

## Minutes of the

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

1430, Monday 20<sup>th</sup> October 2008  
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 E Stenhouse. Minutes taken by Mrs T Buxton.

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

There were no members of the public present.

#### **27/08 Apologies.**

Apologies were received from Mr L Gillham, Cllr S Shing, Mr R Thornely-Taylor and Mr Spicer.

#### **28/08 Declarations of Interest by Members of a Personal or Prejudicial Nature.**

Mr Galley made a declaration of personal interest as a neighbour of the property discussed under 32/08 and Dr Prendergast as the owner of a Forest property with an access over the Forest (30/08) and Mr Stenhouse as the owner of land with an agricultural access over the Forest (30/08).

#### **29/08 Appointment of Mr Ian Hurst as Co-opted member to the Committee.**

The Chairman sought, and obtained, the Committee's approval for Mr Hurst to join the Committee. He then welcomed Mr Hurst.

#### **30/08 Matters arising.**

##### *30.1/08 Mountain Biking*

The Chairman reported that he, and the Clerk, had been in correspondence with Duncan Thomson asking for more information regarding the impact of mountain bikes on the Forest. He went on to say that the Committee had undertaken to do further research on the issue and to listen and be responsive. He reported that a meeting had been proposed and invited other Committee members to attend. It was noted that the minutes of the first Parish Council Liaison meeting (see below) did not include mention of a request put to the Parish Councillors present, whereby they were asked to provide the Conservators with feedback on attitudes to mountain biking on the Forest.

##### *30.2/08 Redrafted Principles on access to properties over Ashdown Forest (recommendation of Access Working Party meeting, 23 September 2008) for approval – RPA 21/08*

The document had been pre-circulated. The Chairman reported that these principles had been drafted at the last working party and were now open for discussion by the Committee.

The pre-ambles and (A) were agreed.

(B) was discussed. Mr Stenhouse stated that minute 5 had not, after a great deal of discussion, reached any conclusion and that was not accurately reflected in the minutes. The Chairman responded that it was his recollection that the working party had agreed to leave (B) as it was and that the Committee should discuss the matter more fully. The Chairman concluded that, given the range of views and the issue of principle, (B) should be referred to the Board for a decision at its meeting of 24 November. He went on to observe that, for his part, he is inclined to a pragmatic approach, but a legal decision was awaited.

Cllr Barnes commented that there were three clear accesses, residential, agricultural and equestrian and that this should be reflected. Cllr Whetstone asked if there was a proposal to licence agricultural access for equestrian use. Mr Galley commented that he

would be unhappy to see more bureaucracy and a simple statement such as “agricultural/equestrian access for agricultural/equestrian purposes only”.

The Clerk commented that the widely accepted and clearly defined term ‘agricultural access’ was an effective rein on potential development and was in the long-term a positive step for the Forest. Cllr Barnes replied that the Board needed to decide what its attitude was to accesses and their usage as there was obviously a very wide range, from a single pony in a field to large riding schools and stable blocks that were clearly neither residential nor agricultural. He went on to say that clear definitions were required. The Clerk responded that such definitions were likely to become clear during the legal review. Mr Stenhouse stated that mobile field shelters did not require planning permission and that agricultural machinery could cause a great deal of damage as they were very large. He went on to say that a person delivering hay or straw to a field would cause little damage.

Mr Hurst commented that granting licences would offer a method of control and agreed that a legal opinion was required. The Clerk commented that there were recognised definitions regarding what is agricultural available from DEFRA and he was reluctant to have a further level of licensing. He went on to say that although the current system was imperfect it worked. Mr Beal commented that the Clerk was correct to say that where there was equestrian activity buildings frequently followed. The Clerk commented that the Board’s acquisition of fields at Chuck Hatch was partly based on there being agricultural rather than equestrian access.

Cllr Martin stated that she took the Clerk’s comment strongly and that the numbers of planning applications to WDC for sand schools, feed barns, stable blocks and storage facilities were very high, however such applications relating to Forest land, rather than adjacent to Forest land, were looked at differently.

Cllr Barnes asked if a person was earning a living from equestrian activities would that equate to agricultural use. Mr Stenhouse replied that it would not as the Agriculture Act 1947 stated carthorses were agricultural but racing stables, livery yards etc. were not.

Mr Stenhouse commented that there should be, in his opinion, a licence that covered the removing a horse from and taking feed to a field, via an agricultural access. Cllr Whetstone commented that agricultural accesses were being used less and less for agricultural purposes and increasingly for equestrian.

The Chairman stated that (B) should remain open and any further discussion should be at Board level. He went on to say it was his view that a pragmatic approach should be taken, legal opinion awaited and the current policy stands until changes are agreed.

There followed a short discussion regarding planning, consultation by WDC and the influence that the Board has in planning matters on and adjacent to the Forest.

(C) was discussed. There was a short discussion regarding properties being split and properties becoming commercial rather than domestic without the Board being made aware. It was generally agreed that a legal opinion was required. Cllr Barnes suggested that a good agreement with WDC was required.

The Chairman suggested that using the phrase ‘except where there is a clear benefit to the Forest’ could be used and examination made on a case by case basis with any difficult cases being presented to the Board. Mr Galley commented that some leeway for common sense was required. Cllr Whetstone asked that the words ‘of any sort’ be removed as they were not needed.

(D) was discussed and after a short discussion regarding ESFRS requirements, agreed. There were no amendments made to (E). (F) was discussed and the term 'specific exception' is to be added. (G) was discussed and the same wording as (F) is to be used.

**It was agreed that the amendments were to be made and the document submitted to the Board for decision.**

*30.3/08 Yeomans Cottage Nutley – continuing breaches of bye-laws – a verbal report.*

The Clerk reported that the property owner had now received a letter from the County solicitor regarding taking out an injunction, more photographic evidence had been gathered and further legal action would now be taken. Cllr Martin asked if the property owner had the ability to park his vehicles on his own land and the Clerk replied that he had access over Forest land and a large garden.

### **31/08 Report of Forest Centre Working Party – RPA 22/08**

The minutes had been pre-circulated. The Chairman commented that he had drafted a paper that had not been circulated which would have been more helpful than the minutes alone. He went on to say that an approach would be made to the Conservation Trust for funding in order to have a set of architect's drawings made up, clearly illustrating the Hurst Plan for the benefit of the Board and any future fundraising. Cllr Martin asked what the timescales for the developments were. The Chairman responded that a November/December timescale as recorded in the paper he had drafted. Cllr Barnes reminded the Committee that Phase 1 had been agreed by the Board (i.e. upgrading of the car park, upgrading the public toilets to ensure DDA compliance and conversion of the wood burner to a wood chip system). He went on to say that there was nothing in Phase 1 to prejudice Phase 2 of the developments. Mr Hurst confirmed that the advantage of having a set of drawings was that there would be something tangible to show fundraisers and allow the Board a fuller appreciation of the concept.

There was a short discussion about who would be most appropriate to make the application to the Conservation Trust for funds.

The Chairman stated that he had received e-mails from Mr Stenhouse and recognised his unhappiness with Forest Centre development.

**It was agreed that the Forest Centre development be added to the Board agenda for further discussion.**

### **32/08 Planning and Property Issues**

*32.1/08 Bye-law breaches (verbal report).*

Wood Sorrel Cottage, Nutley, was briefly discussed. Mr Beal reported that he had recently visited the property and that the rubbish had been burned up and the fence removed. However the hard standing was still there. He said he would continue to monitor progress.

There was a short discussion regarding the bye-law breaches at the public house in Nutley. The Clerk reported that the owner had failed to respond to correspondence and there was a suggestion that legal action be taken against the owner.

*32.2/08 Comments on recent planning applications – RPA 23/08*

The Clerk reported that he had contacted the planning department as the development at Dovecote Farm, Nutley, was adjacent to the Forest and could have a visual impact.

### **33/08 Board response to Draft South East Plan – RPA 24/08**

The draft comments had been pre-circulated. The Clerk hoped all points raised during discussion at the Board had been adequately covered. Mr Galley suggested that a major omission was the impact and increased pressures that developments across wider Wealden could have (4,000 new

homes in north Wealden and 7,000 in south Wealden) and asked that an extra paragraph be added to reflect that concern. There was agreement that greater emphasis be given to European designations and the cumulative impact.

**34/08 First meeting of the Parish Liaison Panel – RPA 25/08**

The draft minutes were pre-circulated. The Clerk reported that the meeting had been an open and friendly one and that the parishes had found it to be useful. Cllr Whetstone reported that Hartfield had found it useful and that Withyham had not received an invitation. He stated that Parish Clerks needed to be kept fully informed via e-mail. Cllr Barnes thought the meeting was a good start and there had been a good interchange of views. He went on to say that it had been an excellent opportunity to discuss winter work. Cllr Martin said that a report about the meeting had been published in the Sussex Express.

**35/08 Report of the Ashdown Forest Villages Road Safety Partnership – RPA 26/08**

The Clerk reported that the Partnership consisted of Sussex Police, ESFRS, ESCC and Forest parish councils and explained the road safety weeks and the use of SIDs. He went on to say that the data showed an overall reduction in speed of over 10% in two years which was very impressive and helped make the Forest a better place. The Chairman asked the Clerk to continue making reports to the Committee. Cllr Whetstone commented that the animal warning signs on the New Forest were larger than those on Ashdown Forest. The Clerk responded that the yellow-backed deer warning signs on the A22 had had no noticeable impact on deer casualties since they were erected.

**36/08 Financial information for RPA Committee Responsibilities – RPA 27/08**

This was tabled for information only. The Clerk drew the Committee's attention to an overspend for litter disposal and explained there had been three loads of fly-tipped asbestos to deal with. Mr Stenhouse asked if there was a mechanism that would allow such data on fly-tipping to be passed to central government. Cllr Martin suggested that a letter be written to WDC, and copied to Mr Charles Hendry MP, informing them of our concerns about fly-tipping and the cost implications.

Mr Stenhouse commented that there was no income shown from HWU. He went on to say that he was aware the Clerk was a member of a HWU committee and asked why the minutes of these meetings were not made available. The Clerk responded that, as yet, there was no news regarding the HLF bid but once known the income/expenditure outline would be presented at FGP. He went on to say that he was indeed invited to sit on the Board of the Forest Ridge Landscape Partnership Scheme in regards to the HLF bid and that minutes from the meeting were not yet available. The Chairman stated that, while it was incumbent on the Clerk to inform the relevant Committee, he did not consider it necessary to circulate the full minutes of the HWU meetings.

The Chairman asked why nothing had been spent on bridges and the Clerk replied that the work was removed during the NE funding error and now the issue was resolved the budget had been re-instated.

**37/08 Any urgent item for which the Clerk has notice in order to pass the elected Chairman**

The Clerk reported that the new Ashdown Forest Life was now available.

The Chairman reported that he would be attending Remembrance Sunday at Airman's Grave this year and encouraged other Committee members to attend.

The Chairman stated that there was no site visit this meeting but there would be in February and then on a regular basis. It was noted that when there was a site visit the parish clerks be informed so they can post a notice for the benefit of the public.

The Chairman stated that the date of the next meeting had been changed to 23 February 2009.

*The meeting closed at 16.50.*