

**Minutes of the COURT OF VERDERERS held on Wednesday, 19<sup>th</sup> February 2003 at 9.30 a.m. in the Library, The Queen's House, Lyndhurst.**

PRESENT: Mr O Crosthwaite Eyre Official Verderer  
Mr J Adams Elected Verderer & Staff Committee Chairman  
Mr N D Anderson TD Appointed Forestry Commission Verderer  
Mr P Frost Appointed Countryside Agency Verderer  
Mr A Gerrelli Elected Verderer  
Mrs K Heron Appointed Hampshire County Council Planning Verderer  
Mr J F Kitcher MBE Elected Verderer  
Miss D Macnair Elected Verderer  
Mr A H Pasmore Elected Verderer  
Mr J Perry Appointed DEFRA Verderer

IN ATTENDANCE: Miss S Westwood Clerk

APOLOGIES: None

**IN COMMITTEE**

Mr Brian Ingram, the Head Agister, was present for the first item.

2003/49 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 15<sup>th</sup> January 2003 were approved and signed.

2003/50 CONDITION OF STOCK RESUME

Condition of stock is considered generally acceptable. Some animals are being taken off the Forest each week. As usual it is mares with last year's foals and 2 year olds changing their teeth. To date commoners are accepting animals removed without argument although a few are slow to catch their own animals.

The poor cattle at Godshill have been removed.

At the recent Welfare Tour of the Forest it was remarked that the ponies have never been better.

It was reported that a mare caught recently for removal from the Forest had been let out of a pound before its owner had been able to collect it. It is felt a lot of commoners could help themselves more.

Strangles

The outbreak of strangles seems to have remained confined to the Acres Down / Millyford / Bolderwood area. 2 ponies, both belonging to the same commoner, have died. The Hunt has kept away from the area to minimise disturbance.

The Head Agister left the meeting.

2003/51 DECLARATIONS OF INTEREST DISCHARGE

Mr Crosthwaite Eyre and Mr Anderson re-affirmed their interest in the Golf Club.

2003/52 FINANCIAL STATEMENT RESUME

The Financial Statement was approved.

- 2003/53 BUDGET FOR 2003/2004 RESUME  
April 2003  
It is understood there should be no reason why the budget which was submitted to the Forestry Commission should not be approved.
- 2003/54 BYELAW ENFORCEMENT DISCHARGE  
A Schedule of Notices issued in respect of breaches of the Verderers' byelaws has been prepared for ease of reference. Copies can be provided to members of the Court if required.
- 2003/55 ANNOUNCEMENTS & DECISIONS DISCHARGE  
The Announcements and Decisions were circulated and no amendments suggested.
- 2003/56 REVIEW OF THE VERDERERS' BYELAWS RESUME  
April 2003  
It was agreed a sub-group should meet to review the byelaws. In particular the byelaw concerning two-year old colts may be revised following a Presentment and other complaints about an unregistered part-bred colt which has been seen serving mares. The Official Verderer, Mr Adams, Mr Gerrelli, Mr Kitcher, Miss Macnair and Mr Pasmore will meet on the 21<sup>st</sup> March 2003 at 9.30 a.m.
- 2003/57 PONY PASSPORTS RESUME  
Miss Macnair reported on a recent Mountain & Moorland Pony Society meeting. The Minister is to present a draft Bill very soon. There will then be a consultation period of 12 weeks. The Minister is keen to see the Bill approved before Parliament goes into recess. He remains determined to get the legislation in place before the end of the year but it is quite likely that a further year will have to be allowed before final implementation. Certain concessions may be allowed which will help the Beaulieu Road Sales but these have not yet been agreed. There remains the question of whether the proposals are legal under EU legislation. There is to be a meeting with the passport issuing organisations and DEFRA.

**OPEN COURT - 10.00 a.m. in the Verderers' Hall**

IN ATTENDANCE: Mr Donald Thompson Deputy Surveyor of the New Forest  
Mr Will Parke Area Land Agent (New Forest)

**ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER**

- 2003/58 TWO YEAR OLD COLTS  
At the last Court, Mrs Bull proposed that the Verderers amend their byelaws in order that they may enforce the removal of two year old colts by the 1<sup>st</sup> March rather than 1<sup>st</sup> May as at present. This, the Court agreed to consider. In the meantime, we would ask owners to voluntarily remove any two year old colt that they may have running on the Forest by the 1<sup>st</sup> March in order to protect the aims and objectives of the stallion scheme which was introduced last year. Any commoner with difficulties locating or catching their colt should ask for the assistance of the Agisters.

2003/59 MR RALPH HAYWARD

Most of you will already know of the sad death of one of the Forest's great characters – Mr Ralph Hayward. Ralph regularly attended the Verderers' Court, often making a Presentment. He had a great love of the Forest and its traditions and always upheld the rights of the commoners. Our thoughts are with his family to whom we send our sincere condolences. Ralph will be greatly missed.

2003/60 MR HUGH PASMORE

Similarly we remember Mr Hugh Pasmore. Hugh passed away in December, when of course we do not hold an Open Court, but in Committee the Verderers offered their condolences to Hugh's family and in particular his son, Anthony who is, of course, a long serving member of this Court. It is fitting that his important contribution to the Forest was recognised on a national basis by his obituary in the Times newspaper.

2003/61 ORIENTEERING

We have decided we would like to discuss the future of orienteering events in the Forest direct with the National Orienteering Federation and we are seeking consultation with them. As a matter of interest, the Deputy Surveyor has advised us that the items that Mr Holtham handed to our Clerk at the last Court, which he found on the Forest, were not used by the orienteers but probably a youth training group.

2003/62 CYCLING

Presentments were heard in the January Court, expressing concern that the Forestry Commission's application for approval of the existing network of waymarked cycle routes on gravel tracks of the Forest had not been brought before the Open Court. In committee, the Official Verderer said that the lack of public consultation was an oversight on the part of the Verderers. He gave an assurance that in future such matters will be dealt with by Presentment. For the record, the Verderers have approved the existing network for a further period of one year and expressed concern that cyclists are still frequently seen "off track".

**ANIMAL ACCIDENT REPORT**

2003/63 ANIMAL ACCIDENT REPORT FOR JANUARY 2003

Total Accidents for the Period: 8 (15)

	Killed		Collar		Injured		Collar		Uninjured		Collar		Not Found	
Ponies	5	(6)	0	(1)	1	(-)	-	(-)	1	(1)	-	(-)	2	(4)
Cattle	0	(-)	N/a	N/a	-	(1)	n/a	N/a	-	(-)	n/a	n/a	-	(2)
Donkeys	0	(1)	-	(-)	-	(-)	-	(-)	-	(-)	-	(-)	-	(-)
Pigs	-	(-)	N/a	N/a	-	(-)	n/a	N/a	-	(-)	n/a	n/a	-	(-)
Sheep	-	(-)	N/a	N/a	-	(-)	n/a	N/a	-	(-)	n/a	n/a	-	(-)
Totals	5	(7)	0	(1)	1	(1)	-	(-)	1	(1)	-	(-)	2	(6)

TOTAL KILLED & INJURED	6	(8)
Accidents During the Hours of Darkness	8	(9)
Vehicles Involved	7	(11)
Private Cars / Light Commercials	-	(1)
Motor Cycles	-	(-)
Heavy Vehicles	5	(11)
Number of Local Motorists	1	(3)
Number of Accidents Not Reported	6	(8)
Total Killed and Injured for the Year to date	8	(-)

Figures in brackets ( ) show previous year's totals.

**PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST**

None

## PRESENTMENTS

2003/64 CAR PARKING AT WATER'S GREEN, BROCKENHURST  
Presentment by Col Peter Sweet, Commoner

Colonel Sweet brought the Court's attention to the increasing problem of parked cars on the verges in the vicinity of Water's Green. The vehicles, believed to belong to students from Brockenhurst College are eroding the verges and damaging the grazing. He asked if something could be done to resolve the problem.

2003/65 NATIONAL PARK  
Presentment by Mr Bob Cooper

Mr Cooper referred to a recent judgment concerning Bovis Homes Limited v New Forest District Council which he said showed dishonesty on behalf of the Countryside Agency and New Forest Committee. He accused officers of the two organisations of bias and close-mindedness. He felt the result was a deficit in accountability in the District Council. He asked the Verderers to consider again the Court's membership of the New Forest Committee.

Mr Cooper then stated that the cost of the public inquiry into a New Forest National Park is over £1.2M and he believed that the total cost must run into millions of pounds.

2003/66 ENCROACHMENT AT FOREST BROOK LODGE, BEECHWOOD ROAD, BARTLEY  
Presentment by Mr Mike Eccles on behalf of the New Forest Commoners' Defence Association

"The Association is aware that the Forestry Commission is looking at an encroachment, namely the construction of a wood store on the Open Forest at the above property. We would ask that the Verderers assist where appropriate in the removal of this illegal construction".

2003/67 TRAFFIC INCREASE IN THE MARCHWOOD/IPLEY AREA  
Presentment by Mr Mike Eccles on behalf of the New Forest Commoners' Defence Association

The Court was asked to support the CDA in making members of the public aware, via the press, of the need to take extra care whilst using a temporary route across the Open Forest in order to avoid the road repairs at Redbridge, Southampton.

2003/68 RAGWORT  
Presentment by Mr Mike Eccles on behalf of the New Forest Commoners' Defence Association

"The Association would like to bring to the Court's attention that there is a proposed private members bill to legislate on this issue. We would ask that the Court join us in support of this bill at the appropriate stage".

2003/69 DISUSED RUBBISH DUMP AT LONGDOWN  
Presentment by Mr Mike Eccles on behalf of the New Forest Commoners' Defence Association

A large hole has opened up on the site of the old Longdown Tip. It is very deep and is currently protected by a temporary fence. The Association felt that it is time the hole was filled in as the subsidence occurred before Christmas.

## IN COMMITTEE

### CONSIDERATION OF PRESENTMENTS

2003/70 CAR PARKING AT WATER'S GREEN, BROCKENHURST

DISCHARGE

The Forestry Commission was encouraged to take action to alleviate the problem of verge parking in the vicinity of Water's Green.

2003/71 NATIONAL PARK DISCHARGE

The content of Mr Cooper's presentment was noted.

2003/72 ENCROACHMENT AT FOREST BROOK LODGE, BEECHWOOD ROAD, BARTLEY DISCHARGE

Mr Parke reported that this is an ongoing problem. Originally a pile of wood was left on the Forest but the new owner of the property decided to enclose it with a wooden structure. The Forestry Commission is trying to get it removed.

2003/73 TRAFFIC INCREASE IN THE MARCHWOOD / IPLEY AREA DISCHARGE

The press were present in Open Court and would have noted the Presentment. It was suggested that the police could be asked to monitor speeds in the area.

2003/74 RAGWORT DISCHARGE

The Court agreed to join with the CDA in supporting the Private Member's Bill. A letter of support will be sent.

2003/75 DISUSED RUBBISH DUMP AT LONGDOWN DISCHARGE

Mr Parke explained that the Forestry Commission is currently trying to ascertain who is responsible for the current problems at the old dump. It is the second hole that has appeared in the last 5 years. Mr Parke, with the Keeper for the area and a specialist in the management of disused refuse tips have attended a site meeting to look at the problem. It is necessary to find out if it is likely that similar voids will form leading to further collapses. Investigations will be undertaken but resolving the problem is likely to prove time consuming and very expensive. Mr Parke will keep the Court informed of progress.

#### **SUBMISSIONS BY THE FORESTRY COMMISSION**

2003/76 ROSE COTTAGE DISCHARGE

A request was received from Southern Electric to install an underground service connection from the existing underground main supply to Rose Cottage, North Weirs. The route crosses the North Weirs track and a plan was provided to the Court. The request was approved subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

#### **MATTERS ARISING FROM THE MINUTES OF THE LAST COURT AND PREVIOUS COURTS OF CONCERN TO THE FORESTRY COMMISSION**

2003/77 A31 PICKET POST FENCING RESUME  
April 2003

Despite considerable efforts, no further progress has been made. Meanwhile the fence is collapsing.

2003/78 A31 PICKET POST JUNCTION RESUME

A site meeting will take place on Friday 14<sup>th</sup> March at 12 o'clock.

2003/79 PIGS RESUME

A further letter has been sent to the owner of the pigs but to date no response has been received. The Agisters will let the Clerk know if the pigs are seen out on the Open Forest. A further letter is to be sent to the commoner advising him that if his pigs are found to be out, a notice under the byelaws will be issued requiring him to keep them in.

2003/80 ORIENTEERING RESUME  
September  
2003

The Official Verderer has written to the British Orienteering Federation. A meeting with local clubs will be held later in the year, well before the present agreement is due for renewal. The Forestry Commission has been trying to find out who was responsible for the objects found on the Forest.

2003/81 NEW FOREST CAMPSITES – HOLLANDS WOOD RESUME

The Deputy Surveyor tabled a paper which will be discussed at the next meeting.

2003/82 A31 HEATHLAND IMPROVEMENT WORKS DISCHARGE

Mr Pasmore reported that he met a representative of Mott McDonald. He felt the meeting was not terribly helpful. They do not place much importance on screening and it appears the demands of the reptiles are paramount. Mr Pasmore hoped a little more screening has been secured at Stoney Cross but not much more can be done. Photographs have been taken as evidence.

2003/83 A31 IMPROVEMENTS – CADNAM TO CASTLE MALWOOD DISCHARGE

The Forestry Commission has stressed to the Highway Authority that the issue of landscaping must be taken into account at the design stage. It is important to establish the principle that this must be a major consideration in any future works.

2003/84 BRITTONS COTTAGES DISCHARGE

The Forestry Commission is endeavouring to resolve the problems of a lack of parking for the cottages. There are about 9 cottages at North Weirs, built at the turn of the last Century, for which there is only pedestrian access. Following various changes of ownership and an increase in the number of cars owned by the occupiers a serious problem has arisen. One household has been granted permission to park outside the wicket gate leading to the cottages. This is separate to a small car parking area on private land. A means of controlling the problem is being sought and proposals will be brought to the Court in due course.

#### **OTHER MATTERS OF CONCERN TO THE FORESTRY COMMISSION**

2003/85 PROTECTIVE FENCING ON THE FOREST DISCHARGE

The fencing protecting the steep embankment along the old railway line between Dur Hill and Burbush has collapsed and needs urgent repair. The Forestry Commission undertook to deal with the problem.

2003/86 HAMPTON RIDGE – “SUBMARINE PENS” DISCHARGE

The Forestry Commission was asked if two nasty holes on the west side could be filled in as a matter of urgency.

2003/87      NOMANSLAND CAR PARK      RESUME  
October 2003

Mr Parke reported that the County Council is seeking a road closure order. Final clearance is not expected until August or September.

2003/88      BY-WAY FROM HAMPTWORTH ESTATE TO THE FOREST      DISCHARGE

Mr Anderson reported that the road closure order is being maintained for the time being.

Mr Thompson and Mr Parke left the meeting.

#### **OTHER MATTERS ARISING**

2003/89      GRAVELLED PARKING AREAS      RESUME  
April 2003

Following on from the earlier discussion about Brittons Cottages, concern was expressed at the increase in gravelled parking areas which are appearing outside properties all over the Forest. A means of exerting some pressure to prevent such encroachments is felt to be necessary. The suggestion that the Court ask to be provided with details of planning applications for extensions etc., in respect of properties within the perambulation was not welcomed by the Clerk on the grounds of lack of resources to properly investigate such matters. After some discussion it was agreed the Official Verderer and the Clerk will consider how best to deal with the issue. The Official Verderer also undertook to discuss the problem with the Deputy Surveyor.

2003/90      NON-PAYMENT OF MARKING FEES      RESUME

The prosecutions are ongoing. Mr Adams will attend the pre-trial review in respect of Messrs Bessant and Kilford scheduled to be held on the 6<sup>th</sup> March. The main trial concerning the Northern Commoners will be on the 27<sup>th</sup> and 28<sup>th</sup> March.

It was reported that Mr Kilford has accepted responsibility for several of his ponies which were removed because of poor condition and the Clerk was asked to make sure that the prosecuting solicitor is aware of this.

2003/91      GOATS      RESUME

Nothing has been heard from the National Trust in response to the Clerk's letter about goats. The Official Verderer will chase it up.

2003/92      HIT & RUN REWARD SCHEME      RESUME

The claimant has not responded to the letter asking him to attend Court to accept his reward. The Clerk will chase him up. An announcement will be made at the next Court even if the gentleman decides he doesn't wish to receive the reward.

2003/93      WORMERS      RESUME  
April

Further communication from English Nature in this connection is awaited.

#### **OTHER AGENDA ITEMS**

2003/94      EMPLOYMENT LAW      DISCHARGE

The Court approved the expenditure of £1,600 plus VAT to update all the contracts, job specifications and health and safety documentation. The work is to be undertaken by the Employment Law Department of Moore & Blatch in Southampton.

2003/95 NEW HEAD AGISTER RESUME  
May 2003

The present Head Agister retires in October after 44 years service. His post will be advertised in the summer. In the meantime, Mr Adams has considered the draft job specification for the new Head Agister and will let the Clerk have his comments.

2003/96 GOLF CLUB DISCHARGE

The Official Verderer and Mr Anderson declared an interest.

The minutes of the meeting on the 15<sup>th</sup> January 2003 were approved and signed.

### REPORTS FROM OUTSIDE BODIES

2003/97 THE WAY AHEAD GROUP DISCHARGE

Minutes of the last meeting are waited. The next meeting is scheduled for the end of April.

2003/98 WATER BASIN MANAGEMENT FORUM DISCHARGE

This group has met for the first time. Terms and proposals are being set out and details are awaited.

2003/99 NEW FOREST COMMITTEE DISCHARGE

A paper was tabled at the last meeting of the New Forest Committee by Maddy Jago concerning a strategy for camping.

Members are being asked to commit in writing to taking forward the Strategy for the New Forest. The Verderers are reluctant to sign a statement of intent, as they must make their decisions in accordance with the New Forest Acts. They agreed however, to have regard to the Strategy.

### STAFF COMMITTEE MATTERS

2003/100 FENCING ON THE MAIN ROADS DISCHARGE

Mrs Heron said she is happy to help put pressure on the Highway Authority in the event of ongoing problems with fencing but needs specific details of the defects including their precise location.

2003/101 STALLION SCHEME DISCHARGE

Mr Brian Wilson is to represent the New Forest Pony Breeding & Cattle Society on the judges panel. The Society is happy that their new requirement for all stallions to be inspected by its representatives before being accepted for registration purposes will be met if Mr Adams, Miss Macnair and Mrs Campbell (BHS Chairman and Panel Judge) are also on the Verderers' panel.

A letter will be sent to Mrs Campbell letting her know the date of the stallion

inspection this year and requesting her assistance.

It was commented that the Agisters must take into account where sons and brothers of stallions have run when allocating districts.

2003/102 AGISTERS

RESUME  
July 2003

The question of a fifth Agister is to be discussed later in the year.

2003/103 AGISTER ANDREW NAPTHINE

RESUME  
May 2003

Andrew is making good progress but has to go back to hospital in May for a further examination. It was agreed that Peter Rix's temporary contract should be extended by another four months until the end of July.

#### **HEALTH & SAFETY AT WORK**

Nothing to report.

#### **ANY OTHER BUSINESS**

2003/104 PENN COMMON WATER TROUGH

DISCHARGE

The Official Verderer reported that the National Trust has agreed to take on responsibility for the water trough on its land at Penn Common. The Clerk will write to the Trust with details of recent water bills and confirm the address to which future bills should be sent. The Water Board will then be informed of the change of responsibility.

2003/105 AGRI-ENVIRONMENT SCHEME

RESUME

Proposals for an agri-environment scheme were tabled. Members of the Court were asked to read the paper carefully and let the Clerk know whether they agree with the scheme in principle. It was explained that the fine details have yet to be ironed out and agreed.

Seven members of the Court confirmed that in principle they are in favour of a scheme which helps support commoning whilst delivering benefits to the Forest. Three members, however, felt they wished to read the paper in detail before committing themselves. They were asked to ensure the Clerk is informed of their decision by Monday 24<sup>th</sup> February at the latest.

2003/106 PONY COLLARS

DISCHARGE

The Clerk reported that the CDA has requested it be recorded by the Court that a donation of £75.00 has been received by the Association towards reflective collars for ponies.

There being no further business, the meeting closed at 1.05 p.m.