

MINUTES of the Court of Verderers held on Wednesday, 21st January 2004 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 & Chairman of the Staff Committee
	Mr P Frost	Countryside Agency Appointed Verderer
	Mr A Gerrelli	Elected Verderer
	Mrs K Heron	Appointed Hampshire County Council Verderer
	Miss D Macnair	Elected Verderer
	The Hon R Montagu	Appointed Forestry Commission Verderer
	Mr A H Pasmore	Elected Verderer
	Mrs P Thorne	Appointed DEFRA Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk
	Mr J R Gerrelli	Head Agister (first three items only)
APOLOGIES:	Mr J F Kitcher	Elected Verderer

IN COMMITTEE

The Head Agister was present for the first three items.

2004/638 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Thursday, 13th December 2004 were approved subject to minor amendment and signed.

2004/639 ANNOUNCEMENTS & DECISIONS DISCHARGE

A small amendment was made to the Announcements and Decisions which were then approved.

2004/640 CONDITION OF STOCK RESUME

The Head Agister reported that he is reasonably happy with the condition of stock at present. However, some animals, mostly two and three year old ponies and mares with foals, are going back quite rapidly. The Forestry Commission is pollarding holly and swiping gorse and the ponies are actively feeding in these areas. Conditions are fairly typical for this time of year and the Agister team is keeping a close watch on all stock.

Mr Tony Gerrelli said he has been surprised at just how quickly some animals are losing condition. Miss Macnair remarked that quite a number of animals are suffering from rain scald as a result of the cold wet weather. The lack of grass in the autumn has undoubtedly contributed to the present condition of some stock.

The Head Agister went on to say that quite a lot of 2 year old colts have been removed and the commoners have provided a fair bit of help.

The Chairman of the Staff Committee expressed disappointment that the ponies have lost condition so quickly as they came out of the summer looking so well. Stock has gone back quickly as a result of the shortage of food in the autumn when the weather was so dry. He added that the Agisters have got things under control and as yet there have been no problems with any of the commoners.

2004/641 STRANGLES RESUME

There are still a few cases of strangles. There is also a flu like virus which is not strangles. The Head Agister had a pony from which the vet took swabs but the results were inconclusive.

The Head Agister left the meeting.

2004/642 DECLARATIONS OF INTEREST RESUME

There were no declarations of interest in respect of any item on the Agenda. The Agri-Scheme will be discussed later in the meeting and it was agreed that when deemed necessary, any interest will be declared.

2004/643 FINANCIAL STATEMENT RESUME

The financial statement for December was approved. Members of the Court were invited to contact the Clerk if they have any queries

2004/644 BYELAW ENFORCEMENT RESUME

The Official Verderer referred to the list of Notices and letters issued to commoners who are in breach of the byelaws and added that if any Verderer wished to see a copy they should ask the Clerk. He reported that letters have been sent to the Commoners who are continuing to decline to pay marking fees. The deadline of 12th January has now passed and none of those who received letters have paid. Another commoner received a notice instructing him to remove a bull that had been seen at large in the north of the Forest but the animal was removed the same evening.

2004/645 PONY PASSPORTS RESUME

DEFRA has issued further instructions requiring veterinary surgeons to complete silhouettes. This has caused much controversy and it is hoped that breeders accepted by passport issuing organisations will also be allowed to fill in the forms. The Court is trying to obtain a derogation in respect of the Verderers' Pony Identification List which would allow breeders and other competent persons to complete the silhouettes. The application form may need to be revised to include a declaration as to whether or not a pony is intended for human consumption. Ponies which do not have passports at the 1st June will not be allowed to go for human consumption.

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

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

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER

2004/646 ENFORCEMENT OF BYELAWS

At a Hearing held in London on Wednesday 17th December 2003 the High court confirmed that the Verderers' Byelaws can be prosecuted in the Magistrates Court. The judgement of the Court, which was delivered by Lord Justice Rose, removed once and for all any doubt that may have existed about the enforceability of the Verderers' Byelaws, and accordingly the Verderers' current policy of prosecuting any breach in the

Magistrates Court has been confirmed in law as being entirely correct. Indeed their Lordships went so far as to commend the Verderers for their "extremely sensible" decision to use the Magistrates' Court. We now intend to proceed with the ongoing prosecutions against those Commoners who have to date refused to pay their Marking Fees or may be in breach of any other byelaws.

2004/647 AMENDED BYELAWS

In accordance with the 1877 New Forest Act the Minister confirmed the amended Verderers' Byelaws on 18th December 2003.

2004/648 ELECTION RESULTS

The elections for three Verderers took place on November 28th 2003, and we are pleased to report that the turnout of voters was above the national average at 53%. It is hoped that the number of people who register their right to vote will be increased by the time of the next Verderers' elections in three years time, and a strategy for achieving this aim will be announced in due course.

2004/649 FALLEN STOCK COLLECTION SERVICE

To date we have failed to persuade Ben Bradshaw MP, the Minister for Nature Conservation and Fisheries, to allow a pony that is depastured in the New Forest to be classed as an "agricultural animal" for the purposes of the national Fallen Stock Collection Scheme. We continue to believe that there is a very strong case for treating Commoning in respect of ponies as an agricultural practice which would allow Commoners to be treated as farmers who can thus benefit from a subsidised subscription to a National Stock Collection Scheme. Despite Mr Bradshaw's unequivocal decision on this subject, we will press the Commoners' case with the continued assistance of the forest's two Members of Parliament, Dr. Julian Lewis and Desmond Swayne.

2004/650 AUTUMN WELFARE TOUR

The Welfare Tour that took place on December 5th was well attended, and we are pleased to report that the general conclusion of all those who toured the Forest and inspected the animals was that their condition was good. It was particularly pleasing to hear the representative from the ILPH praising the Agisters for their management of the animals on the open Forest, and stating that in all the years that they had been involved in monitoring the condition of depastured animals they had never seen them looking so fit and well. The ILPH were happy to confirm that they would continue to support Commoning by funding the purchase of further reflective collars for ponies.

2004/651 PONY PASSPORTS

The law in respect of the requirement for all equines to have Pony Passports is now in force, and therefore we remind the owners of ponies that a full Horse Passport or an entry in the Verderers' List must have been obtained by June 30th 2004. In addition we have asked DEFRA for urgent clarification on whether or not their recent requirement for silhouettes to only be completed by a veterinary surgeon applies to the Verderers' list. We await their response.

2004/652 CYCLING ON THE FOREST

In Open Court in October 2003, the Forestry Commission sought the Verderers consent for the continuation of the Forest cycling network for a further year. In the normal way, presentments were invited and received in November. The matter was given careful consideration and whilst the Verderers felt increasingly disappointed by the apparent lack of policing we agreed that approval for the Forest cycle network should be granted for a further year. The Court added that we expect the Forestry Commission to increase its efforts to prevent incursions by cyclists onto the Open Forest.

2004/653 VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME

DEFRA has now indicated that the Verderers' application for a bespoke Countryside Stewardship Scheme for the New Forest is likely to succeed. As a result all those Commoners currently on our Marking Fee register have been sent full details including an application form to apply to join. The Scheme will be paying a sum in the region of £60 per animal to the owner of each animal entered into the Scheme, however its success is entirely dependent upon the support of eligible practising Commoners. DEFRA require us to enlist a minimum of 70% of all Commoners currently on the Verderers' Marking Fee register, and we would therefore urge all Commoners to join the Scheme and give it their support.

If less than 70% of all active commoners join the scheme then we will not be able to demonstrate to DEFRA that the commoners want this scheme and it will therefore not go ahead.

ANIMAL ACCIDENT REPORT

2004/654 ANIMAL ACCIDENT REPORT FOR 2003

Total Accidents for the Period: 134 (149)

	Killed		Collar		Injured		Collar		Uninjured		Collar		Not Found	
Ponies	74	(72)	2	(8)	8	(19)	1	(0)	5	(6)	0	(0)	28	(28)
Cattle	6	(4)	N/a	N/a	6	(8)	N/a	N/a	2	(2)	N/a	N/a	2	(7)
Donkeys	1	(1)	0	(0)	1	(0)	0	(0)	0	(0)	0	(0)	0	(0)
Pigs	3	(0)	N/a	N/a	1	(1)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Sheep	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Totals	84	(77)	2	(8)	16	(28)	1	(0)	7	(8)	0	(0)	30	(35)

TOTAL KILLED & INJURED	100	(105)
Accidents During the Hours of Darkness	78	(93)
Vehicles Involved		
Private Cars / Light Commercials	101	(113)
Motor Cycles	1	(2)
Heavy Vehicles	0	(1)
Bicycles	0	(0)
Number of Local Motorists	72	(79)
Number of Accidents Not Reported	32	(33)
Total Killed and Injured for the Year to date	100	(105)

Number of Deer Killed 59 (82)

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

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

There were no Presentments by the Deputy Surveyor.

PRESENTMENTS

2004/655 FORESTRY COMMISSION CAMPSITE SALES
The Sale of Bottled Water on Campsites - Presentment by Mrs Olive Collins
Consultative Panel Representative for the New Forest Village Shops Association

Retail sales on FC campsites has been the subject of intense debate in this Court on at least three occasions since 1997 and it is safe to say that many of our surviving village shops are still in business today because the Verderers listened to and supported local public opinion by limiting any sales to "essential items".

It is interesting to note that in 1997 when the FC submitted their list of "essential" items for the Verderers consideration, bottled water was only twelfth on a list of fifteen tucked in behind "Minor Children's Toys.

So do the Campers need "bottled water" on Site and is it essential to their well-being?

The short answer has got to be "no" on both counts because drinking water taps are already provided throughout the Commission's sites. If Campers want bottled water as an alternative to tap water then it can easily be purchased at local shops when they do their other shopping.

So if it is not essential, why do the Campsite Managers want to sell it?

I presume for profit even though the Campsite Managers receive a very generous remuneration from Forest Holidays for the few months that they spend on Site each year. The local shops on the other hand, which are open all year round, have to rely on the summer trade to maintain their viability. It is therefore fair to say that any profits made from retail sales on the Campsites are at the expense of these local businesses which serve the community all year round and without which the community would be a poorer place both socially and economically.

I therefore ask you on behalf of the local shops and the residents who depend on them to refuse this application on the grounds that it is inappropriate, totally unnecessary and detrimental to the well-being of the wider Forest community.

2004/656 CYCLING ON THE FOREST
Presentment by Mrs Olive Collins

Mrs Collins said that having given up the wagon rides, she now runs a cycle hire business. Most cyclists stay on the gravel tracks and routes but the problem is the lack of a good map. The Forestry Commission's map is considered to be of little help and a good map with all the necessary information is needed. Mrs Collins felt the map should indicate where cyclists can go as well as where they can't.

2004/657 THE NEW FOREST COUNTRYSIDE STEWARDSHIP SCHEME & STANDARDS IN PUBLIC LIFE
Presentment by Mr Bob Cooper

"If the implications of the recent press correspondence are taken to a certain conclusion, it seems that the possibility of further internecine warfare in the commoning community will become a certainty.

It is sad that this Court, confirmed in its regime over the Crown grazing lands by the Court of Appeal, yet with even greater hurdles to overcome in a very expensive minor skirmish with the Northern Commoners, should lend itself to the petty jealousies of some misguided persons with the apparent blessing of DEFRA in order to discriminate unjustly immoderately and unlawfully against some commoners in these schemes, cherry picking is illegal. An Honourable Court, worthy of the titular designation of considerable dignity, should give careful consideration to its position.

The threats which now loom over commoning in particular and agriculture generally can only be resisted through unity. Of course the hard left of Old Labour, Beckett, Morley, Meacher, Malcolm and Witty will be delighted to record the rumblings of dissent. Divide and rule is their mantra. Expediency, and indeed security for the Forest, requires the common sense of commoning to replace what appears to be a further outbreak of hostilities between the factions of commoning. I ask the Court to reconsider its posture. There are some pretty nasty street fighters out there.

Has the Court formally adopted the Government Code of Standards of Conduct in Public Life? The Court of Appeal has indicated that there should be a strict adherence to Human Rights principles. Will the Elected Verderers be disqualified if they enter the scheme as participants?

What is your authority for disqualifying those who you allege are liable for payment of marking fees but for which allegation you have no authority in law at present?

If you say you have a good claim, as you might have, why not pay the largesse subject to deduction from it of the sum you allege to be due?

In view of the shortness of time, a small window of opportunity to set this scheme up, since it will fail totally unless it is adopted within the limits set, is it not incumbent upon the Court to ensure that all simple solutions are explored and possibly implemented?

If you exacerbate this problem by refusing some admission to the scheme and litigation ensues, including an injunction order to cease the implementation of the scheme pending full trial of the issues, does the Court fully appreciate the catastrophic loss it might bring upon the commoning community".

IN COMMITTEE in the Library

CONSIDERATION OF PRESENTMENTS

2004/658 FORESTRY COMMISSION CAMPSITE SALES DISCHARGE
The Sale of Bottled Water on Campsites

The Court gave the Forestry Commission's request very careful consideration. Some members of the Court expressed concern that the issue of what should be sold from campsite shops is being revisited. There was a worry that re-opening the list might become the "thin end of the wedge" and that requests for other items would follow. There was also the question of what sort of water would be sold as it is now

available in a variety of bottle sizes, flavours and the option of still or sparkling. The Court did not want to undermine the viability of village shops which it has always believed need the custom of campers. The Deputy Surveyor said that the Commission would not wish to come back to the Court every year with further requests and he felt that this current request simply reflects a change in public expectations. Bottled water is considered by many campers to be essential. After a long discussion the Official Verderer proposed that water in bottles of up to 2 litres should be sold. Mr Frost seconded the proposal. The remaining members of the Court, however, disagreed and the request was refused on a majority.

The Deputy Surveyor said he would be considering the decision and that the Court should expect to hear from the Commission again on the subject.

2004/659 CYCLING ON THE FOREST DISCHARGE

Some members of the Court agreed with Mrs Collins that the cycling map leaves a lot to be desired! The Deputy Surveyor said the Forestry Commission would like to revise the map but wishes to wait until the strategic network has been agreed. Whilst some bicycle hirers do provide maps it is felt that a lot of cyclists do not have maps despite the attempts by the Forestry Commission to ensure their wide distribution.

2004/660 THE NEW FOREST COUNTRYSIDE STEWARDSHIP SCHEME & STANDARDS IN PUBLIC LIFE RESUME

The Official Verderer said he understood that just prior to his appointment, the Countryside Agency had offered to help explain how the principles of the recommendations may impact on the Verderers' Court. However, when the Official Verderer spoke to Ms Victoria Edwards, Countryside Agency Commissioner, it was agreed that such issues could be left until after a decision has been made by the Government on a National Park. Ms Marion Spain of the Countryside Agency offered to help the Verderers adjust to the Nolan and EU recommendations.

Following the above, and after careful consideration, the Verderers decided that to do nothing was not acceptable and they agreed to draw up a policy and amend their regulations in which they agreed to abide by the spirit of the standards. The Official Verderer said he would check the Minutes of the Court at the time the matter was raised to confirm that no further action is required now. He felt that it is unlikely anyone will take out an injunction which would effectively destroy the Stewardship Scheme. Additionally, the Official Verderer said he would draft a letter to Mr Cooper. He added that the requirement that marking fees must be paid as a condition of entry into the scheme is a condition of entry that had the full support of DEFRA.

SUBMISSIONS BY THE FORESTRY COMMISSION

2004/661 PROPOSED SALE OF FORESTRY COMMISSION PROPERTY - SWAN GREEN COTTAGE RESUME

The Deputy Surveyor and Mr Parke tabled a paper in which the Verderers were requested for their views on the possible sale of Swan Green Cottage, Lyndhurst, and specifically, to comment on the

contribution of the cottage in helping to sustain commoning.

The sale of houses in the New Forest by the Commission has, in the past, been controversial. That is why, in the late 1980's, Ministers decided that any future sales of properties in the New Forest would require specific approval.

In the New Forest the rationale for the retention of properties is as follows:-

To provide opportunities for affordable housing with associated back-up land for practising commoners and

To provide affordable local accommodation for Commission employees in key posts where there are operation reasons for staff to be based in the Forest.

The national policy for Forestry Commission houses is that they are only retained where they are needed for housing staff in key posts; where there are legal constraints or where a sale could create estate management problems as a result of shared accesses, services etc.

In the case of Swan Green Cottage, it was explained that it is in need of substantial renovation which will cost in the region of £60,000. It is a small two bedroom Grade 2 listed building of cob and thatch construction, dating from the late 17th Century. Rights for grazing of stock and pigs on the Forest are attached to the property but there is no land suitable for commoning purposes. It therefore, fails to meet the criteria of affordable housing for commoners.

The cottage is not ideal for staff in key posts because of its size. Two Housing Associations have been approached but neither has shown an interest in taking on the property.

The Deputy Surveyor added that the money which needs to be spent on the cottage will have to come from the normal budget and that will mean that other programmes of work on the Forest will not take place.

The Court gave careful consideration to the suggestion that the cottage should be sold and came to the conclusion that it would be preferable if it was not. It was suggested that the Commission should seek to let the cottage on a 20 year fully repairable lease. This would retain the property for the future but would relieve the Commission of having to find the cost of repair. The Deputy Surveyor was unhappy with this suggestion because it was his view that properties let on long term leases rarely become available later on shorter term leases. The Court felt, however, that this would ensure that the cottage at least remained in the ownership of the Commission and its future is secured.

The matter will be resumed at the February Court.

MATTERS ARISING FROM THE MINUTES OF PREVIOUS COURTS OF CONCERN TO THE FORESTRY COMMISSION AND ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

- 2004/662 COPPICE OF LINWOOD RUBBISH RESUME
- Mr Pasmore gave a CD to the Clerk which contains pictures of the rubbish which is still on the Open Forest in the vicinity of Coppice of Linwood. The Court asked for some speedy action to resolve the issue to now please be undertaken.
- 2004/663 BEAULIEU ROAD HOTEL SEWAGE OUTLET RESUME
June
- Mr Parke reported that the Hotel has applied to the Environment Agency for approval of its proposed new sewage treatment plant. It is expected that this will take about 3 months. Contractors should start work towards the end of May / early June. The system will be contained within the Hotel's grounds with the exception of the overflow only which will terminate in the bog.
- 2004/664 BRAMSHAW TELEGRAPH ROAD SIGNING RESUME
- Mr Parke said he has heard nothing further from the Highway Authority although a copy of the rationale and policy for road signs has been requested. It was commented that there are a lot of other signs on the Forest and it was questioned whether all had the Court's approval. Mr Parke said he thought some would not have been approved and concern was expressed that the signs at Bramshaw Telegraph might just suddenly appear. Mrs Heron undertook to speak with the relevant person at the Highway Authority and Mr Parke will let her have details of the person who is dealing with the scheme.
- 2004/665 FORESTRY COMMISSION CAMPSITES RESUME
March
- The Deputy Surveyor said studies are still being undertaken and results are being received. There are various issues which will need to be addressed, including the provision of electric hook-ups. A manufacturer has been found who may come to the Forest once the results of the Environmental Studies have been received.
- 2004/666 ORIENTEERING RESUME
- Mr Bruce Rothnie, Recreation Manager, is negotiating with local clubs regarding the renewal of the 3 year master agreement. Much of the advice offered by the Verderers has been incorporated into the agreement which will be backdated to commence 1st January 2004.
- It seems that whilst there may be an increase in the number of small events (20 people or less) there may be fewer of the large events. The Official Verderer thanked the Deputy Surveyor and said he is delighted to hear that the Verderers' advice is being taken into account.
- 2004/667 PICKET POST JUNCTION FENCING RESUME
- Mr Parke said he wrote in November to the Little Chef Head Office. Nothing happened and so Mr Parke wrote again asking when work is going to start on the fence and reminding them that it is urgent. In

order to try to ensure the safety of the public and stock, the Forestry Commission has erected a temporary fence just inside the boundary fence near to the cricket pavilion.

2004/668 GALVANISED TIN SHEETS ON THE FOREST AND COMMONS DISCHARGE

The Forestry Commission's report on the use of galvanised tin sheets for reptile studies has now been received. It says there is a need to gather data on the species, location and number of reptiles inhabiting the Forest. The information could then act as a guide to inform any management work carried out by the Forestry Commission to enable it to plan its work in a way that minimises any adverse effects on the species and hopefully to enhance their status where possible.

Corrugated iron sheets are preferred because they are the most effective material available. When rusty they blend in with the background and attract little attention. Their weight ensures they do not easily blow away, they are easily obtained and cheap to buy. As they are practically worthless, they are unlikely to be stolen.

The Court, however, stressed that tin sheets are extremely dangerous both to horse riders and commoners' animals and asked the Forestry Commission to consider using other materials. The Deputy Surveyor responded by saying there have been insufficient accidents to warrant widespread removal or replacement. He said that the Commission will explore alternative materials and consideration will be given to replacing the tin sheets on a phased basis.

2004/669 BEECHWOOD ROAD LOG STORE RESUME

Mr Parke reported that the log store is still there. He added that he has not yet instructed Solicitors. The Court requested that this matter be progressed as quickly as possible.

2004/670 ASHURST TO LYNDHURST CYCLE ROUTE DISCHARGE

Mr Pasmore reported that he had met with a representative of Hampshire County Council and discussed the proposals. The scheme is now entirely within the fenced road reservation; the suggestion of including the cattle underpass having been scrapped. From the Verderers' point of view, Mr Pasmore could see no objection to the proposals. It was agreed that it is undesirable to see a great proliferation of signs and subject to seeing details of the signage, together with confirmation that the minimum number will be used, the Court was happy to approve the proposals. Mr Parke remarked that he has not actually seen the plans for the scheme and asked to borrow the Court's copy. The plans were, therefore, passed to Mr Parke. The Clerk will advise Mr John Sorrell of Hampshire County Council of the Court's decision.

2004/671 CYCLE PARKING PROVISION IN BURLEY DISCHARGE

Plans are awaited in respect of a cycle parking facility in Burley. The matter will be resumed as an when they are received.

2004/672 MILKHAM INCLOSURE GATES DISCHARGE

Following concern at the blocking off of certain tracks in Milkham Inclosure, a plan was obtained from the Forestry Commission. Places where it is considered additional gates are essential were indicated on the plan, which the Clerk will return to Mr Mihalop.

2004/673 BRIDGES RESUME

It was commented that certain bridges on the Forest, such as that at Foulford, are of an ugly design, out of keeping with the character of the area. The Forestry Commission was asked why metal rails are required on some bridges and also how and where are the designs generated?

OTHER MATTERS OF CONCERN TO THE FORESTRY COMMISSION

2004/674 BURLEY STREET GARAGE DISCHARGE

Concern was expressed that the garage is parking cars on the Forest outside and also along the edge of Forest Road. 14 vehicles were counted recently. Mr Parke said the Garage has permission to park a limited number of vehicles and he promised to take action to see that the agreed number is not being exceeded.

2004/675 CYCLING ON THE FOREST - CYCLE TRESPASS DISCHARGE

The Forestry Commission was reminded that a list of duty officers was to be provided. This has not yet been received. The Court was told that the revised Duty Rota is not due to come into effect until April! It was also pointed out that Forestry Commission staff are available but they have other duties as well and they may not always be able to attend promptly to reports of cyclists off track. The Commission made it clear that it does not wish to take a prosecution because of the likelihood of limited success. An unsuccessful prosecution would definitely send out the wrong message. There have been no studies which indicate that cycling is damaging the Forest and it was remarked that tyre marks made by commoners' vehicles, hoof prints caused by shod horses and footprints as well as cycle tyre marks can be seen on the Forest. The Forestry Commission wants to see cycling put into context. Cycling may be against policies that the Verderers might prefer to apply but the Commission does not consider it is damaging. Mr Rothnie is sending a response to Mr Pasmore's letter. Mr Frost suggested that a National Park Authority might have more resources to employ in keeping a check on cycling.

2004/676 THE WATER BASIN FORUM AND HOLMSLEY BOG DISCHARGE

Mr Pasmore, Miss Macnair, Mr Frost and Mr Gerrelli attended a site meeting on 1st January 2004.

Concern was expressed at the proposed work at Holmsley Bog. Mr Pasmore had prepared a paper as a result of the site meeting for the Court to consider. The area has been the subject of much conflict between the Commoners and English Nature/Forestry Commission over the years, particularly with respect to the continued loss of the lawns in the area. It was generally felt that the latest proposals will result in an acceleration of the process of destruction of the remaining

areas of lawn. The argument put forward in favour of the proposals is that the mire must be maintained in a favourable or improving status.

The Court, however, remained extremely concerned at the effects of the proposed works and after very careful consideration and discussion approved the clearance of scrub only and with the proviso that one or two of the best trees are retained for landscape reasons and to soften the disruptive engineering works. The blocking of the watercourse with bank spoil, clay and heather was strongly opposed.

The Deputy Surveyor and Mr Parke left the meeting

OTHER MATTERS ARISING FROM THE MINUTES OF PREVIOUS COURTS

2004/677 FALLEN STOCK DISCHARGE

Miss Macnair reported.

It has been pointed out to DEFRA that it seems ridiculous that horses and ponies are to be classed as meat animals for passport purposes but not for other purposes. It has been suggested that breeding stock, i.e. broodmares and stallions, together with animals under the age of four years of age, should be classed as agricultural. Other horses and ponies should be regarded as recreational animals. This would, however, result in a considerable loss of VAT revenue for the Government. The British Horse Society has been pressing DEFRA to include equines in the Fallen Stock Scheme. Miss Macnair will provide further information as and when it becomes available.

2004/678 PONY PASSPORTS RESUME

Discussions on the implications of the legislation continue. Ways of reducing the adverse effects of the legislation on commoning are still being discussed with DEFRA and it is hoped a satisfactory outcome will eventually be achieved. The Official Verderer and the Clerk are working hard to ensure that the forms used for recording ponies on the Verderers' List will be acceptable for subsequent scanning for full passports if and when required.

Miss Macnair explained that stallions which are already registered with the Breed Society will be able to go on the Verderers' List. Pure and part-bred foals must be registered with the relevant Breed Society in their year of birth otherwise they won't be eligible.

2004/679 WELFARE LEGISLATION BILL - TRANSPORT OF HORSES DISCHARGE

Miss Macnair handed the Clerk a paper concerning the transport of equines. The proposed new legislation appears to be totally impractical and would in fact seriously compromise the welfare of unbroken and semi-feral animals in particular. Everyone is being asked to write to DEFRA saying the proposals are not a good idea.

2004/680 UNBRANDED PONIES DISCHARGE

The East-Rigby's ponies have now been branded.

- 2004/681 NON-PAYMENT OF MARKING FEES RESUME
- A date from the Magistrates' Court for the resumed hearings is awaited. The solicitors have advised that no further action should be taken at present.
- 2004/682 MR COOPER'S RUBBISH DUMP RESUME
- Nothing further has been heard from English Nature. Mr Tony Gerrelli will inspect the dump to see what hazards it poses to depastured stock.
- 2004/683 REVISED BYELAWS RESUME
- The National Trust's approval is awaited.
- 2004/684 LAND AT IBSLEY RESUME
- The proposed extension to the quarry may be called in by the Office of the Deputy Prime Minister. Mrs Heron said she can make no further comment at present.
- 2004/685 NEW FOREST COUNTRYSIDE STEWARDSHIP SCHEME RESUME
- The Open Day/Evening went very well with a constant stream of commoners attending and asking questions. As a result of various queries and criticisms, the papers are being revised. Members of the Court were invited to look through the revised documents and were asked to advise the Clerk of any problems. Any further questions should be directed to the Official Verderer by Friday.
- Hopefully the new papers, particularly the revised questions and answers sheet will spur commoners into sending in their applications. The deadline for applications has been extended to the end of February.
- The Official Verderer thanked the Verderers who gave their time to help on the Open Day. He also expressed appreciation for the enormous amount of extra work that the office has been taken on by the Clerk and her assistant.
- With respect to Section 16 of the 1877 New Forest Act and the implications for the Elected Verderers, Mrs Jane Cowell of DEFRA's Legal Department, has been asked for her opinion. Mrs Cowell has asked for some time to answer because policy has a lot to do with this. It will be necessary to set out some simple rules for the Agisters who will be allowed to enter the scheme.
- The Official Verderer added he is meeting with senior DEFRA staff later today.
- 2004/686 MINUTES OF THE MEETING ON MONDAY 12TH JANUARY DISCHARGE
- The Minutes of the meeting held on the 12th January regarding the Countryside Stewardship Scheme were approved.

- 2004/687 STALLION SCHEME RESUME
- The Chairman of the Staff Committee reported that at a recent meeting of the New Forest Pony Breeding and Cattle Society, the proposals for the stallion inspections were agreed subject to minor amendment. As the Court also formally approved and adopted the new rules, the Chairman of the Staff Committee and the Clerk will meet to draw up the necessary papers.
- 2004/688 KINGSTON GREAT COMMON RESUME
- The Solicitor for the Commoners' Defence Association has written to the New Forest District Council Solicitor's office asking the Council to act as they have the power to do so. English Nature is awaiting NFDC's response.
- 2004/689 ELECTORAL REGISTER RESUME
March
- The Official Verderer will arrange a meeting of the sub-committee.
- 2004/690 ROAD TRAFFIC ACCIDENTS INVOLVING DEPASTURED STOCK DISCHARGE
- The Clerk reported that the police intend to carry out speed checks on Forest roads. They intend to produce a leaflet to hand to drivers caught exceeding the speed limit and have asked for some photographs of animals killed by vehicles. The Clerk has been out with the camera and Mr Frost thought he had a photograph which would be useful.
- 2004/691 RESEARCH PROJECT DISCHARGE
- JIRRA (Jo Ivey Rural Research Associates) has been asked by the Forest Friendly Farming Project Group to undertake a survey of agricultural producers, retailers and other food outlets in the New Forest. The aim is to supply basic information on the present production and marketing of agricultural goods, and the potential interest amongst producers, retailers and consumers in locally grown and processed foods.
- The survey will employ questionnaire(s) to examine these issues in detail. The Court was asked to allow access to the Marking Fee Register in order to carry out a mail-shot. After some discussion, it was agreed that it is not appropriate to allow outside bodies to have access to the Register, which has always been regarded as confidential between the Court and the Commoners. It was, however, agreed that the questionnaire could be included in a future mailing from the Court provided the necessary administrative assistance was forthcoming.

REPORTS FROM OUTSIDE BODIES

- 2004/692 KEY PARTNERS WORKSHOP RESUME
- The Official Verderer and Miss Macnair will attend this workshop and report back to the Court.

2004/693 NEW FOREST COMMITTEE RESUME

The next meeting is scheduled for the 3rd February when Kingston Great Common will be raised.

STAFF MATTERS (including the Staff Committee)

2004/694 ADMINISTRATIVE STAFF SALARY INCREASE DISCHARGE

The Clerk thanked the Court for the much appreciated recent salary increase awarded to her Assistant and herself.

2004/695 ANALYSIS OF STOCK NUMBERS RESUME

The Clerk reported that the comparison between marking fees received and ponies caught on the drifts is nearly complete. The Stock Count results will be copied to Miss Macnair and Mr Gerrelli. The comparison of foal numbers will be completed as soon as possible.

HEALTH AND SAFETY AT WORK

There were no health and safety matters to report at this meeting.

ANY OTHER BUSINESS

2004/696 FALLEN STOCK COLLECTION SERVICE RESUME
March

The Official Verderer said he has written to the MP's about including ponies in the new scheme. No response has yet been received. The Deputy Surveyor has said he will give his support but suggested it would be prudent to wait until the Stewardship Scheme has been signed.

2004/697 GALLERY OF PAST OFFICIAL VERDERERS RESUME

Mr Maldwin Drummond is collecting a set of photographic portraits of former Official Verderers. He has suggested they should be displayed in much the same way as the former Deputy Surveyor's in the Queen's House. It was agreed that the Deputy Surveyor should be asked if it is possible for the pictures to be hung in the Verderers' Hall.

2004/698 SWAN GREEN COTTAGE RESUME

This item was discussed again in the absence of the Deputy Surveyor and Land Agent.

The Court was generally sorry the sale of the cottage is being contemplated.

During the discussion it was agreed that the Forestry Commission should be asked to further explore the possibilities for finding a tenant prepared to do up the property. The cottage is a very high profile property, appearing as it does on most post cards of Lyndhurst. It was felt that if the Commission decided to sell the cottage it should be the subject of a Presentment.

2004/699 HOLMSLEY BOG DISCHARGE

A further brief discussion ensued on this subject and the Court agreed to adhere to the decision made earlier in the meeting.

2004/700 A35 MAJOR MAINTENANCE DISCHARGE

The Clerk reported on a meeting attended by the Head Agister and herself with Hampshire Highways. Mr Kitcher had been scheduled to attend but was unfortunately unable to.

The A35 from Holmsley Lodge to just east of Wilverley Cross is to be completely resurfaced. This will result in closure of the road at certain times which could result in an increase in the number of accidents involving commoners' animals as a result of commuters using unfenced roads. It was suggested that if the work could be carried out when it is daylight at main commuter times, the dangers would be minimised. The Highway Authority took this on board and promised to give careful consideration to the timing of the works.

Other matters were discussed such as the siting of works compounds and possible damage to the verges and road side vegetation. After discussion, however, it appeared that such problems are unlikely to arise.

There being no further business, the meeting closed at 1.20 p.m.