opened the meeting. There were no members of the public present. Mr Spicer raised a point of order regarding the pre-circulated papers which he felt were 'incorrect and lacking attribution'. The Chairman noted Mr Spicer's comments.

#### **9/08 Apologies.**

Apologies were received from Mr R Galley and Cllr S Martin.

#### **10/08 Declarations of Interest by Members of a Personal or Prejudicial Nature.**

No declarations were made.

#### **11/08 Matters arising.**

*11.1/08 Forest Centre development - Minutes of Working Party Meeting of 1 February 2008. (Appendix 1).*  
This document was pre-circulated. The action points were scrutinised. Cllr Barnes stated that, as the working party had not met again, no decisions were required from this Committee. The Clerk commented that action point 1 was delayed as Ian Hurst had been away. Action point 5 was being taken up by Cllr Barnes and Cllr Whetstone suggested some local companies who might be able to assist. Action point 6 was being considered by Mr Thornely-Taylor on behalf of the working party. The Clerk gave some background to action point 8 and explained why more land was required. He reported that there had been contact with the Scouts who were considering the proposal. Mr Gillham clarified that the land would allow the Forest Centre to meet DDA legislation requirements and the examination of other possibilities in the future. Mr Stenhouse asked what the Forest Centre development was for, where were the business plans and the objectives? The Chairman responded by stating the issue of the Forest Centre development had been thoroughly discussed and given due consideration in past meetings. He went on to say that Mr Stenhouse had been present at many of those meetings, therefore, going over the background again at this meeting, rather than the full Board would be inappropriate. Cllr Barnes said that Mr Stenhouse was right that clearly defined objectives were needed and went to say that the development was more about managing existing visitors rather than attracting new ones. The Chairman added that improving education and staff facilities were the major functions of the development.

*11.2/08 Results of meeting with Andrew Ogden (Director, Law and Personnel, ESCC).*

The Clerk reported on this meeting. He stated that Andrew Ogden emphasised the importance of doing things in the right order and scale to remain within the Act. He said that if the Board move forward with the development of a tea-room it should be as a support to the attractiveness of Forest Centre rather than a major aim. Mr Thornely-Taylor stated that the point of the meeting should have been to ascertain how the Board would operate trading activities within the law; gain VAT exemptions; advice on Board ownership, holding and administration of land, i.e. the Vachery; running structure of the Board and its *modus operandi*. He went on say that he was concerned the opportunity of meeting with Andrew Ogden had been a wasted one. Cllr Barnes suggested that

meetings with Andrew Ogden should be a matter for the Board not the Board's employees. Mr Thornely-Taylor stated that such meetings should be an FGP issue and any reports from Andrew Ogden should be made to them. Cllr Barnes asked that the issues put to Andrew Ogden by the Clerk should be listed and put on the agenda of the next meeting. The Chairman asked that responses to Mr Thornely-Taylor's points be made available prior to the next FGP meeting. The Chairman stated that neither Andrew Ogden nor Cllr Stogdon could see any impediment to the proposed activities if they were ancillary to the main purpose of the Board. Mr Stenhouse asked, as he felt a number of people might raise a legal challenge, if a written legal opinion would be provided by Andrew Ogden. The Clerk stated that the meeting with Andrew Ogden was informal rather than formal legal advice. The Chairman suggested that, where possible, advice should be in writing. Cllr Barnes and Cllr St Pierre both asked that formal legal advice be sought even though there would be a cost.

**It was agreed that formal legal advice be sought on the proposed trading activities of the Board.**

*11.3/08 Teachers Forum, "Enriching learning through Ashdown Forest", 19 March*

The Clerk gave the background to, and a report of, the Teachers Forum. Various options were presented to the teachers who attended. He reported that the new scheme would reduce the education input of the Forest staff. The day was a successful one.

**12/08 Paper on accesses across Forest land.** (*Appendices 2, 2.1 & 2.2*).

The Chairman asked that appendix 2.1 be taken as read and appendix 2.2 taken as useful background information. Mr Spicer stated he was confused over the wording of the document in relation to rights of access and maintenance of access. Cllr Barnes clarified that there was no such thing as a 'right of access' on common land but that the Board could licence the ability to cross land. The point of the introduction of the perpetual licence was that it would be attributable to a property and thus increase the confidence of purchasers as it obliges them to maintain their access to an acceptable standard, however, the definition of that standard was difficult to determine. He went on to say the legal advice given to the Board on perpetual licences in 2001 was very clear.

There followed a discussion regarding the wording of paragraph 4 and it was noted it would require re-writing for the sake of clarity.

Paragraph B1 was discussed and Mr Thornely-Taylor commented that when talking of a division of a 'property' what the term 'property' actually meant. Cllr Barnes replied that all types of property were treated identically but that some, such as commercial property should not be. Mr Gillham went on to discuss the problems surrounding 'island sites' and the division and development of properties leading to divided/shared access and lack of parking space within their curtilage. This led to a lengthy discussion on parking issues and parking permits.

Paragraph B2 was discussed and Mr Stenhouse commented that most agricultural access was now being used as equestrian or recreational access and the Board had the ability to upgrade them to domestic. The Chairman commented that the Board may be missing an opportunity to secure an increase in income, and should be pragmatic about such issues. Cllr Barnes stated he would support the policy on single access with some deviation for 'island sites' with dual occupation. He went on to say that policing the misuse of agricultural access was an impossible job and he would rather meet the problem with appropriate licensing and charges. Mr Gillham stated that a firm legal opinion was required to establish if the policy was enforceable. The Chairman agreed and stated that until a legal opinion was obtained the current policy should be adhered to.

Mr Thornely-Taylor commented that there was a need to establish fundamental principles, i.e. not taking Forest land; making appropriate exchanges of land; not allowing increase of traffic across the Forest etc. The Chairman agreed that any policy should start with such basic principles but should also have a degree of flexibility built in. The Clerk stated that the first fundamental was the

protection of the Forest from increased traffic as a consequence of planning applications. Cllr Barnes commented that where Wealden District Council Planning Officers had allowed properties to be divided this had created an impossible burden for the Rangers to police and that the Board needs to work with the Wealden Planning Officers to ensure a single access to 'island sites'. Mr Thornely-Taylor suggested a meeting with Wealden Planning Officers about the particular problems encountered on the Forest.

**It was agreed that the Clerk draft a policy document which would encompass issues of principle.**

**It was agreed that a meeting should be arranged with the Planning Officers of Wealden District Council to ensure they fully appreciate the difficulties the Board encounters.**

**It was agreed that a more 'relaxed' view be taken of equestrian activities and that appropriate licensing be further explored.**

**It was agreed that, pending legal advice, the current policy be adhered to and exceptions granted only *in-extremis*.**

Paragraph B3 was discussed and it was agreed that the access width of 3m was enough for everything other than the largest combines. It was agreed there was no reason to change the current policy. Splays and sight-lines were discussed and it was agreed that clearance of sight-lines to aid visibility was the responsibility of the property owner. There was a short discussion regarding splays as encroachments and the difference between splays onto main roads and on to Forest tracks. It was considered that in the latter instance a right angle junction might be more appropriate than a splay.

Paragraph B5 was discussed. Cllr Barnes stated the level of any parking charges should be a matter for FGP. Cllr Whetstone stated that the Board needed a strong reason to change the current policy. Mr Spicer stated that anyone who had space and refused to park within the curtilge of their property should be charged.

Paragraph B6 was discussed and it was agreed there should be no change in the current policy.

Paragraph C1 was discussed. Cllr Barnes suggested that, in the case described, it would be a sensible moment to consider a perpetual licence and have discussions in a spirit of compromise.

Paragraph C2 was briefly discussed. Cllr Barnes suggested that commercial properties should be treated differently from domestic but discussions should be 'gentle' and discussions remain amicable. Where a change of use comes to light a perpetual licence would be appropriate, however, decisions regarding the amount to be charged should be an FGP matter.

Paragraph C3 was briefly discussed. Cllr Barnes suggested that the Committee had, in principle, agreed that any new accesses granted should have some benefit to the Forest.

Paragraphs C4 and C5 were discussed at length. Mr Spicer and Mr Thornely-Taylor both declared an interest in this issue. Mr Stenhouse stated that if property owners were happily 'managing themselves' then he would advocate 'letting sleeping dogs lie'. Mr Spicer stated that the Board should not become involved in disputes between neighbours. Mr Stenhouse also said that the Board needed to set a 'standard' for the quality and maintenance of the access.

The Chairman considered it would now be reasonable to go ahead with a re-draft of the document taking note of the views which had been expressed and commented that the Board would need to tender for a specialist to assist with calculations on property value and uplifts and with legal advice.

## 13/08 Planning and Property Issues.

### 13.1/08 *Hillside Cottage, Duddleswell (Appendix 3).*

A chronology of events was pre-circulated and photographs were tabled. It was noted that the owner had undertaken to carry out some remedial work. A lengthy discussion followed. Ranger Beal stated that there was plenty of room for two cars to park within the curtilage of the property as the drive is the same width as the double garage. It was agreed that if nothing was done the encroachments would continue. The extension of the drainage ditches was also discussed and it was agreed that this activity should be covered by a licence. There was a short discussion regarding the possibility of charging for the remedial work and was hoped that this would set a precedent and send out a strong message.

**It was agreed that the Board would repair the encroachment.**

**It was agreed that the property owner would be given due notice, in writing, that the repair work was going to take place.**

**It was agreed that a charge for the repair work would be levied.**

**It was agreed that the encroachment opposite the property would be repaired by the property owner and that they would be informed, in writing, and given two weeks to make the repairs. The owner had also undertaken to remove debris and discarded cement from the encroached area beyond the public footpath.**

**It was agreed that the property owner would also be informed, in writing, about the decision on the drainage ditches.**

### 13.2/08 *Cat's Protection – visibility splay onto A275.*

The Clerk reported that this issue was still unfinished as East Sussex Highways were now considering preventing vehicles from pulling up outside the plant stall on the A275 by placing plastic bollards on the verge. The Clerk reported he had asked highways to use wooden rather than plastic ones. Cllr Martin, Cllr Reid and Charles Hendry MP had been involved in meetings with the property owner.

### 13.3/08 *Fords Green, Nutley – request to deal with dangerous trees.*

The Chairman reported he had spoken to the Secretary of the Fords Green Management Association. He hoped the Board had been seen as being helpful and responsive. The Clerk reported that the Board were unable to do the work for Fords Green but had offered advice and help. Ranger Beal explained that the Board no longer had the expertise to assist, i.e., no aerial rescue or tree climbers on the team.

**It was agreed that the Board would not be able to assist with the work but would continue to communicate and remain helpful and responsive.**

### 13.4/08 *Yeomans Cottages, Nutley – encroachment and an application for new access across Forest land (Appendix 4).*

A chronology of events and photographs was pre-circulated. The Clerk reported that the new owners of this property were parking on the Forest and had erected a shed on some pre-existing hard standing both of which were contrary to the bye-laws. There followed a short discussion and it was noted that access to this property was gained via an area of manorial waste not managed by the Board.

**It was agreed that no new access to Yeomans would be granted.**

**It was agreed that the property owner would be asked to remove the shed.**

**It was agreed that the Board would remove the hedge and the area of hard-standing.**

**It was agreed the property owner would be informed, in writing, of the actions the Board would be taking.**

*13.5/08 Comments on recent planning applications (Appendix 5).*

*Windyridge Wych Cross – Conversion of redundant farm buildings to provide 1x3 bedroomed house, 1x2 bedroomed house, 1xB1 office, 1x educational space to support sustainable land use, forestry, environmental teaching programme planning application number WD/2007/3754/F*

This document was pre-circulated. The Clerk reported there would be minimal visual impact, however, there would be increased traffic and a need for a change of perpetual licence. The Chairman stated that this application could be discussed when at the planned meeting with Wealden Planning Officers takes place. Cllr Barnes said he considered this to be an unsustainable use of a Forest track and noted the property owners would not be able to maintain the track without a licence from the Board. Cllr Whetstone stated the Parish Council had objected to the development.

**14/08 Mountain biking on the Forest.**

An extract from the minutes of the Conservation Committee of 31 March 2008 had been circulated with the agenda. The Chairman reported that this issue had been discussed at length in the Conservation Committee meeting. After a short discussion on how the activity could be licensed and policed, it was agreed to adhere to the present policy whereby mountain biking is not permitted on the Forest. Cllr St Pierre asked that her dissent from this agreement be minuted.

**15/08 Review of the comments about RPA issues made at the recent round of stakeholder meetings. (Appendix 7).**

The comments were noted by the Committee. The Clerk reported that elements of the comments needed to be added to the plan. Mr Spicer commented that, yet again, comments were not attributed and Mr Stenhouse suggested that there had been ‘spin’ put on the comments. The Clerk refuted this suggestion and said it was objectionable. He added that Mr Stenhouse had been present at two of the meetings and that all comments noted could be seen at all times by everyone there. The Chairman stated that there had been great efforts made to reflect objectively what was said at the meetings. Cllr Barnes stated that the Executive Committee would scrutinise the comments made at these meetings.

**16/08 Financial information for RPA Committee Responsibilities.**

This was tabled for note only.

**17/08 AOB.**

*17.1/08 Riding issues*

Photographs were tabled showing a horse-rider going across a section of heathland away from a ride. This person was a well known leader of a local riding establishment who had recently agreed, in writing, to abide by the Riding Regulations.

**It was agreed that the rider should be invited to a meeting with the Clerk and the Chase Ranger to discuss the bye-law breaches, be given of a copy of the bye-laws with the understanding that any further breaches could result in permission to ride being revoked.**

*The meeting closed at 17.45.*