

**MINUTES of the Court of Verderers held on Wednesday, 21<sup>st</sup> July 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 A Gerrelli Elected Verderer  
Mr P Frost Countryside Agency Appointed Verderer  
Mrs K Heron Appointed Hampshire County Council Verderer  
Mr J F Kitcher Elected 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: None

**IN COMMITTEE**

The Head Agister was present for the first three items.

2004/1008 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 16<sup>th</sup> June 2004 were approved and signed.

2004/1009 ANNOUNCEMENTS & DECISIONS DISCHARGE

The Announcements and Decisions were approved.

2004/1010 CONDITION OF STOCK RESUME

The Head Agister reported that he is very happy with the condition of stock at the moment. Cattle are thriving and the ponies look well. One or two mares are still being moved. There are various reasons including age.

Foals are being counted and the Head Agister and Agister Maton are getting on with the judging. There seem to be a lot of nice foals this year.

Unfortunately, it is still the Agisters that are tending to remove ponies rather than their owners. There has been a considerable reduction in calls from the public about poor ponies.

A few ponies in the vicinity of Whitten Pond seem to be suffering from strangles and it is thought a virus may account for the few mares that do look a little poor.

The Head Agister left the meeting.

Mr Adams, Staff Committee Chairman, agreed with the Head Agister's report. He added that there is a herd of cattle which are an absolute credit to their owner. However, at present they have congregated in a fairly large group and it is hoped they will gradually disperse. Mr Adams remarked that there are one or two ponies at Burley which may have a virus but he felt they are best left alone at present.

2004/1011 DECLARATIONS OF INTEREST RESUME

All the Elected Verderers plus Mrs Thorne formally declared they have an interest in the Countryside Stewardship Scheme. The Official Verderer declared an interest as someone with licensed premises in the vicinity of Fritham (Minute 2004/1033 refers).

2004/1012 FINANCIAL STATEMENT RESUME

The Financial Statement for May was approved.

2004/1013 BYELAW ENFORCEMENT RESUME

It was noted that there are approximately 50-60 cattle at Fritham which although not identifiable because they are unbranded, are believed to belong to a Northern Commoner who is declining to pay marking fees. It was agreed that legal advice should be sought as these cattle spend so much time on the Forest.

2004/1014 LYNDHURST BYPASS DISCHARGE

Desmond Swayne MP has written to say he is not in favour of a bypass route across Open Forest. The bypass committee is reportedly disappointed at the responses they have received from both the Forest MP's.

#### **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**

2004/1015 STALLION SCHEME

A meeting of all known owners of stallions was held in the Verderers' Hall on Monday 19<sup>th</sup> July at which the proposed scheme for the next three years was presented. Many views were expressed by those present as to what form the scheme ideally should take and those opinions will obviously now be carefully considered by the Court. Clearly no scheme can succeed without the full support of all the owners, and it is hoped that some scheme will be possible.

Due to the success of the last scheme in reducing the number of foals, the number of late or early foal births and improving their quality, it is clearly right to build upon that success for a further three years.

2004/1016 BYE-LAW ENFORCEMENT

The trial of the seven commoners who are alleged to have been in breach of the byelaws was due to commence last Friday 16<sup>th</sup> July. Unfortunately as a preliminary issue the Deputy District Judge ruled that the Informations against all the Defendants [including those who had already pleaded guilty] were issued out of time and that therefore the proceedings were void. Accordingly the trials never began that day.

However, on that same Friday afternoon the Deputy District Judge asked all parties to return to court and she explained that she believed she had made a mistake in her ruling, and it was agreed that all parties should return to Court the following Monday 19<sup>th</sup> July.

On Monday the Deputy District Judge confirmed her belief she had fallen into error in relation to five of the Defendants but she ruled that the law did not allow her to reverse her own decision, and the trial therefore could not be resumed.

It is most unfortunate that the cases have not yet been heard, however this unexpected situation can only be reversed by the superior courts in London. We have been advised that we must take this matter to the High Court in order to overturn the decision so that the trials can proceed.

#### 2004/1017 NEW FOREST NATIONAL PARK

We have greeted with caution the Government's announcement On 28<sup>th</sup> June that the New Forest will become a National Park. We are disappointed that we are to become a "standard" National Park, and we are particularly dismayed that the boundary will be much smaller than both the existing Heritage Area and the boundary that was recommended by the Countryside Agency.

Time will tell whether or not the extra protection and funding that National Park status can potentially give to the Forest will be forthcoming, and if it is then it will clearly be beneficial for Commoning and Commoners in the long term. In the meantime, now that the decision has finally been made, we fully intend to give our support and assistance in the important process of setting up and creating the future National Park Authority.

History has shown us in the last fifty years or so since the first National Park was created that success is largely dependent upon who actually sits on the National Park Authority. Further to our representations at the Public Inquiry, we were pleased to read in the Inspector's report that he has recognised the highly unusual nature of the New Forest and the way that it is run. He has recommended that it is of "central importance" that those members of the Authority who are appointed by the Secretary of State bring a thorough understanding of the Forestry Commission, the Verderers and commoning, all of which are of vital relevance to the area. We very much hope that that recommendation is accepted and that the Authority is tailored in this way.

In addition we were pleased to read in the Inspector's report that he fully understands the fears that we expressed at the inquiry concerning the possible bypassing by a Park Authority of the Verderers power of veto over recreational development in the Forest. He has recommended to the Secretary of State that the Park Authority can only use its powers of compulsory purchase to override the Verderers' veto in very exceptional circumstances. At the inquiry we asked for a change to the Environment Act to make such potential acts by the Park Authority impossible. Whilst the Inspector's recommendation falls short of such a prohibition, we can take some comfort from the fact that the problem has been recognised and a reasonably helpful and sympathetic suggestion has been made to the Secretary of State by the Inspector.

The New Forest has been well served over the last one hundred and twenty seven years by its present management. The system of checks and balances has ensured that the intense development in this region since the Victorian age has left the Forest largely untouched. Whether the introduction of another layer of management will upset that balance, or improve it, is yet to be established. Let us ask that question in fifty years and hopefully the effort, the expense and indeed the risk of imposing a National Park system will be seen to have been worth it.

2004/1018 COURT PROCEDURE

We would like to remind all those who make presentments of our simple rules of procedure:

They must be relevant, no longer than five minutes, and moderately phrased. Any presentment that may take longer than five minutes should be submitted in writing for the Court's detailed consideration.

Making a long presentment does not make its effect any greater, and the verbal part of a presentment is generally for the benefit of the public rather than the Verderers themselves, who will always be able to consider the full written presentment later in committee. I would urge all those who make presentments to please adhere to our rules, and not squander the five minutes that are allowed but make the most of them by giving a clear summary of their subject and what exactly it is that they wish the Verderers to do or consider.

2004/1019 CARAVANS

Further to Mr Bob Cooper's presentment in June concerning lengthy stays by some caravanners, the matter was discussed in Committee. The Forestry Commission assured the Court that they were very careful indeed not to allow any caravanner to stay long enough at any of their sites to gain or even claim residential status, or some form of tenancy.

2004/1020 BYELAWS

As previously announced, the Thames and Solent Regional Committee of the National Trust agreed at their meeting held on May 7th that consent should be given to the revised Verderers' byelaws. Since then the National Trust has informed us that the power to grant consent rests with its National Executive in London rather than with the Regional Committee. Accordingly, the National Executive has been formally requested by the Regional Committee to ratify their recommendation that consent is given to the byelaws in the interests of good management and animal welfare. The next meeting of the National Executive is in London tomorrow, July 22<sup>nd</sup>.

2004/1021 ROAD SIGNS

We have received confirmation that the Highway Authority will be erecting warning signs at the entrance to the Forest at Gatewood.

2004/1022 ELECTRICITY BOARD CONTRACTORS' WORK

The Forestry Commission has inspected the area of scrub clearance at Blackwell Common and has advised us that further work is considered to be unnecessary.

2004/1023 LIFE 3

In view of the Presentments heard at the last Court, in which opinions were expressed concerning the legality and appropriateness of works either underway or planned under LIFE 3, we have decided not to respond today. As is customary, we will await any counter Presentments or further comments which may be heard this morning and if necessary, an announcement will then be made at the September Court.

2004/1024 HELP AT DRIFTS

The Drifts will commence in August and we would be grateful if commoners will support their local Agister by assisting wherever possible.

**ANIMAL ACCIDENT REPORT**

2004/1025 ANIMAL ACCIDENT REPORT FOR JUNE 2004

Total Accidents for the Period: 12 (15)

	Killed		Collar		Injured		Collar		Uninjured		Collar		Not Found	
Ponies	8	(13)	0	(0)	1	(0)	0	(0)	0	(0)	0	(0)	1	(2)
Cattle	2	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Donkeys	0	(0)	0	(0)	0	(0)	0	(0)	0	(0)	0	(0)	0	(0)
Pigs	0	(0)	N/a	N/a	0	(0)	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	10	(13)	0	(0)	1	(0)	0	(0)	0	(0)	0	(0)	1	(2)

TOTAL KILLED & INJURED	11	(13)
Accidents During the Hours of Darkness	7	(7)
Vehicles Involved		
Private Cars / Light Commercials	6	(9)
Motor Cycles	0	(1)
Heavy Vehicles	1	(0)
Bicycles	0	(0)
Number of Local Motorists	6	(6)
Number of Accidents Not Reported	5	(5)
Total Killed and Injured for the Year to date	49	(40)

Number of Deer Killed - (-)

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**

2004/1026 LIFE 3 – WATER SHORTAGES  
Presentment by Mrs Olive Collins

“In the weeks since the last Court we have experienced some more record breaking weather conditions including the hottest and windiest June days. Since no one can predict, with any degree of certainty, the affects of climate change on our weather or environment in the future my questions are these....

In my area, at the lower end of the Lymington River, many of the regular watering places have now dried up or are at critical levels, therefore is it really wise to be holding back the watercourses upstream at the LIFE Project sites without first considering the affects of a water shortage on animals' welfare?

and....

Isn't there a danger that any possible beneficial affects on wildlife at the LIFE sites will fail to compensate for losses and damage caused by the reduced water levels further downstream”?

2004/1027 ELECTRIC BIKES  
Presentment by Mrs Olive Collins

“A company is now offering electric cycling tours in the Forest. If the photograph on its website is anything to go by this is taking place off road and on Forest. I was under the impression that electric bikes were in the same category as other motorised transport

such as scramble bikes and therefore not permitted under the byelaws.

Are the Forestry Commission now allowing the use of bikes on the cycle network and have the Verderers given their consent for the sections within their jurisdiction”?

2004/1028 LIFE 3 – TRAPPED COW

Presentment by Mrs Annie Cooper, Commoner & Chair of Minstead Parish Council

“A couple of weeks ago one of my cows was seen in a distressed state having been stuck in Ober river restored wetlands and although she had managed to pull herself out she suffered a prolapse due to the effort – my thanks to Ian Young and Peter Rix for walking her back to the Keeper’s Cottage where I was able to collect her.

This is July – not perhaps the driest July on record but mid-summer, when one would imagine the water levels to be at their lowest, also the commoning animals at their peak of condition. Is this a forerunner of what is to come? Are we to go back to the bad old days of animals stuck in bogs, (call them restored wetland if you wish but believe me, they are bogs) – stuck perhaps for days awaiting a slow death when the Forest is not so full of people during the winter months and they are not noticed.

And why? Because there seems to be a headlong rush to collect European money so hamstrung with conditions that it can only be used to try out this theory and that theory in the name of restoration. Restoration of what? – some mud snail, or lesser-spotted toad flax? Or as my Parish Council believes, flood relief for Lymington and Brockenhurst.

I ask this Court to think about preserving the Commoner whose commoning animals have been the architects of this Forest and however hardy and bloody minded we might be we can only stand so much interference and meddling from those who really know nothing of what we are about. I always understood the Court had a veto to stop or block anything detrimental to Commoners and commoners’ animals and I would suggest that LIFE 3 is just that”

2004/1029 THE NATIONAL PARK

Presentment by Mr C J Aldhous on behalf of the New Forest Equestrian Association

“There are approximately 3000 equines being used for recreation on and around the 66000 acres of the New Forest. With the cost of a modest hacking horse or pony averaging several thousand pounds a year, equestrians make a significant contribution to the traditional Forest economy.

For years the New Forest has been split in its support or opposition to becoming a standard National Park. Whether for or against everyone involved has been united in wanting the best possible protection for the New Forest. The NFEA committee has unanimously opposed the imposition of a standard National Park package on the basis that it was too inflexible in its definition of landscape and the composition of the NPA.

The proposals for the New Forest National Park dated 28<sup>th</sup> June 2004 produced by DEFRA confirmed our worst fears.

We were told the National Park legislation had sufficient flexibility to meet the special needs of the Forest, yet this small area, threatened as it is by urban development is offered an off the peg solution with no concessions.

It has been generally agreed that the Forest needs a “halo” of protection beyond the area which meets the strict landscape criteria of the National Parks, otherwise the back up land upon which many of the commoners depend, would vanish under development, and with it the commoners’ animals which have shaped the Forest

landscape. This was the main principle that drove the definition of the New Forest Heritage area (NFHA).

As representatives of the equestrian community we are concerned that grazing land will be lost to urban development. This will have a direct impact on our members, many of whom pay to keep their animals on small farms and holdings and buy hay and services from commoners within the current heritage area. As residents of the New Forest, we are even more concerned that if commoning were to fail, with a resulting large reduction in numbers of depastured stock, the New Forest would readily revert to scrub.

It is obvious that the protection of the core of the Forest and commoning will not now be assured by the wider boundary recommended by the Countryside Agency, the NFEA urges the Verderers to lobby for stricter planning policies within those areas now removed from within the National Park boundary to reduce pressure on the remaining back up land”.

2004/1030 NEW FOREST TRANSPORT STRATEGY

Presentment by Mr C J Aldhous on behalf of the New Forest Equestrian Association

“The New Forest Transport Strategy dated November 2003 is now in the public domain and has only just widely emerged.

Despite contributions from the NFEA at the draft consultation stage, the document contains scant reference to any strategy relating to the safety of ridden horses and depastured stock.

We wish to draw this to the attention of the Verderers for you to take any action you deem appropriate”.

2004/1031 THE 1964 NEW FOREST ACT

Presentment by Mr Bob Cooper, Minstead Manor Commoner

“The New Forest Act of 1964 was one of those pieces of legislation which could well have formed the basis of an AP Herbert comedy. Its thesis might have been the simple “lets find out what everyone’s doing and then stop them doing it”.

It was probably bad law. Bad laws are the worst sort of tyranny according to Edmund Burke. Robespierre went further “Any law which violates the inalienable rights of man is essentially unjust and tyrannical. It is no law at all”.

The combination of that Act and of byelaws which certainly have a foundation on shifting sand – and since the recent Human Rights legislation perhaps, quick sands, led to a failed prosecution in the past against my group and is now causing a few eyebrows to be raised by those in the corridors of power.

I appreciate perhaps more than most that the Magistrate last Friday and two days ago probably made a mistake, a bad case of premature adjudication. But having heard and seen bits of the case, mostly in the pub talk and over the farm gate, I have to admit I have a desperate fear that you are going to lose this one. In fact I’m off to the bookies to put my money on one of those few dead certs outside Lyndhurst cemetery. I beg the Court to make peace with the Northern commoners, not war – or even law.

Don’t get in the hands of the lawyers again. Money is going to be the problem. The credibility of the Court is at stake when under threat from a National Park and agencies waiting to take over”.

2004/1032 LIFE 3

Presentment by Mr Bob Cooper, Minstead Manor Commoner

“Will the Court insist that in view of the extremely contentious nature of the proposals as published, the Environment Agency be required to produce to Open Court by way of Presentment details of any proposed works on the Open Forest, and that the public be given the usual time to consider Presentments against the proposals (or in support) at a following Court session?”

Will the Court insist that the Agency publicly apologise on its own behalf for the publication of the words contained in paragraph 4 (3) of the Grazing Impact Report by the alleged expert Richard Collingridge. Will it also insist that the words be expressed from the public document by announcement?

Has the Court issued an order to the Forestry Commission to carry out works to the dangerous part of the watercourse at Ocknell Sling to alleviate a reported hazardous state of affairs? Has the Commission agreed to carry out the works”?

Solicitors for the Environment Agency say that their client can tell a lie about commoners and their animals provided that the statements are made in the discharge of a public duty and are on subject matter in which it has a legitimate interest with impunity.

It is a matter of concern that such advice to clients might lead to the more volatile elements of the animal welfare groups to flex their misguided muscles in the Forest against a group of conservationists whose lawful and proper activities have been grossly misrepresented by an ignoramus and impertinent agency. If you want to know the truth don't go to a solicitor said the comedian”.

2004/1033 NEW FOREST LIFE 3 PROJECT ENVIRONMENTAL STATEMENT

Appendix 13 New Forest stream restoration: effects on grazing

Presentment by Mr John Adams of the Environment Agency

“I appear today on behalf of the Environment Agency and would thank the Verderers for this opportunity to publicly convey the Agency's apologies for any offence caused by the Grazing Report, which was prepared for the Agency as part of its Environmental Statement for the New Forest LIFE 3 Project.

The Agency is extremely concerned that the Report, and specifically paragraph 4.3 of the Report, has caused offence to the Verderers and the Commoners. This was most certainly not the intention.

The Environment Agency fully acknowledges the crucial role that depastured stock play in keeping and maintaining many of the important habitats for which the New Forest is renowned. It is recognised that stock play a vital role in maintaining open habitats free of scrub and controlling more aggressive species, and maintaining the richness and variety of heathland. The Agency also acknowledges the considerable amount of work by Commoners and others within the New Forest community to promote and improve the stock of New Forest ponies.

Its approach to this project throughout has been to openly and impartially collate and assess the evidence to establish the environmental effects of the works. It is not the purpose of the Agency to cause offence and it would in no way wish to jeopardise its future working relationship with the Verderers and the Commoners.

Once again the Agency would like to express its regrets and apologies for any offence that may have been caused and trusts that you will accept that this was entirely unintentional”.

The Official Verderer pointed out to Mr Adams that whilst the Agency's apology is welcomed, not everyone in Court today knows what paragraph 4.3 says and Mr Adams had not made it clear. In order to clarify, the Official Verderer explained that paragraph 4.3 to which Mr Adams referred, states that ponies are bred for the meat export trade.

2004/1034 FACILITIES FOR VISITORS

Presentment by Mr Clifford Porter – A visitor to the New Forest

Mr Porter expressed appreciation for the facilities provided for visitors to the Forest.

He said he has noticed, however, that the 40 mph speed limit on the Forest's roads is often exceeded. He felt this excess speed to be dangerous to other motorists, pedestrians and animals and asked if it is possible for the Highway Authority to reduce the speed limit to 30 mph and carry out monitoring.

Mr Porter said he comes from the Midlands. At a local park the speed limit is 20 mph but motorists generally travel at about 30 mph. He felt that a reduction in the speed limit would make the roads in the Forest much safer for pedestrians, cyclists and the wild ponies.

The Official Verderer thanked Mr Porter for his Presentment and added that the control of speed is an ongoing campaign.

**IN COMMITTEE in the Library**

**CONSIDERATION OF PRESENTMENTS**

2004/1035 WATER SHORTAGES

DISCHARGE

Mr Frost who has attended the Water Basin Forum meetings commented that slowing down the water results in a more constant flow and allows for high water levels to be absorbed.

Mr Kitcher felt that everything depends upon the height of the dams that may be constructed. Too high and they will restrict flow downstream. He was concerned that there is too much theory and that the scientists do not always know the long term effects.

Mr Montagu said he believes it is important for each scheme to be carefully considered and wondered if there is a way for the Court to independently monitor the results of the works.

Mr Kitcher said it will be a long time before the effects of the works really become apparent.

The Official Verderer referred to a letter from Maxine Elliott of the Environment Agency in which she confirmed the current process of consultation involving the Water Basin Management Forum, along with separate consultations and site visits with the Verderers and Commoners' Defence Association will continue.

The Court, however, felt it would be in the best interests of the Environment Agency to make a Presentment outlining the future works that are proposed as part of the Wetland Restoration and the Official Verderer will write to the Agency with this suggestion.

The Deputy Surveyor said that the Forestry Commission has some ongoing mire restoration work to undertake but it will not be making

Presentments except where required under the New Forest Acts. The Forestry Commission will continue to consult in the usual way.

The Court agreed that if an animal becomes seriously stuck as a result of the LIFE works it will not hesitate to take action.

The Court felt the Environment Agency's apology as regards paragraph 4.3 of the Grazing Report is acceptable.

It was felt it is not necessary to order the Forestry Commission to stop work at Ocknell Sling.

2004/1036 ELECTRIC BIKES

RESUME

These bikes have a battery driven motor which assists when riding uphill. Riders still have to pedal! Cllr Heron commented that the bicycles were discussed at a recent meeting of the Road Safety Committee and it was remarked that they are basically road orientated. However, Cllr Alan Rice said at the same meeting that youngsters seem to be using these bikes and some may be quite powerful. Mr Parke will investigate to see if there is any chance that the bikes may be used on the Forest.

2004/1037 NATIONAL PARK

DISCHARGE

The Minister is being asked to ensure that planning authorities adjoining the Forest strictly adhere to their planning policies and have due regard for National Park policies. The Official Verderer will write to the Countryside Agency setting out the Court's concerns. If problems arise the Minister has said the boundary may be reviewed but not until after 5 or 6 years have passed. It was commented that in some National Parks AONB's and Conservation Areas have gone.

2004/1038 THE 1964 NEW FOREST ACT

DISCHARGE

The Court acknowledged Mr Cooper's comments.

2004/1039 TRANSPORT STRATEGY

DISCHARGE

The Official Verderer remarked that he has the strategy on his desk but as yet has not had the opportunity to study it carefully.

2004/1040 PRESENTMENT BY MR PORTER

DISCHARGE

A letter will be sent to Mr Porter thanking him for his Presentment.

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

2004/1041 PROPOSED FOOTPATH, RHINEFIELD ROAD, BROCKENHURST

DISCHARGE

Hampshire County Council propose to lay a gravel footpath between Oberfield Road and New Forest Drive. The path will complete the footpath from the centre of the village to the Ober Corner development known as The Copse. The Verderers approved the proposal in line with the plan provided, subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc., and on the understanding that "No Riding" notices would not be erected.

2004/1042 BRIDGES AT LONGSLADE

RESUME

Proposals to re-establish two bridge crossings at Longslade along the disused railway line have been submitted via the Forestry Commission Lyndhurst, in conjunction with the Civil Engineering Office, Marlborough and also New Forest District Council. The bridges are to be 3.2m wide to allow for the safe passage for cyclists, pedestrians, horse riders and commoning stock.

Concern was expressed that in the past the Forestry Commission has considered the old bridge supports to be unsafe. However, the Commission's Civil Engineers have now confirmed that the supports are in fact sufficient to support the proposed structure.

As the bridges may be contentious, the Forestry Commission was advised that the proposals should be brought to the Court by Presentment in September. Consent at this stage was not therefore given.

2004/1043 ROE INCLOSURE – NEW FOOTBRIDGE

RESUME  
October

Details were provided of proposals to construct a new footbridge for the use of pedestrians only, over the stream in Roe Inclosure. The cost of the bridge is to be borne by the Ramblers Association from funds raised in memorial to Maurice Baker.

The Court was unhappy with the proposed design of what was once a full sized cart bridge. The bridge has collapsed and horse-riders are obliged to scabble up and down the banks of the stream. As there will be a drop of 4-5 feet it was considered that the bridge should be a proper double handrailed bridge of a greater width than is now proposed. The Forestry Commission agreed to look again at the design and consider a proper horse bridge.

2004/1044 GAS SUPPLY TO HEATHER COTTAGE, SHOBLEY

DISCHARGE

The proposal by Transco to lay an underground gas supply to this cottage was considered. Part of the pipe will be laid under Crown Land beside the gravel track to the cottage and consent is sought for this length of pipe.

After considering the proposals, the Court gave approval subject to the usual three conditions.

2004/1045 CYCLE STANDS, BURLEY

RESUME

Further details of the proposals for cycle stands in Burley village were submitted by the Forestry Commission on behalf of the County Council. Plans were provided showing the general layout and a more generalised one of the centre of Burley, showing those signs that will be removed as part of the process. Photographs were also provided of existing cycle stands at Keyhaven. The same design would be used in Burley.

The Court gave careful consideration to the proposals. Miss Macnair remarked that she sees plenty of cycles in the car park with a few by the fence in the village. The Court was pleased with the proposed reduction of general clutter but would like to hear the comments of the

Parish Council. Whilst the design of the stands was considered to be acceptable, it was questioned whether five are necessary when it was thought that originally only two were intended.

2004/1046 ENTRANCE TO RHINEFIELD HOUSE HOTEL

DISCHARGE

The Hotel has asked if they may tarmac the entrance between Rhinefield Road and their cattle grid. The surface will be tarmac and finished with a hot spray and gravel chip surface. The drive will be re-aligned slightly so that it is more obvious that there is a drive there when being approached from the A35, i.e. the north. This will be achieved by moving the existing bund and restoring part of the verge.

The Forestry Commission asked for the Verderers agreement to the proposals even though the site is within the Inclosure. The Court was happy with the proposals which were therefore agreed.

2004/1047 NEW FOREST CAR PARKS

DISCHARGE

The Forestry Commission's request to surface the entrance of three car parks with tarmac, this September, was approved provided that the tarmac does not extend beyond 5 metres at Deerleap and Roundhill (Brook), and 7 metres at Hatchet Pond.

Additionally, approval was given for tarmac to be laid for approximately 5m from the cattle grid leading to the Reptile Centre.

The Forestry Commission also proposed that the following further car park entrances be treated over the coming years as resources permit. The additional car parks are:- Burley (being the car park serving the toilet block), Burley cricket pitch car park, Crockford, Crockford Clump, Wilverley Inclosure, Beaulieu Heath, Longslade Bottom and Cadnam cricket pitch car park between the cattle grid and the A337.

The principal reason for the proposal is that there is uneven wear between the tarmac and the gravel surface and in the interests of road safety the junction of the 2 materials will be moved further away from the public highway. Not only should this result in reduced wear as accelerating vehicles exiting the car park will have a tarmac surface on which to get a grip, but also the likelihood of loose stone and gravel being dragged on the road is much reduced. Finally, the safety of our employees and contractors when repairing gravel tracks at the edge of a highway also needs to be taken into account.

2004/1048 5" WATER MAIN TO IPLEY MANOR – SOUTHERN WATER

DISCHARGE

Southern Water is requesting consent to lay a new 5" public main from the cattle grid near Hanger Corner, Marchwood to Ipley Crossroads and thence to the private properties within Ipley Manor Estate. At present a private supply comes from the north across private land to serve all the properties at Ipley. Southern Water's proposal would replace that private supply with a public main. The route will be along the verge of the public highway.

The Court approved the proposal but stated that the turf and top soil must be separated and replaced and that the problem of verge parking must be addressed.

2004/1049 BT UNDERGROUND DUCT TO EAST BOLDRE POST OFFICE DISCHARGE

British Telecom's request for consent to install an underground duct to serve the Post Office at East Boldre from an existing jointing chamber across the road was approved. However, the Court requested that if possible the duct should not go across the lawn. The proposal was approved subject to the usual three conditions.

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

2004/1050 ROAD SIGNING RESUME

Mr Martin Wiltshire, Hampshire County Council, will be attending the Court Committee in September.

2004/1051 ORIENTEERING DISCHARGE

The Court has been provided with a copy of the Arrangements for Orienteering Events from 1<sup>st</sup> January 2004 to 31<sup>st</sup> December 2006.

The Court confirmed it is happy with the arrangements. The Deputy Surveyor thanked the Court for its advice and the Court was grateful to the Forestry Commission for listening to its comments.

2004/1052 BRAMSHAW TO WINDYEATS ROAD – RUBBISH RESUME

Whilst the rubbish has mostly now been cleared, including the length of pipe which Mr Parke removed himself, the lumps of concrete close to the dump entrance remain.

Mr Parke said he will approach the site management again to try to get the concrete removed.

Ongoing monitoring will be required.

2004/1053 THE ROYAL OAK PUBLIC HOUSE, FRITHAM – MARQUEE AND VERGE PARKING RESUME

Mr Parke will check with the New Forest District Council as respects the permission status of the marquee.

Proposals for the prevention of verge parking in the vicinity of the pub are awaited.

2004/1054 COPPICE OF LINWOOD & LONG CROSS COTTAGES – RUBBISH RESUME

There has been a significant improvement but the situation remains far from satisfactory.

At Long Cross, the tyre dump remains but the scrap iron and trailer have now been removed.

About half the rubbish at Coppice of Linwood has been removed but a lot of wire remains.

The Court asked for the Forestry Commission's policy on woodpiles as both properties have large piles on the Open Forest although the pile at Long Cross has reduced considerably. Mr Parke replied that modest, tidy wood piles for use in a single dwelling are acceptable.

2004/1055 WOOD SHED AT BARTLEY RESUME

Mr Parke reported that this matter remains in the hands of the lawyers.

2004/1056 BEAULIEU ROAD HOTEL SEWAGE OUTLET RESUME

The hotel is reportedly having difficulty obtaining permission from the Environment Agency. Otherwise they are ready to proceed.

2004/1057 WATER MAIN – CASTLE TOP TO THE CORNER OF THORNEY HILL ROAD RESUME

Mr Parke has spoken to the Water Board about the unsightly sign but it is still there.

2004/1058 DYING OAK TREES AT MILL LANE, BURLEY DISCHARGE

Mr Parke inspected the trees and believes their demise is due to landscaping that is being done in the garden rather than disease.

2004/1059 SWAY FOOTBALL CLUB DISCHARGE

The Parish Council has confirmed that the Club is connected to the Village. It's members are mostly local residents.

2004/1060 ADVERTISING SIGNS ON FENCED VERGES DISCHARGE

The land is the responsibility of the Highway Authority. Some signs which are in motorists' sight lines are removed on grounds of safety. One or two signs have specific permissions such as AA temporary direction signs. Banners on fences are not permitted. The Highway Authority will look at any areas where it is considered there is a proliferation of signs. The landrover advertising the Waterloo Arms on the A337 is considered to be very unsightly. It is doubtful if it has moved for years! Mr Parke will meet with the County concerning the quantity of signs at the entrance to New Park.

2004/1061 SINGLE FARM PAYMENTS RESUME

The National Farmers Union is pursuing DEFRA to try to obtain a scheme which will assist commoners whilst preventing abuse.

2004/1062 ROAD FENCING RESUME

The Forestry Commission is to provide a quotation to the Highway Authority for repairs to the fence on the A326. The Deputy Surveyor said he would chase this up.

Concern was expressed again at the deterioration of many of the A road fences which cross the Forest. Cllr Heron has taken the matter up with the County and Desmond Swayne MP has also written.

2004/1063 THE CROW ACT RESUME

The Deputy Surveyor apologised for the paper not being ready and asked for the matter to be resumed in September.

2004/1064 TRACK TO BENTLEY POUND RESUME

Now that the new pound has been built, the Agisters would find it useful to be able to approach it on horseback from the west as well as the east. A request was made for a 1 metre wide riding track of about 200' in length from Postman's Walk to Bentley Inclosure. At the moment there are some dangerous clay holes. There was some concern that a new track could encourage cyclists. The Agisters have made it clear that they do not want vehicles using the track.

2004/1065 WELL MAINTENANCE DISCHARGE

It was reported that the rails around the spring/well above Pilley Allotments are broken down and in need repair.

2004/1066 FOREST HOLIDAYS PUBLIC PRIVATE PARTNERSHIP DISCHARGE

The Deputy Surveyor has written to the Official Verderer concerning Forest Holiday's proposed entry into a public private partnership for the next stage in the modernisation and development of the GB cabin and campsites.

In the New Forest the existing campsites would remain part of the wider Forest and as such, continue to be managed on the same basis as currently, with regards to the SAC Management Plan, Strategy for the New Forest etc. The Deputy Surveyor said that in terms of future development, he and his colleagues at The Queen's House will remain fully involved in all policy issues as affects the campsites. He also confirmed that there are no plans for any further campsite modernisation beyond that already under investigation for Hollands Wood and Roundhill.

The Deputy Surveyor felt that at this early stage in the development of this GB PPP project, the Court should be aware of it. The issues for the Forest's campsites are interesting and they may well be run differently to those in other areas, not least because of the New Forest Acts. Additionally, all the campsites are designated SSSI. He added that if any member of the Court has any questions about the proposed PPP, he would be pleased to try to answer them.

### **The Deputy Surveyor and Mr Parke left the meeting**

### **OTHER MATTERS ARISING FROM THE MINUTES OF THE LAST COURT & PREVIOUS COURTS**

2004/1067 STALLION SCHEME RESUME

57 commoners attended the recent stallion meeting. The scheme proposed by the Verderers was put to the vote. 48% of those present voted against the scheme, 30% were for it and 20% abstained. An amendment to the dates when the stallions could go out to 1<sup>st</sup> February to 31<sup>st</sup> August was then proposed by Dave Readhead. 40% voted in favour and no-one voted against.

The Official Verderer asked the Deputy Surveyor if the amended dates would be acceptable to the Forestry Commission. The Deputy Surveyor responded by saying that he would have to consider that suggestion but felt it would probably be all right. The Forestry Commission would like to continue to support the scheme at the current level or thereabouts but it is thought the 1<sup>st</sup> February to the end of July would be more acceptable.

The New Forest Trust is disappointed that the matter has still not been resolved but has confirmed that subsidised grazing for stallions in New Park is available.

It was felt that if a scheme is not agreed, the credibility of the commoners could be seriously affected.

The scheme, if agreed, will be run by the Verderers.

After some discussion it was agreed that the dates that stallions must run out would be 1<sup>st</sup> May to 18<sup>th</sup> July to qualify for payment. However, stallions would be allowed out from 1<sup>st</sup> February to 31<sup>st</sup> July each year. Between 30 and 40 colts and stallions will be chosen to enter the scheme. There will be annual inspections and the decision as to which licensed stallions may run the Forest will rest exclusively with the Verderers. Owners of stallions selected to run out will receive £250.00 per horse with an additional £60.00 being payable under the Countryside Stewardship Scheme. If a further source of funding can be found, the payment will be increased. The Official Verderer proposed that the Court accept these proposals and Mr Kitcher seconded them. 7 Verderers voted in favour of with 3 voting against. The proposals were therefore approved and the Official Verderer will produce a sheet setting out the scheme.

The Official Verderer will write again to all stallion owners inviting them to a further meeting and enclosing a copy of the latest proposals and including a ballot sheet.

If any stallion owner who did not attend the meeting or was not invited lets the office know, they will be sent a letter.

2004/1068 WELFARE STANDARDS

DISCHARGE

At the last Court Mrs Thorne tabled a paper on welfare standards. She thanked those Verderers who responded. It was agreed, however, to wait until the Countryside Stewardship Manager is in post before any further action is taken in this respect as a new set of standards is required for the Scheme. The matter will therefore be brought back to the Court at a later date. The Official Verderer thanked Mrs Thorne for taking the trouble to produce her paper.

2004/1069 HAMPTWORTH ESTATE – POUND BOTTOM SITE

RESUME

Mrs Heron reported that even more restrictive measures are likely to be imposed on heavy traffic travelling through Downton and this will put even more pressure on the Forest's roads. It was agreed a letter should be written to Wiltshire County Council setting out the Court's concerns at the continuing development at the Pound Bottom site.

## **OTHER AGENDA ITEMS**

### 2004/1070 COUNTRYSIDE STEWARDSHIP SCHEME

RESUME

Interviews for the position of Scheme Manager have now taken place. A suitable candidate has been selected and subject to a successful second interview and good references the Official Verderer said he would like to make an offer and agree terms. The Court confirmed its approval.

Contracts to commoners are expected to be sent out by the end of July.

The Official Verderer wished to formally record on behalf of the Court, his thanks for the extra work which has been carried out by the administrative staff and the additional work and responsibility taken on by the Clerk in particular. The Clerk expressed her gratitude for that recognition and thanks.

The Advisory Committee must meet before the end of September and a suitable date will be agreed.

## **REPORTS FROM EXTERNAL COMMITTEES AND WORKING GROUPS**

### 2004/1071 NEW FOREST COMMITTEE

DISCHARGE

The Official Verderer apologised for not having been able to attend several meetings of the New Forest Committee.

### 2004/1072 CONSULTATIVE PANEL

DISCHARGE

The last meeting was exclusively taken up by National Park business and the visit by Alun Michael MP.

Mrs Christine Ames of New Forest Tourism spoke up well in support of the commoners for which the Court was most grateful.

### 2004/1073 NEW FOREST NATIONAL PARK SKELETON AUTHORITY

RESUME

The Court expressed the wish to meet with Ms Susan Carter from DEFRA who has been appointed National Park Authority Interim Chief Executive. The Official Verderer will see if this can be arranged.

### 2004/1074 LOCAL ACTION GROUP (LAG)

DISCHARGE

Mr Mike Cooper of the Pony Publicity Group requested a contribution towards match funding the staff involved in the recent speed enforcement days. He felt the initiative helped educate and inform the public and considered it to fall within the remit of Leader + funding. Unfortunately, the LAG has turned down the request.

## **STAFF MATTERS (including the Staff Committee)**

### 2004/1075 LYBURN CATTLE GRID

RESUME

A letter is to be sent to the owner of Lyburn Estate concerning the condition of the cattle grid and fencing.

2004/1076 NORTH BENTLEY POUND DISCHARGE

Additional rails are required to prevent stock from jumping out of the holding pen into adjacent private fields. It was agreed this will be done.

2004/1077 STAFF COMMITTEE – MRS PAT THORNE DISCHARGE

It was agreed that Mrs Pat Thorne, DEFRA Appointed Verderer, should join the Staff Committee.

### HEALTH AND SAFETY AT WORK

2004/1078 DRIVING STOCK & CATCHING STALLIONS RESUME

There are concerns associated with trying to catch stallions which have been turned out for only two months. Many do not want to be caught and there have been a number of incidents this year including the death of a riding horse which was injured during one particularly difficult chase.

The Agisters have been asked to comment on the Health and Safety Data Sheet entitled "Driving Stock".

### ANY OTHER BUSINESS

2004/1079 PRESENTMENT BY MR BOB COOPER ON 16<sup>TH</sup> JUNE 2004 AND CORRESPONDENCE WITH THE FORESTRY COMMISSION RESUME

The Forestry Commission has written to the Official Verderer concerning the allegations made by Mr Cooper in his Presentment in which he included remarks apparently included in a letter written by a member of the Forestry Commission's staff. Mr Cooper has refused to provide a reference, date or author's name for the letter he claims to have quoted from. The Forestry Commission is of the opinion that such uncorroborated material should not be used in Presentments as any challenge by others to the thrust of the content of the Presentment is not possible. At best, statements such as those made can only be considered as hearsay and at worst they could be misleading or defamatory.

After careful consideration, the Court felt that it does not wish to draft rules of evidence and it was felt the solution may be for the Deputy Surveyor to issue a statement at the next Court.

2004/1080 BUDGETS/FIVE YEAR PLAN RESUME

A revised budget/five year plan is required by the Deputy Surveyor by September. The Official Verderer and Clerk are revising the present figures.

2004/1081 THE VERDERERS BYELAWS AND THE NATIONAL TRUST RESUME

The National Trust was first asked to approve the Verderers' byelaws at the beginning of this year. The Regional Committee of the National trust met in May and approved the Verderers' byelaws. That decision was communicated to the Official Verderer and an announcement made in the June Open Court. However the decision was rescinded as the Trust decided such decision could only be made by its executive

committee. That Committee is due to meet in a few days time and the matter of the Verderers' byelaws is reportedly on the Agenda.

After careful consideration the Court felt that if the National Trust continues to decline to approve the byelaws, it will have no option but to formally withdraw the services of the Agisters from all land within the perambulation owned by the Trust.

2004/1082 PROSECUTIONS FOR NON PAYMENT OF MARKING FEES

RESUME

At the Magistrate's Court hearing on Friday last (16<sup>th</sup> July 2004), Deputy District Judge Coleman delivered a judgement in favour of the defendants but then subsequently decided she had fallen into error. DDJ Coleman then agreed that she could not reverse the decision. The only way forward now is to appeal the decision in the Divisional Court in London.

The recommendation of the (Verderers) Court's solicitor and Counsel is to proceed with the appeal. Such recommendation has been received in writing. As a result, the Official Verderer requested and received the approval of the Court to proceed to the Divisional Court to appeal against the decision of the Deputy District Judge at the hearing in the Magistrates Court on Friday 16<sup>th</sup> July 2004.

After careful consideration, all members of the Court, with the exception of Mr Peter Frost, agreed that the appeal should be lodged. The Official Verderer will, therefore, proceed.

2004/1083 FALLEN STOCK

RESUME

An address for the National Fallen Stock Collection Company has been obtained. The Forestry Commission is keen to become involved in any scheme that might be available for the Forest. A letter will therefore be written to the Chief Executive of the NFSCC to see if it is possible to set up a meeting.

2004/1084 LEGACY FOR A NEW WATER TROUGH – THE NEW FOREST PONY BREEDING & CATTLE SOCIETY

DISCHARGE

The Society is in receipt of a legacy of £500 which it has been requested be used to construct a new water trough on the Forest. After careful consideration the Court agreed that it is not keen on any additional troughs being sited on the Open Forest but wondered whether the money could be used to replace or renovate an existing one. The alternative could be for the money to be held in a separate account until it is needed.

2004/1085 GRAZING LAND AT IBSLEY

RESUME

Cllr Heron reported that Tarmac has been unable to find a tenant for the grazing land at Ibsley. She suggested it might be suitable for stallions. It was queried how much of the land would be available.

There being no further business, the meeting closed at 1.38 p.m.