

**Minutes of the
ROADS PLANNING AND AMENITIES COMMITTEE MEETING OF THE
BOARD OF CONSERVATORS OF ASHDOWN FOREST**

Monday 17 January 2011
Site visit at Millbrook Farm at 1400
Then (ca 1500) Ashdown Forest Centre

Committee members present: Mr MJ Cooper (Chairman), Mr JA Francis, Mr R Galley (*ex officio*), Cllr S Martin, Dr HDV Prendergast (Director), Mr J Spicer (Vice Chairman), Cllr R St Pierre, Mr R Thornely-Taylor (*ex officio*).

In attendance: Mr I Hurst (advisor) and Cllr FWJ Whetstone.
Minutes taken by Mrs R Marriott.

The Chairman opened the meeting and welcomed the members of the public present.

01/11 Apologies

No apologies had been received.

02/11 Declarations of any interest by Members of a Personal or Prejudicial Nature

Mr Galley declared that he would not be taking part in the discussion about Millbrook Farm as he was a personal friend of the owners.

The Chairman stated that items 05/11 and 04.1/11 would be taken first in that order.

05/11 Forest Centre Development

The Chairman asked if there was any other business.

05.1/11 Mr Hurst stated that after in depth discussions with the architects, the scheme had moved on. The plans to have a space on the first floor of the current office barn which could flexibly accommodate up to one hundred people require a staircase to be installed on the exterior of the barn. This could be screened by a large sign. In addition, the mezzanine floor in the proposed administration barn could only be used for storage as there was only one escape door. Whilst the Building Control at WDC was pleased with the eco aspects of the plans in general, the current cess pit may need upgrading and an aerator installed.

05.2/11 The Chairman queried the cost implications of the proposed changes. Mr Hurst suggested the Fundraising Business Plan should aim for £2 million, a high estimate but he felt sure the full cost of the project would be nearer £1.5 - £1.75 million. It was agreed that the higher figure should be adopted as a safety net. Mr Cooper asked that a meeting of the Working Group be arranged to discuss fund-raising in February/March.

05.3/11 The Chairman asked if the project was ready to be put forward for planning permission. Mr Hurst replied he had a meeting in the near future with the Highways Department of ESCC to settle the visibility splay on the Coleman's Hatch side of the entrance. The scheme would be regarded as a major development and would therefore take about 12 weeks to be processed. He saw no major flaws and felt the scheme fitted well with WDC's tourism strategy. Mr Francis expressed concern at the cost of the reconfiguration and suggested that there should be a pause in the process to allow for a closer evaluation of the full costs. Mr Hurst agreed to arrange for a Quantity Surveyor to re-evaluate the scheme. He confirmed that the project could be sectioned into parcels to allow the plan to progress as funds become available. Mr Hurst then left the meeting.

Action

HP

04/11 Planning and property issues. (Part 1)

04.1/11 *Discussion of site visit to Millbrook Farm*

The Director confirmed that the maps and plans presented indicate there is an encroachment. There were issues with Common law and he intended to seek legal advice concerning adverse possession of common land and the issue of Commoners being unable to graze the area in question. He was concerned that the Board could be open to challenge concerning its duty under the Ashdown Forest Act to throw down encroachments and to protect the rights of common. He said there was a difference between commoners actively relinquishing rights and not exercising them.

04.2/11 The Director commented that the document presented by the owner of Millbrook Farm did not add to the issue. The claim that the maps were irrelevant was disputed. There was some discussion as to the age of the hedge surrounding the encroachment; the owner claiming 45 years but Forest records indicated it might be nearer 30 years. Mr Francis suggested that a deed map would help, while legal advice will be sought as a matter of urgency; following the receipt of this the Director, Chairman and Vice Chairman will meet to review how best to take this matter forward.

04.3/11 The Director commented that the smaller encroachment had been recorded by the Chase Ranger in 1991. Despite close scrutiny of the Board's Minutes, no mention of the encroachment could be found. Mrs St Pierre expressed her concern about the access and its proximity to the exotic bush that had been planted within the encroachment. Mr Thornely-Taylor suggested that the sketch map provided showed that the land in question could be inside the curtilage of the property. The Director commented that the map was a hand drawn sketch.

04.4/11 The Committee agreed that, on the evidence before it, there were encroachments. It was agreed to ask the owners of the property to supply a deed map and to seek legal advice with regards to adverse possession of common land. Mrs St. Pierre commented that the outcome of the legal advice would establish case law and be a clear directive in future cases. Any further action should await the outcome of the legal advice which will be sought as matter of urgency; following receipt of this, the Director, Chairman and Vice-chairman will meet to review how best to take this matter further.

HP/RM

03/11 Matters Arising

03.1/11 *Browns Brook Cottage, Fairwarp*

The Director reported that the owner had apologised for the delay in responding to his correspondence. The map submitted by the owner showing the land to be transferred to the ownership of the Conservators had been inaccurate. The Director was still seeking an absolute assurance on the boundary of the land to be transferred.

HP

03.2/11 *Nutley Arms*

The Director reported that the "A" frames had been moved back to within the boundary of the property within the last week after he had instructed legal action to be taken. A discussion followed regarding the nature of temporary sign that had been draped over one of the existing licensed signs. Mr Galley agreed to investigate if signs over a certain size are subject to planning within an Area of Outstanding Natural Beauty.

RG

03.3/11 *Snuff Cottage*

The Director advised the Committee that a site visit before the next meeting on 18 April 2011 would carry out a review of this area, around which there have been numerous problems over the years.

03.4/11 *Lamberts*

The Chairman reminded the Committee that the Board had given it delegated powers to settle the matter. The extensive papers circulated had given the background. Three

issues had been dealt with: the current owners of Lamberts had agreed a sum to fund the removal of overhanging dangerous branches and the estimated cost of maintaining the track for ten years; the transfer of ownership of the common land up to the property fence and the retention of ownership of a small portion of the land for access to the property. Solicitors from both parties were due to be put in contact with each other and arrangements would be made and formal relinquishment of their rights on the common land concerned.

It was agreed that the Board would absorb the legal costs incurred in the transfer of the land.

04/11 Planning and Property issues (Part 2)

04.2/11 *Comments on recent planning applications*

04.3/11 *Fairwarp development*

The Director commented that the withdrawal by Natural England of their objection to the development after its mistaken understanding that the South East Plan had been axed had caused some concern. The objection had been based on their original recommendation that no new development should be allowed within 400 metres of an EU designated SPA/SAC. Mr Roy Galley reported that the appeal would be heard on 22 February 2011.

04.2/11 *Olympic Clay pigeon site at Northall Farm, Furners Green, Fletching*

Concern was expressed about the potential noise level arising from such a development and its impact on the peaceful amenity of the Forest. Mrs Martin gave some background to the proposal. The Director agreed to investigate and Mrs Martin and Mr Galley agreed to assist.

HP, SM,
RG

06/11 Bye-laws, Encroachments and Access – a discussion paper

06.1/11 The Chairman stated the paper should be seen in the light of existing and potential future grant reductions and the relationship between the Board and Forest residents, adding that, when circumstances permit, his and Mr Spicer's overall objective is to encourage a pragmatic and cooperative approach to issues involving residents of the Forest.

06.2/11 The Director supported the introduction of charges for parking permits outside properties. In the context of the whole paper, Mr Galley agreed with the Director that the Board should not be seen to be driven by the need to acquire income. He fully supported the term "defensible discretion" when determining a course of action.

06.3/11 The paper was accepted for presentation to the Board meeting on 7 March, as an attachment to the minutes of this meeting. It was agreed that the F&GP Committee would be asked to propose appropriate parking permit fees for domestic properties.

FGP
agenda

07/11 Car parking charges on the Forest

07.1/11 The paper was Ashdown Forest Act 1974 permits the Conservators of Ashdown Forest to charge for car parking. The Director reported on his visit to the Conservators of the Malvern Hills. There, charges are made for the large car parks in very popular sites whilst the smaller lay-bys are free. Permits are displayed on the car windscreens; local residents are charged £2.00 per year bringing in approximately £6,000 income; non-locals pay £30.00 per year bringing in approximately £12,000 income per year with all other visitors paying £3.00 per visit. The total annual income generated is approximately £180,000 per year of which £130,000 is profit. Paid staff are employed to manage the car parks. The machines used are unsightly but the peri-urban nature of the car parks does not make them so out of keeping as they would appear on the Forest. The Malvern Hill Conservators receive income from a precept raised by the local parishes which would explain why the local residents pay so little for their annual parking permit. The Director, on a glance around the car parks, did not see one car failing to display a permit or daily ticket. However, he felt such a scheme may not necessarily be the way forward. He

intended to visit Harrisons Rocks in the very near future and with the visits already made to Seven Sisters and other Forestry Commission sites, would be able to get a broader understanding of the issues.

07.2/11 Mrs Martin was concerned about the security of the parking meters. The Director replied that paid parking attendants made regular visits to the car parks and signage declaring that the monies raised went to the conservation of the Malvern Hills helped justify the charges. In supporting the principle of parking charges, the Chairman commented that, in his view, a voluntary scheme was likely to be the most appropriate and practicable approach. Mr Thornely-Taylor warned that a significant rise in the Board's income would probably result in a matching reduction in the County Council's contribution. The Higher Level Stewardship scheme would be ending in 2016 and funds must be kept for the upkeep of the Forest. Mrs St. Pierre welcomed the Director's work and commented that the Conservation Committee had a number of issues coming up, all of which would benefit from funds raised by the car parking charges. Such an approach could demonstrate that the Board was being pro-active about its fund-raising. Mr Francis commented that the suggestion the local Forest parishes might contribute to the Board's income was met with mixed reaction.

07.3/11 The Chairman asked the Director to produce a paper for the April RPA Committee outlining the car parks which would be suitable for such a scheme, the practicality of a voluntary scheme, the equipment and vandal proofing required and the method of management for the chosen car parks.

HP
RPA
agenda

08/11 Cackle Street

08.1/11 The Director gave a brief history of the problems experienced by the Chase Ranger following the construction of a bund and dragons teeth to deter illegal parking. A meeting involving himself, the Ranger concerned and the Chairman had been held with local residents and a compromise of leaving an area where residents could park in adverse weather was reached. The parking area allowed for the Forest Fold Chapel could also be used in similar circumstances. He added that an unknown person had previously erected a bund in the area.

09/11 Financial information for RPA Committee responsibilities

There were no comments regarding the financial information. It was agreed that the information given was adequate.

10/11 Any urgent item for which the Director has notice in order to pass to the elected Chairman

There was no other business.

The meeting closed at 17.00 hours.