

Minutes of the

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

Monday 11 July 2010

1400, Browns Brook, Fairwarp, then Lancaster Room, Ashdown Forest Centre

Committee members present: Mr M Cooper (Chairman), Cllr J Barnes, Mr R Beal (Ranger), Mr JA Francis, Mr R Galley, Cllr S Martin, Dr H Prendergast (Clerk; not present at site meeting), Cllr R St Pierre, Mr J Spicer (Vice Chairman), Mr E Stenhouse (see 15/10), Mr R Thornely-Taylor (*ex officio*). Minutes were taken by Mrs H Randall.

Also present: Cllr F Whetstone.

The Chairman opened the meeting. There were no members of the public present.

15/10 Apologies:

Mr I Hurst, Mr E Stenhouse (attended site meeting only).

16/10 Declaration of Interest by Members of a Personal or Prejudicial Nature.

Dr H Prendergast, member, and Mr J Spicer, President, Colemans Hatch Cricket Club (re. 18/10).

17/10 Matters arising.

17.1/10 *Browns Brook Cottage, Fairwarp.*

The Chairman reported on his site visit to the property with Mr Spicer. He had spoken to the owner who stated that he had a licensed encroachment to access his property via a made-up drive to a field gate. This preceded his ownership of the property and had been in place for some 35 years. He is seeking an easement licence (with relevant conditions) to use this drive to access the field in order to park cars there rather than on the parking area by his house.

After being told that a land swap was not possible, the owner is willing to transfer to the Board's freehold ownership a piece of land (coloured on map on p. 8) which is roughly the same size as the piece of land over which he currently has a licensed encroachment. Mr Francis suggested that the Conservators seek to extend the size of this piece of land at least to the ditch marked by a line on the map.

Mr Spicer acknowledged that there was a discrepancy about the exact position of the boundary. Ranger Beal pointed out that the owner has breached Forest regulations in the past, for example through the erection of a deer fence on Forest land. He further commented that an inconsistency of approach to matters such as this makes it difficult for the Rangers to enforce Forest regulations.

Cllr Barnes stated that he fully supported the Rangers' efforts of enforcement, however, as long as the Committee followed due process there were occasions when the Conservators could take a broader view. Mr Cooper clarified that the bottom part of the drive leads on to the owner's land and therefore there is no public access to the area of encroachment.

Mr Francis pointed out that the Conservators have a duty to preserve the Forest and its amenity value. However, there is no amenity value to this piece of land but that there is potentially amenity value to the piece of land being offered. Dr Prendergast explained that access to the area of licensed encroachment was possible although difficult at present due to a vegetation barrier. The field on offer could have value as

Action

in-bye land and the owner had suggested this at an earlier meeting with Messrs Cooper, Spicer, Beal and Prendergast.

Mr Cooper proposed that Dr Prendergast (with the professional support of Mr Francis) should contact the owner to discuss an extension to the Perpetual Licence (with the required caveats) and, as a *quid pro quo*, agree the amount of land to be transferred to the Conservators. In addition the owner would be expected to accept a charge for any extension of the Perpetual Licence. It was emphasised that this does not constitute a change of policy but is an exception to reflect the particular circumstances surrounding this property. In addition this solution meets with the Conservator's objective of acquiring suitable extra land within the Pale whenever possible. Mr Cooper's proposal was seconded by Cllr Barnes.

Dr Prendergast added that he would be concerned about adding an annual fee to the cost of a revised Perpetual Licence but suggested a set one-off fee to cover administration costs. Dr Prendergast and Mr Francis were asked by the Committee to arrange the best possible deal and report back to the next meeting.

Mr Spicer suggested a vote of the full Committee. Cllr Martin made the formal proposal on the lines of Mr Cooper's, and this was seconded by Cllr St Pierre. All Committee members supported the motion. Mr Thornely-Taylor did not vote. Cllr Whetstone (not a committee member) stated that he did not support this course of action. Ranger Beal also expressed his disagreement.

17.2/10 *Gorselands*

It was agreed that the Committee would not pursue the proposed Court Injunction at this time but the matter would be monitored over the winter after which a decision would be made about any possible future action. Cllr Barnes stated that if legal action was to be taken in the future this should be endorsed by the full Board.

17.3/10 *Nutley Arms*

Cllr Martin said that there had been no improvement of the signage since the last meeting. Mr Galley said that he appreciated that the owner was trying to run and promote his business in difficult times. Cllr Martin accepted this but pointed out that the Conservators would have no objection to signs being used but they could not be permitted on Forest land. Dr Prendergast described how, after some months of delay at County Hall, a Court Injunction to prevent the unlicensed signs being displayed on Forest land was already in progress.

17.4/10 *Mountain biking*

The Chairman reported that despite being asked to produce proposals for specific, peripheral and mainly wooded routes, nothing had been received from local bikers. It was therefore agreed that the matter should be removed henceforth from the agenda.

18/10 **Planning and property issues**

18.1/10 *Snuff Cottage - RPA 08*

Dr Prendergast wanted to bring issues at this property to the committee's attention given a long history of earlier ones.

18.2/10 *Comments on recent planning applications – RPA 09*

Cllr Martin declared an interest as a member of the Wealden District Council Planning Committee. Cllr Martin stated that planning permission for Fairmay and Rock-a-Nore had been refused but had been agreed for Yeomans Cottage. It was noted that it would be helpful for the Committee to be made aware of the reasons for these refusals/ acceptances for future reference.

18.3/10 *Sports ground licences – RPA 10*

The proposed construction of a new sports pavilion in Fairwarp and the required access over Forest land was discussed. It was agreed that the Board will need to issue a new licence for this and that a review, as proposed, of all sports ground licences would be useful.

19/10 Forest Centre development

Dr Prendergast reported that he and Mr Ian Hurst had been in discussions with the architects to commission new drawings for the proposed Centre.

Mr Spicer asked whether there had been any progress on the business plan that would be used to support the proposal. It was acknowledged by Mr Cooper that this would be provided in due course but that there was an order in which this project needs to progress. He added that both the business plan and the tighter drawings would both be needed in order to attract funds. It was agreed that a Working Party drawn from both F&GP and RPA Committees should be convened to follow up on the Chairman's proposal that there should be a review of possible future sources of income; amongst other things, this would aim to further diversify the Forest's sources of income.

20/10 Amenity use of the Forest – fund raising potential

The Chairman introduced this by recognising the implications for the Forest's future income of the present economic conditions and the future financial climate. A variety of options were discussed including charging for car parking. Several views were raised about both the pros and cons of this. It was agreed that the Committee would ask Dr Prendergast to investigate charging for car parking – what happens elsewhere, how it could be managed and what are the steps forward. Mr Spicer wished it to be recorded that he opposes compulsory charges.

21/10 Ride maintenance

Mr Spicer said that it had been brought to his attention that there are potential issues regarding the maintenance of tracks (rather than rides) around such areas as Fords Green where there are multiple users but fewer with Perpetual Licences and old style licences. Dr Prendergast responded that there is a huge variation of agreements and circumstances on the Forest – not least old style and Perpetual Licences. The Board would need to agree an approach depending on the individual circumstances, however it was emphasised that the Board could not afford to accept responsibility for the maintenance of these tracks.

22/10 Financial information for RPA Committee responsibilities

The Committee reviewed the financial statement. It was requested by Cllr Barnes that an additional column be added so that members could assess the current year to date spend against the comparable situation in the previous year.

23/10 Draft Annual Report

The Committee accepted the draft Annual Report having made some minor changes. Mr Thorne-Taylor requested an update on future exhibitions in the Information Barn so that nothing inappropriate might go on display. Dr Prendergast said he had always been insistent that exhibitions were topical and of a high quality; whether people like them or not was another matter. At his request the Committee suggested distribution of the report to local parish clerks, county and district councillors, the Friends, the British Library and House of Commons Library. The Chairman suggested, and the Committee agreed, that the Annual Report for 2009/2010 should make mention of the decision by the Board, at its 14 June 2010 meeting, in regard to the Forest Centre redevelopment.

24/10 Election of the Chairman and Vice Chairman

Dr Prendergast asked for nominations for Chairman and Vice Chairman of the Committee. *Chairman* - Mr Galley proposed that Mr Cooper be re-elected for a further year as Chairman; this was seconded by Cllr Barnes. *Vice-Chairman* - Cllr Barnes proposed that Mr Spicer be re-elected for a further year as Vice Chairman; this was seconded by Cllr St Pierre. Both were elected unopposed and accepted. Mr Cooper thanked the Committee for its support.

25/10 Any urgent item for which the Clerk has notice in order to pass to the elected Chairman

There was none. The meeting closed at 5.00 pm.

