

Minutes of the

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

1430, Monday 4th February 2008

Gorse Down car park for a site visit to properties under 4.2/08 and 4.3/08
1545, at the Forest Centre

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

Also present: Cllr J Barnes, Mr E Stenhouse and Cllr F Whetstone.

The Chairman opened the meeting, welcomed the members of the public present and invited questions for 10 minutes from the floor. There were no questions from the public.

1/08 Apologies.

Apologies were received from Cllr S Shing.

2/08 Declarations of Interest by Members of a Personal or Prejudicial Nature.

No declarations were made.

3/08 Matters arising.

3.1/08 Forest Centre development – Update from Working Party Meeting of 1 February 2008.

There had been a useful discussion with Mr Ian Hurst which has enabled the Working Party to consider priorities, although one of its four members was absent. The Clerk was asked to draw up a brief report. After a short discussion it was agreed that the report be presented to the next Board on 10th March and, if required, it could be referred back to this Committee.

3.2/08 Outline on paper in preparation on accesses (Appendix 1).

The Clerk reported that he was preparing a detailed paper to highlight all the many permutations on access, e.g. to properties that are used for commercial purposes and licences of long standing etc. It would also discuss the need for professional assistance in dealing with these issues.

There was a short but detailed discussion on the current width of access and emergency vehicles. Mr Gillham gave some helpful background detail as to how the current width had come about. He suggested that the width and the rationale behind it should be recorded in the new document. The Clerk said that this was already covered.

Cllr Martin asked that the document retain some flexibility in order to deal with new and unforeseen dilemmas.

4/08 Planning and Property Issues.

4.1/08 Beech View, Nutley – a second look at the upgrading of an agricultural access to a full 'residential' one.

The Clerk reminded the Committee that this issue had been referred back by the Board to consider the matter in more detail. Mr Gillham said that it was accepted at the Board that this issue was a departure from usual policy and that it was felt that a more detailed explanation of why an exception should be considered was required. The Clerk commented that the Committee had previously thought that it was reasonable to at least allow an exception to be considered and went on to remind the Committee of the full circumstances. There followed a very full and lengthy debate on the very particular pros

and cons of this issue. It was agreed that rather than granting an exception to policy, the policy itself required some significant attention.

It was agreed that there was no reason, under the existing policy, to grant an exception and allow the agricultural access to be upgraded to a 'full' residential access.

It was agreed that, in the light of this discussion, the Board should review the policy in question after submission of a paper by the Clerk.

It was agreed that the property owner be informed, in writing, by the Clerk of this decision and that the issues of access to his property would be further reviewed in the light of any changes made to the policy.

4.2/08 Barnsden House, Duddleswell – a request for new access on Forest land (Appendix 2).

The Committee made a site visit to the property, met the owner, and were shown the route of the new proposed access across Forest land and the land on offer to the Board. There was a lengthy discussion regarding how this access issue differed from item 4.1/08. It was agreed that there was a difference in that a portion of freehold land was being made available to the Forest to compensate for the new access. There followed a discussion on the pros and cons of accepting land. Mr Spicer stated that in his opinion the Committee should look on this request favourably. There followed a further lengthy discussion on the effects this access would have on neighbouring properties sharing much of the same proposed access.

It was agreed that there was no reason, under the existing policy, to grant a new access to this property, although the offer of land clearly brought this issue into the realm of another Board policy (that of acquiring land within the Pale).

It was agreed the property owner be informed, in writing, by the Clerk of this decision and that the issue of access to the property would be further reviewed in the light of any changes made to the policy as noted in 4.1/08. It was noted, however, that the owner of the property had approached the Board in a positive manner, including accepting the principle that, were there to be an uplift in the value of the property as a result of a decision taken by the Conservators, a payment to the Conservators would be required. The owner is aware that an appropriate formula has yet to be agreed.

4.3/08 Hillside Cottage, Duddleswell (Appendix 2).

The Committee also visited this site. The owner had been informed but was not seen. There was concern that the Committee would not be able to make a decision on the issue of encroachments due to a lack of documentary evidence. A very lively discussion ensued regarding the licensing of this property and the woodpile. Photographs taken in 2006 showing the other encroachments were passed around and these prompted a further detailed discussion and it was agreed that the encroachments had clearly been seen on site.

There followed a frank discussion regarding the method of communication with this property owner. It was agreed, in retrospect, that more formal correspondence coupled with a full chronology of events and an earlier intervention by the Committee would have been very helpful.

The Clerk commented that there were a small number of property owners who made repeated complaints and demands; however, the vast majority of property owners' issues were dealt with swiftly and amicably.

The possibility of using Land Registry ‘cautions’ was discussed and it was felt that, in some circumstances, this would be a helpful approach. It was also felt that there should be a more formal approach to record keeping, particularly of communications written and verbal.

There was a short discussion regarding the quality of the maps used in the licences and it was suggested that better quality maps such as those used by the Land Registry or the OS 1:500 be used. It was considered that better quality maps would assist decision making when encroachments were being discussed. The Clerk said that the maps used had been in place for 30 years and that boundaries were not an issue in this case anyway. He said that there had been lengthy communication with the owner who had signed a perpetual licence that clearly omitted any reference to a woodpile.

Cllr Barnes said he wanted to have his dissent “registered” when the Committee agreed that since permission was given to the previous owner, there was no reason why a licence for a woodpile should not be granted and that the Clerk would write to the property owner to inform her.

It was agreed that the Clerk should produce a chronology of events regarding the encroachments to assist the Committee in making a decision at the next meeting.

4.4/08 Jubilee Cottages, Mardens Hill (Appendix 3).

The Clerk reported that there was a great deal of correspondence on this issue and that the property owner had been offered the chance to submit a one page document. Mr Cooper had visited the property since the last meeting of the Committee. Cllr Barnes stated he thought it important to agree with the property owner the Forest boundary or for the Conservators to register the area of land in question. However, after further discussion it was agreed to draw a line under this issue and to place a caution with the Land Registry so that new owners would have to take out a perpetual licence.

It was agreed that this issue would be considered closed. However, a caution would be place with the Land Registry.

4.5/08 Brief report on other properties (Hobgoblins, Duddleswell; A22).

The Clerk reported that outside Hobgoblins there had been parking of up to five vehicles on Forest land (a photograph was shown) and an area of hard standing had appeared on the A22 just south of Nutley outside two properties. However, it was not known to whom these two properties belonged.

It was agreed that formal letters should be put through doors asking for the removal of the hard standing.

4.6/08 Cats Protection – view on the Experts determination by RH&RW Clutton.

A report from Mr Tim Raikes was tabled for digestion rather than discussion. There was agreement that his performance in delivering this report had not been satisfactory.

4.7/08 Report on letter to the Planning Inspectorate.

The Clerk gave the Committee the background to this planning issue about a property in Fairwarp where, on behalf of the Board, he had objected to a development that would lead to the likelihood of parking on the Forest. Wealden District Council had turned down the proposal but the property owner appealed to the Planning Inspectorate who upheld the appeal. He went on to describe the response to a letter he had written to the Planning Inspectorate complaining about the manner in which this decision was reached. There was agreement that the Planning Inspector had made a poor decision and there was a

discussion regarding contacting the Parliamentary Ombudsman. It was noted that this could only be done via a Member of Parliament.

18.00 Cllr Martin left the meeting

5/08 Procedure for dealing with non-compliance with Ashdown Forest Act 1974 and with breaches of bye-laws made under it.

The procedure had been pre-circulated. Mr Spicer stated that it was clear that better maps and information were required in order to deal with non-compliance; that professional assistance should be obtained if required and in some cases licensing could be appropriate. He went on to say that formal clear letters should be sent stating clearly what the infringement is, what is required and setting out timescales for compliance.

Mr Spicer reported that more work was required on the fees payable and on how to take enforcement forward; it was important, in his opinion that problems should not be allowed to go on for too long. After a short discussion it was agreed that the Committee needs to know, via regular reports, what encroachments etc. are happening and what action is being taken.

It was agreed that item 2 should be altered to make it less 'heavy handed' and that an extra point, at point 4, be added to clarify at what point the Committee become involved. Cllr Barnes suggested that property owners should be asked, where issues arise, to make the case why something should be allowed. The Chairman thanked Mr Spicer for his work.

It was agreed that item 2 be amended and an extra item at be added (at point 4) as detailed above. The Chairman, and others, requested that as a routine a brief paper on a property or planning matter should, normally, be circulated with the agenda papers to facilitate informed discussion.

It was agreed that the Clerk flesh out Mr Spicer's document into a policy and present it to the next Board meeting.

6/08 Education update

6.1/08 Heritage Lottery Fund (via High Weald Unit [HWU]).

The bid was described by the Clerk and he described how it is being coordinated by the HWU. He went on to describe successful applications for funding from the Friends and the Ashdown Forest Conservation Trust.

6.2/08 Teachers Forum, "Enriching learning through Ashdown Forest", at the Forest Centre with the High Weald Unit and Sussex Wildlife Trust.

A meeting is being held at the Forest Centre in March with a wide network of teachers to discuss education possibilities at the Centre. The Sussex Wildlife Trust, who are involved in teaching at Seven Sisters and their HQ in Henfield, are interested in using the Forest Centre and adjacent part of the Forest as another teaching venue.

18.15 Mr Stenhouse left the meeting

7/08 Financial information for RPA Committee Responsibilities

This was tabled for note only. It was agreed that 'Riding Expenses' should be re-described to make it clearer. It was noted that rides had been damaged by the recent bad weather; hence the over spend.

It was agreed that riding expenses should be more clearly described in future.

8/08 AOB.

8.1/08 Memorial Bench

Cllr Barnes reported that an approach had been made by East Sussex Fire and Rescue Service (ESFRS) for a memorial bench for one of the Fire Fighters who died in the Halland fireworks factory fire last year. The site of this bench would be a departure from the Board's policy as it was away from a car park; well screened and unobtrusive, it was in his opinion, not inappropriate. (The site is 100 yards SE of Stonehill car park, 60-80 yards along the north side of the ride overlooking Misbourne Valley.) He went on to say that ESFRS would like to hold a small ceremony in honour of a gallant man. There was unanimous support for the proposed siting of the memorial bench.

It was agreed that the memorial bench be allowed.

8.2/08 Deer Coverage

Cllr Whetstone commented that he was confused about deer casualties on the road. The Clerk responded that, due to medical reasons, 24/7 coverage was no longer possible. He went on to say that the Rangers offered a fantastic and unsung service when dealing with the casualties and that they are often called at night inappropriately for deer that were not on the Forest. He reported that this year's recorded casualty numbers were lower than last year perhaps because of reduced staff and area coverage. There was a short discussion regarding steps that ESCC and the Police could consider taking in assisting with deer. The Clerk reported that the missing links in deer casualty management were the animal charities. He went on to say efforts were being made to contact the relevant persons at the RSPCA in Horsham and Maidstone. The process for reporting deer casualties was clarified for all present.

The meeting closed at 18.30.