

## Minutes of the

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

1400, Monday 23<sup>rd</sup> February 2009  
Education Barn, Ashdown Forest Centre

Present: Mr M Cooper (Chairman), Mr R Beal (Ranger), Mr I Hurst (co-opted), Mr R Galley, Cllr S Martin, Dr H Prendergast (Clerk), Mr J Spicer, Mr E Stenhouse, Mr R Thornely-Taylor.  
Minutes taken by Mrs T Buxton.

Also present: Cllr J Barnes (*ex-officio*), Mr L Gillham (*ex-officio*) and Cllr F Whetstone.

There were no questions from the three members of the public present.

#### 1/09 Apologies.

Apologies were received from Cllr R St Pierre and Cllr S Shing.

#### 2/09 Declarations of Interest by Members of a Personal or Prejudicial Nature.

There were no declarations of interest.

#### 3/09 Review of the tour around the Forest Centre (in anticipation of the future of the Centre being on the agenda of the next Board meeting).

The Committee toured the Forest Centre with Mr Hurst. Architectural drawings illustrating Phases 1 and 2 were provided for ease of understanding. The Chairman stated that the Board had given approval for Phase 1 subject to finance and the whole issue of Forest Centre development would be discussed at the next Board meeting in March. The Chairman asked that the Committee limited its comments to practicalities.

Mr Hurst said that the concept was a simple one, that there was clarity between the proposed and existing buildings and that the structure was in keeping with the spirit of the Forest. He went on to say the plans were to be treated as a possible way forward.

Mr Galley asked to be reminded of the nature of Phase 1 and the Chairman replied that it covered the upgrading of the public toilets, compliance with the Disability Discrimination Act, moving the boiler and creating a new entrance between the office and the Information Barns. He went on to say that, at this stage, there were no costings available. The Clerk said that costings were provided for the Parkin Plan and that a quantity surveyor had done more following its replacement by the Hurst Concept; unknown variables included the type of boiler to be used in the future.

Cllr Martin asked if the next step was to get costs and the Chairman replied that the Board would reconsider the whole project in March in the light of the paper produced by Mr Stenhouse. He went on to say that if the Board agreed to go ahead with Phase 1 there would be serious financial constraints and that it was important to try and keep costs down.

There was a short discussion regarding the relocation of the entrance and of the new boiler.

#### 4/09 Mountain Biking – RPA 1.

The Chairman asked Mr Duncan Thompson, of the Ashdown Cycling Campaign, to briefly address the Committee.

Mr Thompson said that they were campaigning for recreational cycling, that it was not an extreme sport, that limited access was wanted and that the issue needed a management solution before the situation became unmanageable. He went on to say that there was support from East Sussex County Council and Crowborough Town Council and that the campaign was in discussion with local land managers. The campaign were offering volunteer labour and to pay fees and were asking for agreement in principle. He ended by thanking the Committee for its time and consideration.

The Chairman responded by thanking the Campaign for their constructive and positive attitude, the Parish Councils for forwarding the local view on the issue and the Clerk for his very helpful and balanced paper. He continued by saying the Committee had tried to adhere to its commitment of listening and being objective. There followed a very lengthy discussion.

Cllr Whetstone commented that he would liked to have seen more detail in the paper about what was happening on, and the experiences and feelings of, other organisations such as the New Forest and the South Downs.

Cllr Martin addressed a question to Mr Thompson about whether the biking trails would be available to children and families and he replied that they were campaigning for recreational cycling for the whole family.

Mr Spicer commented that it was lovely to see images of families enjoying cycling, however it was unfortunately true that one thing begets another and that once an area was opened up for cycling it could not be properly policed or monitored. Mr Gillham said he had some sympathy with the campaign but the fire breaks that were used by horse riders were in variable condition and any improvement would be a major, expensive, undertaking.

Cllr Barnes stated that he was the Chairman of the Parish Liaison Committee and that the issue had been discussed at some length in that forum. There was a strong view amongst locals that biking should not be allowed. He went on to say that he too had some sympathy with the campaign; however, bikers had come late to the Forest. He accepted that bikes might cause less damage and disturbance to the flora and fauna than horses, however, the concern was the cumulative effect of the additional pressure. In his opinion there might be a case to allow bike access to the lower, wooded parts of the Forest where less damage would be done and the pressure would be taken away from the highly sensitive and precious heathland. He concluded by saying that it was absolutely vital that the heathland be sacrosanct but there was 40% of the Forest where biking might be possible.

Mr Stenhouse referred to page 5 (paragraph 2) of the Clerk's paper on biking. He stated he had visited the sites referred to and the rides there were wider and better drained than those on the Forest, allowing walkers, horse riders and bikers to safely share the same tracks. He went on to say that 3<sup>rd</sup> party liability was a concern and a great deal of time and effort was spent on reducing the risks, i.e. removing lumps, bumps and fallen trees put in place by bikers.

There was a short discussion on the quality of the fire-breaks used by riders on the Forest. Cllr Whetstone commented that what we had on the Forest were fire-breaks that people were allowed to ride horses on not 'rides'.

Mr Galley thanked the Clerk for putting the paper together. He went on to say that the Forest was a very special wild habitat and he wanted to see as few machines as possible and bicycles were machines. He recognised that tractors were a necessity and that horses caused damage to the fire-breaks and agreed with Cllr Barnes that any further pressures could be disastrous. He continued by saying there were alternative places locally to ride a bicycle and that the fire-breaks were not suitable. He concluded by saying that allowing limited access was the 'thin end of the wedge' and was against allowing cycling on the Forest.

Mr Thornely-Taylor agreed with Mr Galley that the paper was a good one and with the final recommendation.

The Chairman commented that the issue was discussed at a Conservation Committee meeting about a year ago and was very clearly opposed on the grounds of conservation. He went on to say that unrestricted access was unacceptable but that restricted access might be worth exploring as a limited solution and thus the matter could be left on the table. He asked the Cycling Campaign to suggest a small test area.

Mr Spicer said he was not averse to finding an area of woodland and a system of management; however, it would be very difficult to close the Forest again. He went on to say that he would rather be pragmatic than have something forced upon the Board that would be unenforceable. The Chairman replied that there was an ongoing dialogue which makes no commitment on behalf of the Board.

Mr Beal stated that one concern of the Forest staff was the inability to effectively police biking even in a small area. He said that there were already problems with the self-policing approach taken with horse riders and Rangers had to deal with verbal abuse from those who were caught breaking bye-laws, riding on the heath etc. He went on to say the surface of the Forest was not good as the fire-breaks were not maintained and any improvement work would be very costly and time consuming.

The Clerk stated he agreed with Mr Beal. He had positive interaction with the Ashdown Forest Cycling Campaign but remained very concerned about the incremental damage. He went on to say that he was concerned about the appropriateness of bike riding and there was an unquantifiable emotional feeling it was against the spirit, feel and character of the Forest. He went on to say many people responded to the article on biking in 'Ashdown Forest Life' and the overwhelming majority were against it with a few lukewarm in their support. He continued by saying that one of the attractions of the Forest is that it is a bike free area and people enjoy 'getting away from things' in fact on the bridleway between King Standing and the A26 walker reacted very strongly to bikes they encountered.

Mr Gillham said that he had great sympathy but agreed with the recommendation on the grounds of practicalities. However, if the Campaign could find a suitable trial area he would be willing to look again.

The Chairman stated that the Committee would recommend to the Board that the present decision be upheld while contact with the Ashdown Cycling Campaign would be maintained.

**It was agreed that the decision to not allow cycling be upheld and recommended to the Board.**

## **5/09 Legal review on access over Forest land.**

### *5.1/09 Proposed amendments to the Perpetual Licence – RPA 2*

It was noted that the document forwarded to the Committee did not show the lawyers' alterations and amendments to the current perpetual licence. The Clerk reported that he had e-mailed the version showing the amendments to Committee members on Sunday; however, it was clear that there were significant differences in the printed versions of the paper to make the document unworkable. It was therefore agreed to defer the paper to the next meeting.

Cllr Whetstone commented that he thought it impossible to grant access across common land and that the Board was simply licensing the right to make up and maintain an access track. He went on to say that it had been tested in court and should, therefore, not be added to the perpetual licence because property owners already had the right of access in law.

### *5.2/09 Cats Protection Update*

The Clerk gave a verbal report stating that the site now had its new access and that a licence was needed in this financial year. He was concerned that the previous item had not been discussed and that would cause a delay in getting the licence prepared. The Chairman replied that progress could be made with the licence and a short discussion followed regarding the Committee asking the Clerk at a previous meeting to ensure that a licence was drawn up specifically for Cats Protection. Mr Thornely-Taylor stated that the solicitors should have been briefed to create the licence and asked if the Clerk had done so and when. The Clerk replied that the instruction was part of the contract given to the lawyers in October and he had reminded them again earlier that day. Mr Thornely-Taylor commented that the delay was quite extraordinary and wholly

unsatisfactory. He went on to say that the Committee had reached an agreement months ago that a different licence was required and to find that the instruction had only just been given was completely unacceptable. He concluded that there was obviously some confusion in the instructions given to the solicitor. Cllr Barnes stated that it was agreed there should be a licence for commercial, private and a specific one for Cats Protection which has a very different set of requirements and a thus a different approach by the solicitors. He went on to say that there should be no rateable value in the document and it should be alluded to in general terms.

Cllr Whetstone commented that it was inappropriate to have a licence containing a commercial and a domestic element. Cllr Barnes asked if the solicitors were trying to use a standard perpetual licence as a template. He went on to say that in this case, a regular licence would not apply.

Cllr Barnes suggested that the Chairman and Mr Thornely-Taylor should act jointly on behalf of the Board in moving this matter forward. The Chairman said it was vital to set a deadline to ensure some prospect of getting paid this financial year. Mr Thornely-Taylor agreed and said that a failure to have an agreement in place could leave the Board open to a serious charge of mismanagement. Cllr Barnes suggested that the solicitors should have no problem having a document prepared by 10<sup>th</sup> March. Mr Thornely-Taylor said that the Clerk should communicate with Cats Protection to ensure the signatories are available once the document is ready.

**It was agreed that the licence for Cats Protection be ready by 10<sup>th</sup> March to ensure that the payment is made in this financial year.**

**It was also agreed that the Clerk should inform the Cats Protection signatories so that they are aware of the deadline and be immediately available to sign.**

## **6/09 Planning and Property Issues**

### *6.1/09 Bye-law breaches Nutley Arms*

The Clerk reported that there was still no response to correspondence from the Nutley Arms regarding their three signs on the Forest. He went on to say that the signs could be taken down but damage was a concern. Cllr Whetstone suggested bailiffs be used.

Mr Spicer said he was expecting a list of all bye-law breaches rather than two. He went on to say that the working party had spent a great deal of time drawing up a pro-forma to deal with these issues. He went on to say that the behaviour of staff regarding bye-law breaches was unacceptable and suggested it lacked urgency. The Chairman replied that a document containing all bye-law breaches would be huge and asked had the Committee authorised the Clerk to write on its behalf. The Clerk responded that he had followed the protocol which instructed him to make two written approaches before putting the matter to the Committee. He went on to say that it was his understanding that letters warning of court action should be written on behalf of the Committee rather than from him.

Cllr Barnes stated that properties that had received correspondence and had either made an inadequate reply or not replied at all should be explored outside of this Committee. He went on to ask if signs erected on Forest land could be removed by the Board and what obligation there was to protect the integrity of such signs; there followed a short discussion on the pros and cons of removing signs.

**It was agreed that a solicitor's letter be sent to the Nutley Arms enforcing compliance with the bye-laws and stating that the Board reserved the right to remove the signs.**

### *6.2/09 Bye-law breaches Forest Gables, Nutley*

There was a discussion regarding the hard-standing at this property. The Clerk reported letters had been sent and inadequate replies received. Cllr Barnes suggested that if

enforcement was required then it should be done, however, if accommodation was the desired outcome then a parking permit 'may' be considered. He went on to say that he was concerned that a precedent was not set. Mr Gillham pointed out that the situation highlighted in this case was common along the length of the A22. There was a short discussion on the implications of removing the hard standing and the implications of granting a parking permit. There was a short discussion regarding ownership of the land in question and the Clerk stated that it was part of the Forest / Ashdown Forest Trust.

**It was agreed that the legal implications of removal of the hard standing be explored.**

**It was agreed that a site visit be arranged for the Committee.**

*6.3/09 Comments on recent planning applications – RPA 3*

It was noted that the access issues on the first property had been clarified and the new owners were now licensed for the 'used' access. Cllr Barnes asked that the Clerk re-enforce the point to the planners that parking is prohibited on the Forest by bye-laws. The Chairman agreed and asked that letters are as forceful as possible so they were noticed by the planning department.

*6.4/09 The Splash, Newbridge – RPA 4*

The Clerk stated that the correspondence was clear and that the last two letters were included to demonstrate that the author appeared content with the correspondence content and so he considered the matter closed. There had been no contact since November 2008. The Chairman reported that he had made a short site visit. Mr Spicer replied that the property owner approached him as he felt had come to an impasse. There was a short discussion on the appropriateness and practicalities of granting a licence.

**It was agreed that the Committee ask the Clerk, Ranger Sutton and Mr Spicer to have a site visit to resolve the issue.**

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

This was tabled for information only. Mr Thornely-Taylor asked that the barn sales figure be made to tally with the finance information shown to FGP Committee as it was five pounds out. He went on to say it was important the finance papers were not confusing and steps must be taken to have the same numbers in each set of papers.

The Chairman asked the Clerk to explain to the Committee the figures relating to litter disposal, barn sales and bridges. The Clerk replied that litter disposal included fly-tipping and that there had been a rise in incidents, some of which contained asbestos. Barn sales reflected the poor summer and bridges had been carried over into the next financial year.

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

There were none.

*The meeting closed at 16.20.*