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**MINUTES OF MEETING OF THE  
RIGHTS OF WAY AND TREES COMMITTEE  
HELD ON 19 AUGUST 2009 AT  
LONDON HOUSE, HIGH STREET, MAYFIELD  
AT 1330 HOURS**  
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**Committee Chairman Councillor Jayne Bramwell**

**9R03**  
FINAL

**SUMMARY OF MEETING**

- Appeal hearing – FP 32 arrangements discussed.
- FP 13 – current position reviewed.
- Report on ESCC – Digital Survey progress.
- Clearance report reviewed.
- Workload programme updated.
- BW 92 – extension project discussed.

**ATTENDANCE**

**Councillors**

J Bramwell (Chairman)	(JB)	Present and Voting
J Watkiss	(JW)	Present and Voting

**Lay Members**

S Foster	(SF)	Present
I Rutherford	(IR)	Present
J Redford	(JR)	Present
K Setford	(KS)	Not Present
T Cornish	(TC)	Apologies for Absence (K)

Councillors: Present and voting 2; Present and not voting 0, Apologies for Absence 0; Total 2

Lay members: Present 3; Apologies for Absence 1; Not present 1; Total 5

**Also Present**

D Thompson, Parish Clerk

## MINUTES

### 1. COUNCILLORS DECLARATION OF INTERESTS ON AGENDA ITEMS

1.1. There were no declaration of interests by Councillors.

### 2. MINUTES OF MEETING HELD ON 24 JUNE 2009 (9R02)

2.1. The minutes had been approved by the Full Council.

### 3. OBSERVATIONS AND COMMENTS ON THE MINUTES

3.1. DT reported that he had located the letter from ESCC with regard to the deposition by landowners at the Oasts, Glebe Farm, Mayfield relating to R.O.W. on their land This was noted by the Committee.

3.2. With regard to minute 9R2/4.2 SF reported that she had obtained a copy of the DEFRA notice. This was available for inspection from the Clerk.

3.3. With regard to the Appeal hearing on Footpath 32 diversion at Mayfield on the 25 and 26 of August, it was agreed that the following would attend the hearing:

25 August 2009

10am-11am JW

11am -Lunch JB

2pm-onwards IR

26 August 2009

10am-onwards IR

3.4. With regard to FP57, some areas had been pruned back by the landowner. It was agreed that the clearance of a fallen tree would be done under the Parish Council budget.

**ACTION DT**

3.5. With regard to Minute 9R2/10.4 SF reported that it was part of the EU land payment rules, that damage to footpaths must be restored as quickly as possible otherwise payments could be withheld. BW20 could be affected by this regulation.

**ACTION S.F.**

3.6. With regard to Minute 9R2/10.7 it was agreed that DT would ask the land registry whether good scale boundary maps could be produced to help with the stream link project.

**ACTION DT**

3.7. Actions are shown in Annex 1 and Annex 2.

### 4. FOOTPATH 13

4.1. It was reported that the enquiry would probably be in February or March 2010; and that when the date was fixed there would be an eight week period to gather evidence.

4.2. The Parish Council would be placing an objection.

4.3. The Clerk reported that ESCC had advised him that Mr Sharma had refused permission for them to publish his letter to ESCC. The Clerk was instructed by the Committee to try to obtain a copy of the letter by using Freedom of Information Act Appeals procedure.

**ACTION DT**

## **5 CLAIMED FOOTPATH – MAYFIELD COLLEGE LAND**

5.1 There was no additional items to report on this matter at the present time.

## **6 CLEARANCE REPORT**

6.1 JW reported that:

- FP83 Done
- FP86 is a byway and has deep ruts and surface problems and cannot be done by the Parish. To be handed to ESCC.
- FP18A – D Burke owner of Allens Farm to be contacted.
- FP4 - Cleared
- FP5 - Owned by S Lazell needs clearance and fence repairs. Clerk to write to owner.
- FP59 – To be inspected especially the first 20 yards.
- FP51C – New stile has been erected.
- BW49E – Cleared for 20 yards up to Sharnden. TC is trying to progress. Clerk to send letter to Basil Watson asking for both sides of bridleway to be cut back, otherwise clearance arrangements would be made and the owner charged.
- BW65A – to be cleared.
- BW84 – to be cleared.
- BW76 – to be cleared.

## **7. ESCC DIGITAL SURVEY**

7.1 JW reported that he had examined the ESCC Digital Survey data, which was good, but it would be some time before it could be made available to the Parish Council. In the meantime data could be obtained on request.

## **8. BW92 EXTENSION PROJECT**

- 8.1 The Clerk reported that Rotherfield PC had met with JB and walked the route, and that Rotherfield Parish Council had expressed interest in the project.
- 8.2 ESCC Councillor Robert Tidy had also walked the route and was of the view that a project could be prepared which would avoid some of the heavy cost items which had been discussed in the past.
- 8.3 A costed project would be prepared. It was agreed that a sum of £5000 would be requested from the Parish Council (in budget 2010/11) in order that Mayfield and Five Ashes Parish Council could meet future costs.

**ACTION DT**

## 9. THE WARDEN REPORT

9.1 In the absence of KS the Clerk reported as follows:

- Although the Parish Council were not responsible for the sycamore tree on the Avenue which needed to be felled, there was difficulty in getting the Downlands Housing Association to take the matter forward.
- Owing to good investigative work by KS and GP, a potential claim on the Parish Council for alleged damage to a passing car had been refuted.
- A low bough would be taken off a tree near the access road to Court Meadow near to Maplehurst.

9.2 IR suggested that the large Oak tree situated in Berkeley Cottage and owned by the late Mrs Walsh-Atkins should be preserved. Clerk to ask for a TPO to be place on the tree.

**ACTION DT**

## 10. WORKLOAD REPORT

10.1 Broken stiles:

- FP78 at the south end of the footpath.
- FP81 broken and dangerous.

10.2 Waymarkers:

- FP62 opposite Fair Oak Farm, Witherenden Lane needs clearing also.
- FP26 needs new fingerpost.
- FP65A near Fair Oak Farm, Witherenden Lane – Swife Lane, whole route.
- FP46A and 46B – waymarkers needed as well as clearance where footpath enters Watling Wood near the old swimming pool.
- FP25 needs a three directional finger post.

10.3 Clearances:

- FP11 entrance to stile area clear – residents will keep clear.  
BW57 from East street to the chicken farm.

**ACTON DT**

## 11 ITEMS OF INFORMATION AND NEXT AGENDA ITEMS

11.1 With regard to problems at the ford on BW20 JB will inspect the route.

**ACTION JB**

11.2 With regard to a report from Liz Lincoln of a fallen tree on FP25 JW will check the route.

**ACTION JW**

11.3 JW reported that a footpath volunteers refresher course would be held in Heathfield. He would attend.

**ACTION JW**

**THE MEETING CLOSED AT 1510 HOURS.**

**THE NEXT MEETING OF THE RIGHTS OF WAY AND TREES COMMITTEE  
WILL BE HELD ON:**

**DATE: 21 OCTOBER 2009**

**VENUE: LONDON HOUSE, HIGH STREET, MAYFIELD**

**TIME 1330 HOURS**

**ANNEX 1 – Actions as at 9R03**

<b>Minute</b>	<b>Description</b>	<b>Current Position</b>
• 5R5/11.1	FP10 “Clear up after your dog” notices to be fitted. Awaiting ESCC action. DT to follow up with WDC. Order placed.  ACTION DT	<b>OPEN</b>
• 7R3/7.1	IR to examine the possibility of a linking footpath across the head of FPs. 13,14,15.	<b>HELD</b>
• 7R4/4.1	A letter was sent to Mr Sharma on the 11 <sup>th</sup> February stating that he had not complied with the terms of the order. Now in progress.	<b>OPEN</b>
• 8R02/5.9	FP58 Winters Farm – Dog latch needed. JW to take forward.	<b>OPEN</b>
• 8R02/5.10	Broken stile on FP2B – KS to investigate.	<b>OPEN</b>
• 8R5/9.1	Use of Community Payback staff for ROW work – Clerk to progress.	<b>OPEN</b>
• 8R5/11.2	Clerk to get copy of Mr Sharma’s letter from ESCC under Freedom of Information Act.	<b>OPEN</b>
• 8R6/7.3	ESCC digital survey – copy to be obtained for Parish Council use – in hand.	<b>OPEN</b>
• 8R6/10.1	Parish Council to make formal claim to reclaim footpath link between FP32 and FP46 – in hand.	<b>OPEN</b>
• 8R6/10.4	BW57 – progress of work to be followed up – in hand.	<b>OPEN</b>

## **Annex 2 – Actions at 9R02**

<b>Minute</b>	<b>Description</b>	<b>Current Position</b>
• 9R2/4.2	SF to get copy of DEFRA policy on footpath diversions. Done.	<b>CLOSED</b>
• 9R2/4.5	Iron works site – public concern raised by L. Lincoln. Done	<b>CLOSED</b>
• 9R2/4.6	Glebe Farm Oast – Clerk to get copy of the owners deposition. Done.	<b>CLOSED</b>
• 9R2/8.2	Tree at Maplehurst – action taken. Done.	<b>CLOSED</b>
• 9R2/9.1	Replacement for Tim Squires – Clerk to write to ESCC. Letter sent and reply awaited.	<b>OPEN</b>
• 9R2/9.3	Clerk to thank ESCC for bridges work on FP90 at Cranesden - in hand.	<b>CLOSED</b>
• 9R2/10.4	SF report that landowners needed to keep Rights of Way in order as part of the compliance process. In hand with SF.	<b>OPEN</b>