

Minutes of the

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

1400, Monday 20th April 2009
Education Barn, Ashdown Forest Centre

Present: Mr M Cooper (Chairman), Mr R Beal (Ranger), Dr H Prendergast (Clerk), Mr J Spicer, Mr E Stenhouse, Mr R Thornely-Taylor. Minutes taken by Mrs T Buxton.

Also present: Cllr F Whetstone.

There were no members of the public present.

10/09 Apologies.

Apologies were received from Cllr R Galley, Mr L Gillham, Mr I Hurst, Cllr S Martin, Cllr R St Pierre and Cllr S Shing.

11/09 Declarations of Interest by Members of a Personal or Prejudicial Nature.

There were no declarations of interest.

12/09 Review of site visit to properties alongside A22, Nutley, starting at Forest Gables.

The Committee met on site and spent an hour looking at various issues. Mr Stenhouse stated that a résumé in advance would have been useful so that Committee members could make visits individually at their convenience. He suggested that the Committee should consider allowing the property owners on 'that' side of the road to do what they wanted within strict limits that there should be detailed plans drawn up showing the ownership of properties, Forest boundaries etc. allowing the Committee to make suggestions based on those plans which could then be passed to the parish council for their view.

The Chairman replied that there was value in visiting sites as a group so that Mr Beal and the Clerk could give up to date reports on the history and issues and answer any questions. He agreed that maps, showing boundaries, areas of Forest and any existing licences would be very helpful background material.

Mr Spicer also agreed that a résumé would be useful especially for those who were unable to attend site visits. He agreed with the Chairman that group site visits were necessary. He went on to say that the area in question was not particularly important and the mowing was a lesser issue compared to the car parking and hard standing. He went on to say a course of action should be formulated.

Mr Stenhouse said the land in question was of little value and was an urbanised environment. There was, he said, too much management time and money was spent on such areas and the Committee should consider ways to reduce that. He was aware that property owners ignored letters and contact from solicitors and thought that the parish councils should be involved as they had their own views on areas, particularly in villages, that looked scruffy.

Mr Thornely-Taylor said there was a policy in existence and it should be applied. Encroachments at private dwellings should be looked at on an individual basis, i.e. was the site of particular importance or a habitat if not, and if there was no material damage other than encroachment, licensing might be appropriate. If the site was important the property owner should be told what action they need to take with a limited time frame for completion. If this was not met the Board should then remove the encroachment and send the bill to the property owner. He thought the involvement of the parish council would bring in an element of democracy and if it affected parts of a village it would be something they might be very interested in.

There was a discussion regarding domestic and commercial parking with the Clerk touching on the current parking permit system for domestic properties, how it could be amended to operate for businesses with strict non-negotiable conditions that would allow the Board be seen as reasonable, whilst enforcing the bye-laws, and bringing in some extra finance. Mr Thornely-Taylor said that there were no clear distinctions between business and domestic properties as people were now able to work from home. It was clear that, where there was rubbish dumped on the Forest, enforcement action should be taken. Property owners parking on the Forest should be contacted to remind them that no wheeled vehicles were allowed. The Chairman said that the Board should be willing to take a pragmatic view and licensing and fees were important. Mr Thornely-Taylor disagreed and said that the Board was in a position to enforce and questioned why it was not done.

Cllr Whetstone said that the main problem was on island sites where the whole property had been filled in with buildings and/or garden so that the owner could not park on their property and often extended their boundaries out onto the Forest. A watching brief should be kept on these properties and the Clerk replied that comments were made on planning applications and objections had been made in the past. Cllr Whetstone said that problems had to be dealt with straight away and Mr Beal replied that the Committee needed to make a firm decision rather than having endless discussions.

There was a discussion on areas described as ‘proper Forest’ and ‘urbanised Forest’ with the Clerk stating that the Forest in all of its diversity should be protected from rubbish and hard standing and although it was a verge under discussion it was valuable. The area in question varied in size and was visually, along its length, very different and it would be pleasant for it to have a ‘Forest feel’. He went on to say it was wrong to allow the public to manage the area and that there would always be a small proportion of property owners causing the majority of the problems, however, generally once contact had been made the problems tended to be sorted out. Having the parish council involvement was appealing but allowing them more input might lead to unwanted interference. Mr Stenhouse said that, in the longer term, a plan of all the areas with narrow strips of Forest should be drawn up and consideration given to whether they were of lower level value and what use they could be put to. The Clerk disagreed and saw nothing but problems in splitting up the Forest using dubious criteria. He emphasised that the bye-laws gave a clear ‘line in the sand’ for what was allowed and what was not allowed and that any modification would be both undesirable and detrimental to the Forest.

Mr Thornely-Taylor queried that if the Board granted a licence to the property with the large hard standing would there be a change of use in planning terms and would the district council become involved. The Board, in his opinion, could not grant a licence for something that needed planning permission.

Mr Spicer said the Board should accept that there were more cars and proposed that, along side the flow chart, set out a financial scheme for additional parking for residential and commercial properties where there was no space within the curtilge of the property.

The Chairman said the Committee needed to think in the long-term in regards to income and be pragmatic and a paper, as brief as possible, was required for the next Board meeting expressing the Committee’s concerns. He went on to say the Board would also receive the detailed minute of this discussion and that he and the Clerk would speak to these minutes and find a way forward.

It was agreed that the area of hard standing was unacceptable.

It was agreed that a short paper be drafted for the next Board meeting expressing the Committee’s concerns as detailed in the above discussion.

13/09 Matters arising – RPA 6.

13.1/09 Mountain biking

The Chairman stated that he and the Clerk would be in touch with the mountain bikers in the next month to ensure the lines of communication remain open.

13.2/09 Housing development

The Clerk reported there were no updates on housing developments.

13.3/09 Cats Protection

The Clerk reported there were no further updates.

14/09 Access over Forest land.

14.1/09 Principle concerning agricultural access – RPA 7

The document had been pre-circulated to the Committee. The Chairman stated that equestrian use was allowed as long the access was not upgraded and that document RPA 7 could now be agreed by the next Board at its next meeting.

There followed a discussion on the definitions of ‘agriculture’, ‘equestrian’ and ‘horse’ in the context of this document and if the use of these terms gave the Forest greater or lesser protection.

There was a discussion about how a horse would reach a field with an agricultural access and if it was permitted for a horse to be ridden along an access track or driven in a horse box. The Clerk mentioned that the Committee had changed the discussion from equestrian as applied to vehicles (e.g. horse boxes) to horses themselves.

It was agreed that the principle document be amended and, for clarity, the word ‘horse’ used rather than ‘equestrian’.

14.2/09 Access review by Cripps Harries Hall (CHH) – RPA 8

The document had been pre-circulated to the Committee. The Chairman stated that the document was very helpful in clarifying the situation.

14.3/09 Proposed amendments to the Perpetual Licence by CHH – RPA9

The document had been pre-circulated to the Committee. Mr Spicer commented that the document only addressed perpetual licences and noted there were very many properties that did not have one and where there may be prescriptive rights. The Chairman replied that the Clerk had been asked to produce an amended perpetual licence.

The Clerk drew the Committee’s attention to page 13 where the distinction was made between residential and business.

The Committee scrutinised the document page by page:

- *Page 1* - there were no changes.
- *Page 2*, item 2.6 - it was agreed to remove the figure from 3.1. The Chairman said a note should be provided to explain why this was blank and that the figure was adjusted on an annual basis. The term ‘independent expert’ in 5.1 was briefly discussed and it was noted that it was also on the original licence.
- *Page 3* - it was agreed that the wording on 6.2b would change to agree with the wording in item 7.12. Item 6.3 was discussed and it was agreed no further explanation was required as it was clear. There was discussion regarding item 7.1 and if the Board would be paying costs relating to deeds of variation and it was agreed that the words ‘at the Conservators request and expense’ be added.
- *Page 4* - it was agreed in item 9 in relation to additional fees that if there was no variation or under normal circumstances there would not be an additional cost. To make that clear the word ‘those’ would be amended to ‘any costs’. It was agreed that 10.4.1, 10.4.3 and 10.4.5 be removed and ‘1st class delivery with proof of posting is

deemed to have been delivered one working day after postage' added. In 10.5 the words 'facsimile transmission number' be deleted.

- *Page 5* - after a further discussion regarding the role of the independent expert it was agreed this item would be better placed in Schedule 3 with a full explanation drafted by Cripps Harries Hall.
- *Page 6* - after discussion it was agreed no changes were required.
- *Page 7* - after discussion it was agreed that expert opinion should be sought on a clear definition of the different property types. In item 6 it was agreed that the sign be marked on the map with an orange spot. There was a discussion regarding the dimensions of the sign boards and the Clerk agreed to check the accuracy.

There was a short discussion on the legality of charging for access as detailed in Schedule 2 paragraph 4.

It was agreed that the document be amended as above and be presented to the next Board meeting.

15/09 Airman's Grave

The document had been pre-circulated to the Committee. Mr Spicer thought that neither a sound system nor the introduction of a religious element would be appropriate and the Commoners had made it clear that they wished the ceremony to continue in its present format. Mr Thornely-Taylor agreed that the secularity was the ceremony's outstanding feature. He commented that the speaker needed to project his voice more clearly and be raised up on a small platform. There was a short discussion regarding the fly past and it was noted that the pilot has to make special preparations to attend, have permission of the Civil Aviation Authority and will do it if so inclined. The Clerk was asked to make sure the owner of the aircraft was informed in good time that his attendance would be welcome. Mrs Buxton undertook to enquire again as to the availability of biodegradable poppies from the Royal British Legion Factory.

16/09 Planning and property issues – RPA11

16.1/09 The Nutley Arms, Nutley

A letter from the County Solicitors had been drafted and was about to be posted requesting the removal of the illegal signs and asking the property owner to abide by the terms of his licence. Advice would be sought on the legality of removing the offending signs.

16.2/09 The Splash, Newbridge

There had recently been a letter from the property owner and progress had been made. It is hoped that the matter is now resolved

16.3/09 Hillside Cottage, Poundgate

Following the visit by the Clerk and Mr Spicer there had been lengthy e-mail correspondence between members of the Committee and the property owner. In regard to the non-payment of dues it was agreed that action should be taken as laid out by CHH and the mortgage provider be contacted.

16.4/09 Green Plat, Marsh Green

Photographs had been tabled and it was noted there was currently only a pedestrian access to the property across the Forest. Mr Thornely-Taylor queried the principle underlying the grant of a perpetual licence and the Clerk replied they were usually granted when a property changed hands. There followed a discussion regarding the potential uplift in property value and if the Forest should benefit from this. There was a discussion about the need for legal opinion on this issue.

After further discussion it was agreed that the property owner had an alternative access route through the hedge line and directly on to the road without going onto Forest land. There was no benefit, other than potential financial gain, to the Forest in granting the access.

It was agreed that the property owners' request to have vehicular access across the Forest be turned down.

16.5/09 Comments on recent planning application – Hillsdown Farm, Tynyford

There was a discussion questioning if the terms of the licence had been breached as the property had been underlet. It was noted the owner remained the same. It was agreed that a legal opinion to re-assess the acknowledgement rent be sought from CHH.

Mr Stenhouse commented that planning consent had been granted, that others were now using the roadway and the Board had no legal grounds whatsoever. The Clerk replied that if Mr Stenhouse was correct there was nothing legal to question however, when the property changed hands, a perpetual licence would be required. Mr Spicer responded that as the Board did not question the planning applications in 1987 and 1996 they were being inconsistent by objecting now. The Clerk replied that he would maintain a watching brief on this property.

16.6/09 Comments on recent planning application – Cobbers Farm, Colemans Hatch

Mr Stenhouse declared an interest as he had put the planning application together for the property owner. It was noted that the Board had received no prior advice on the involvement of Mr Stenhouse with the proposed development.

A planning application had been lodged with ESCC for the construction of very large imported earth bunds to hold large quantities of compost. There was deep concern that the Forest had not been consulted as a 'neighbour' of the property especially as previous development on this site had caused damage to the Forest verges that had not been made good. The Clerk reported there was strong local opposition to the development and a great deal of concern about the number of heavy haulage vehicles that would be visiting the site. There was also concern about the large amount of material being currently washed out from the site. The Clerk stated he had been in contact with the ESCC planning department to make comment and ask for the 'condition' to be imposed.

It was noted that the Conservators' legitimate interest is limited to potential damage to the verges.

16.7/09 Flooding – a verbal update from the Conservation Committee meeting of 30 March

There had been concern at the above meeting that flooding at Sandy Lane was being caused by tree felling and this had been discussed at length. The Clerk stated that he would be making a visit to meet with a concerned property owner, with the Chairman of the Board, to look at the problem. However, heavy rain, the topography and lack of ditch and culvert maintenance by property owners was more likely to be the cause.

7/09 Financial information for RPA Committee Responsibilities – RPA 5

The document had been pre-circulated to the Committee and there were no comments.

8/09 Any urgent item for which the Clerk has notice in order to pass the elected Chairman

The meeting closed at 18.20.