

**MINUTES of the Court of Verderers held on Wednesday 15<sup>th</sup> July 2015 at 9.30 a.m. in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.**

PRESENT:	Mr Dominic May	Official Verderer
	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	Mr A B Dowsett	Forestry Commission Appointed Verderer
	Mr A Gerrelli	Elected Verderer
	Miss D Macnair MBE	Senior Elected Verderer
	Mr G M H Mills	DEFRA Appointed Verderer
	Mr D Readhead	Elected Verderer
	Mr R Stride	Co-opted Verderer
	Mrs D Westerhoff	Natural England Appointed Verderer
	Vacant	National Park Appointed Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister

**IN COMMITTEE in the Library**

2015/8033    MINUTES OF THE LAST MEETING    RESUME

An amendment was requested to the June Minutes. The Court agreed the amendment and authorised the Official Verderer to sign the minutes once it has been made.

2015/8034    DECLARATIONS OF INTEREST    RESUME

The Official Verderer, the Elected Verderers and Mr Stride all declared an interest in the New Forest Higher Level Stewardship Scheme, the Verderers Grazing Scheme and Single Farm Payment/the new Basic Payment Scheme.

Mr Hallam Mills declared an interest in HLS Schemes as his Estate is in Higher Level Stewardship and borders the perambulation of the New Forest. He also declared an interest in the new Basic Payment Scheme, although not as a practising commoner. In addition, Mr Mills' Estate is involved in the Better Boundaries Project, run by the New Forest Land Advice Service with support from Natural England. The Estate has a tenant who is a Commoner. Mr Mills is also a Patron of the New Forest Trust.

Miss Macnair is a member of the New Forest Pony Breeding and Cattle Society Council.

Mr Deakin, Mr Readhead and Mr Stride are members of the New Forest Commoners' Defence Association committee. Mr Deakin is also Treasurer.

Mr Dowsett is a Forestry Commission Volunteer Ranger.

Mr Deakin, Mr Readhead and Mr Stride are members of the New Forest Stallion Syndicate.

Mr Deakin, Mr Readhead and Mr Stride are Directors of the New Forest Livestock Society.

Mrs Westerhoff and Mr Stride are tenants of the Forestry Commission.

2015/8035 CONDITION OF STOCK

RESUME

The Head Agister said that overall stock looks very good. Mares without foals look excellent and those with foals are easy to see as they are inevitably not looking quite so well. There are, however, no problems.

There is a good crop of foals this year. The Agisters are undertaking their foal counts and the results should be available for the next Staff Committee meeting at the beginning of August.

The Forest is a little dry and some rain would be welcome, however the animals are working the bogs and so are not short of food.

It was remarked that there appear to be a lot of animals on the Forest, something that has been mentioned by non-commoners as well as those who turn out stock. In particular there are more cattle.

2015/8036 STRANGLES

DISCHARGE

A young pony at Black Gutter is showing symptoms of strangles. It has a swelling under its jaw which looks like an abscess which has burst. The animal is in reasonable condition and will be monitored in line with veterinary advice. A careful watch will be kept over other stock in the area.

2015/8037 REPORT ON ANIMALS REMOVED FROM THE FOREST

RESUME

This very useful report had been circulated prior to the Court.

2015/8038 STOCK DEATHS - OTHER THAN ROAD TRAFFIC ACCIDENTS

RESUME

This very useful report had been circulated prior to the Court.

2015/8039 REPORT ON MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR

RESUME

	<u>2015</u>	<u>2014</u>
Forest Ponies	4628	4304
Forest Cattle	2962	2604
Forest Donkeys	107	96
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	7697	7004
Common Ponies	659	723
Common Cattle	903	1098
Common Donkeys	92	59
Common Pigs	33	23
Common Sheep	190	142
Total Common Stock	1877	2045
Ponies, Cattle & Donkeys on the Forest	7697	6836
Ponies, Cattle & Donkeys on the Commons	1654	1879
Total Ponies, Cattle & Donkeys	9351	8715
Total Stock – Forest & Commons	9574	8880

2015/8040 BYELAW ENFORCEMENT

RESUME

An Order was issued in respect of two entire mules that had not been removed from the Forest despite several requests by the Agister and a letter from the office. The mules were promptly removed after the owner received the Order which warned that failure to do so would result in prosecution.

2015/8041 BROOMY AND APPLESLADE CROSSING PLACE

DISCHARGE

Following Mrs Bagguley's presentment in the June Court, Mr Stride and Mr Dowsett visited the site with Miss Sarah Oakley (FC) and Mr Billy Howells (CDA). They found there were some large sharp stones although they felt the crossing was not quite as bad as Mrs Bagguley suggested. Miss Oakley decided the crossing should be redone. It seems that whilst the contractor ordered the correct materials from his supplier, they sent something different. The contractor used them instead of rejecting them. He has been instructed to remove the material and replace it with the correct size stone which he has now done. The contractor is new, and he now understands the standard which is required. There should not, therefore, be any further problems.

**Head Agister Jonathan Gerrelli left the meeting.**

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

IN ATTENDANCE: Mr Bruce Rothnie, Deputy Surveyor  
Mr Paul Grugeon, Land Agent (New Forest)

**ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER**

There were no announcements by the Official Verderer

**ANIMAL ACCIDENT REPORT**

2015/8042 THE ANIMAL ACCIDENT REPORT FOR JUNE 2015

The Agisters attended 8 accidents in June. This compares with 10 accidents in June last year.

5 ponies were killed and another was injured. One donkey was injured and a cow unharmed.

5 accidents occurred in daylight, 1 at twilight and 2 in the dark.

4 of the vehicles involved were cars or light commercials. 1 was an HGV and the other a motorbike.

4 motorists were local – they were from Hythe, Poulner (just outside Ringwood), Dibden Purlieu and Brockenhurst.

2 accidents were not reported.

31 animals have been killed or injured so far this year, compared with 29 by this time last year.

## THE SPEED CAMERA VAN

544 motorists were caught driving over the speed limit on the unfenced roads in June. One driver was caught doing 73 mph on the C10 near Sway. He will be attending Court.

## ANNOUNCEMENT BY THE DEPUTY SURVEYOR

### 2015/8043 THE STATE OF THE FOREST

'At the Verderers Court in June, Mrs Pam Bagguley raised her concerns about changes in her local area at Amberslade and in particular the recent work to establish a ford crossing. As a long standing horse rider in the area she was very concerned about the size of some of the stones used to create the ford and the potential risk to these posed to horses. The ford crossing is part of a wetland restoration scheme that had been agreed with the Verderers and representatives of the communing community. Forestry Commission staff and representatives of the Verderers have been on site to undertake final checks the on the work. Following the meeting the contractors have now removed the top layer and replaced it with finer material to ensure the surface is more suitable for animal use.'

## PRESENTMENTS

### 2015/8044 FORESTRY COMMISSION LICENCING ENCROACHMENTS (BULL HILL ACCESS TRACK/PARKING AREA)

Presentment by Dr Graham Ferris on behalf of the New Forest Commoners' Defence Association

'The Commoners Defence Association is used to objecting to encroachments , which nibble away at the Open Forest, resulting in loss of grazing – fences being moved, entrances widened, vehicles parked, building materials stored, on land which has been previously open to commoners livestock.

In these cases, depending on the circumstances we may be joined by some of the statutory bodies, the Verderers, Natural England, the National Park Authority, the National Trust and sometimes by the Forestry Commission.

CDA members were therefore shocked and angered to learn that at the same time, the Forestry Commission has been selling, for short term commercial gain, licences to individuals to commit what amount to encroachments.

The latest most blatant, but not the only, recent example is at Bull Hill, Pilley, where approximately 60 square metres of Open Forest has been effectively sold off by the Forestry Commission. This area, previously grassy Open Forest grazing at the back of a house, has been levelled and covered in gravel for a car park accessed by a small wicket gate from the back garden of the property. Not so much nibbling away at the Open Forest as taking a hugely indigestible mouthful.

We are not concerned here with who has the legal authority to do what. The issue is what is best for the future of the Forest as a whole.

We know that the Verderers are aware of this situation and we fully support their position. We would urge them to continue to use their considerable power and influence, to join with others - the NPA with planning policies specifically drafted to conserve and enhance the Forest - Natural England with the much vaunted SSSI designation of the Forest, to convince the Forestry Commission that licencing, for short term commercial gain, what would otherwise be illegal encroachments, is morally indefensible , sets a terrible example and must stop if the New Forest is not to be ruined forever.'

2015/8045 IN SUPPORT OF THE NEW FOREST LAND ADVICE SERVICE  
Presentment by Mrs Lyndsey Stride

'Good morning Official Verderer and Verderers. My name is Lyndsey Stride and I speak on behalf of the Young Commoners Group of the CDA.

We would like to thank the Verderers for their continuing support for young commoners.

Firstly for the Verderers funding towards the Land Advice Service, which has proved a particularly invaluable resource over the past few months. It has provided young commoners with many hours of help, advice and support over the Basic Payments Scheme application process. This was complex because of the late clarification of the rules for the New Forest commons and the lose deadline for applications. Many young commoners would have struggled to complete their applications in a timely and accurate way without the LAS. We are also looking forward to the training programme proposed as part of the Forest wide Heritage Lottery Bid.

Secondly the Verderers have helped the young commoners by providing ongoing funding towards the trailer training programme which enables young commoners to apply for up to £700 towards the cost of training. In just the last month two young commoners have passed their tests, enabling them to better manage their Forest stock. For most young commoners the cost of training and the test(s) exceeds £1,000. Thank you.'

2015/8046 PROTECTING NEW FOREST GRAZING  
Presentment by Mrs Lyndsey Stride

'We as young Commoners are concerned about the worrying precedent being set by the recent access permissions granted by the Forestry Commission. As a group we have worked hard to educate both Commoners and the general public about the link between conservation and commoning. New Forest lawns are an intrinsic part of the New Forest landscape mosaic and Forest land and Common Rights should be protected at all costs.

Once again I thank the Verderers for their continued support for Young Commoners and for upholding the Rights of Commoners.'

2015/8047 FORESTRY COMMISSION LICENCING ENCROACHMENTS (BULL HILL ACCESS TRACK/PARKING AREA)  
Presentment by Mr Brian Tarnoff, New Forest Association (Chair, Habitat and Landscape Committee)

'The NFA support the CDA's presentment. We were appalled to learn of this disturbing trend.

At a time when the forest desperately needs to be grown, it is experiencing losses, to grazing, to back up land, through encroachments, through change of use. We should expect the managers of the Crown Lands to resist, not participate in, the shrinkage of the forest. At the very least, they, or their land agents, shouldn't allow a parcel of grazing land just over two thirds the size of this room (\*) to be repurposed for parking without consulting both the Verderers and the planning authority. If access was needed by adjacent landowners, surely between the interested Statutory bodies, the FC, Verderers, Natural England and the National Park an accommodation which could have minimized the loss of grazing might have been reached.'

2015/8048 FUNGI PICKING

Presentment by Mr Brian Tarnoff, New Forest Association (Chair, Habitat and Landscape Committee)

'Every Autumn vans full of unskilled labourers now descend upon the forest and indiscriminately strip our woodlands of every bit of fungi they encounter for sale. This is an unacceptable theft from both the public enjoyment of the autumn display and the habitat.

The NFA are heartened to learn from the Deputy Surveyor's statement at the recent Consultative Panel of the Forestry Commission's plans to disrupt these commercial pickers, and we support this action as a first positive step. However, we believe that going forward there should be a clear policy to ban fungi removal from the Crown Lands of the New Forest. This ban would be similar to that successfully imposed on Epping Forest by the Corporation of the City of London, or those that some of the Wildlife Trusts practice within their nature reserves.

Existing law supports this position. The Theft Act 1968 explicitly defines as theft "A person who picks mushrooms growing wild on any land" [For purposes of this subsection "mushroom" includes any fungus] "for reward or for sale or other commercial purpose". Note this doesn't even specify land with special designations. The Wildlife and Countryside Act 1981 [Section 13] makes it an offence on a SSSI to without authorization uproot any wild plant, and a further offence "intentionally picks, uproots or destroys any wild plant included in Schedule 8" – with or without authorization. Schedule 8 refers to the list of protected rare species which include some of our fungi which is being indiscriminately removed.

The Epping Forest byelaws don't explicitly mention fungi, "Prohibited acts" there include "Taking or moving any substance in or from the Forest, save with the previous written consent of the Conservators". The Forestry Commission Byelaws 1982 which pertain to the New Forest similarly include... "No person shall in or on the lands of the Commissioners:- (vii) dig up, remove, cut or injure any tree, shrub or plant, whether living or not, or remove the seeds therefrom..."

A total ban would send a message that this activity is no more acceptable in a National Park and on a SSSI than carting away bushels of bluebells, or collecting butterflies or bird's eggs.

While we appreciate that this issue relates to the Verderers amenity responsibilities on the Crown Lands, we ask for your support in seeking a change in policy and enforcement, and if deemed necessary a more explicit prohibition in the Forestry Commission byelaws. We also hope that if the Agisters, in the course of their usual duties, encounter offenders, will, at the very least, be tasked with informing the relevant keepers.

The display of fungi in the New Forest is as essential a part of the experience of Autumn in this protected habitat as the pannage pigs, and should remain for all to see and enjoy.'

2015/8049 FUNGI PICKING

Presentment by Mrs Sara Cadbury

'I am Sara Cadbury, a farmer in Brockenhurst and lifetime resident of the New Forest.

I make this Presentment as a full member of the British Mycological Society, and the Fungus Conservation Trust and founder member of the Hampshire Fungus Recording Group, but mainly as a local person who is passionate about protecting the New Forest.

Since my original Presentment at the Court in October 2010 about fungus collecting in the Forest, not very much progress seems to have been made to alleviate the problem, in spite of the fact that ALL the relevant authorities are well aware of this exploitation of the

Forest. The situation is still escalating on a commercial scale, no doubt because Epping Forest are rigorously upholding their byelaws in a very robust way, so the New Forest has become a well known, and easy, target .

The facts remain the same – i.e, biodiversity is being reduced, a fragile ecosystem is being threatened, a local byelaw is not being upheld, vertebrates and invertebrates are being denied food and shelter, all conservation policies already in place are being ignored, rare fungi are still being regularly collected, and the enjoyment of many , including photographers, is being ruined etc., etc,. Fungi don't even seem to rate with bluebells and butterflies although they are more important to the entire 'web of life'.

Have the relevant authorities here in the Forest forgotten that THE FOREST COMES FIRST?

ALL the New Forest Authorities are responsible.

It is an extremely sad state of affairs.

My serious concerns are as follows –

Bruce Rothnie for the Forestry Commission, at the June Consultative Panel meeting, said they are looking at ways to ' DISRUPT' commercial picking. The word ' STOP' would be more appropriate!

ALSO the Forestry Commission are STILL permitting John Wright ( of TV River Cottage and Hugh Fearnley-Wittingstall fame) to continue with his fungi foraging activities on a regular basis in the Forest, with 8 dates for foraging this autumn, already booked with the Forestry Commission at sites in the Forest . He has at least 25 people at each foray, paying £70 per head and from his own website I quote "in the afternoon, we will lay out our finds of the day for a ' show and tell' session and have a bit of a fry up." John Wright comes from West Dorset and I understand he has now been stopped by the National Trust from any of his activities on their properties in Dorset. No wonder he comes to the easy target of the New Forest.

Wildfood UK also runs foraging courses for all kinds of food including fungi (based at the Red Shoot Pub.) John Rensten (based in his London restaurant) leads foraging for food courses here, and Garry Everleigh (based at the Pig restaurant in Brockenhurst) runs foraging courses, along with other hotels and restaurants 'climbing on the very lucrative band wagon'. EVERYTHING that can be eaten is being picked. The charge per person is always between £70 and £120. The business list is long and is getting steadily longer. All this, as well as the ongoing commercial picking by gangs and those picking the permitted amount of 1.5 kilos per person per day (which can be multiplied by hundreds of people). This should NOT be happening here.

The National Park Authority is concerned about upsetting the general public and especially the chefs at local restaurants (particularly the chef at the Pig in Brockenhurst). They seem to be very reluctant to uphold the Sandford Principle (conservation before recreation) the very principle on which the National Parks were created. A recent television series showed four programmes on four of this country's National Parks, with the presenter, Caroline Quentin. The New Forest episode showed her collecting fungi with Garry Everleigh and returning to The Pig restaurant at Brockenhurst, and cooking and eating them! Not a very good advert for the New Forest or the National Park!

Natural England are happy to abide by the fact that if collecting fungi cannot be actually be proved to be harmful, then there is no problem to address. They seem to have forgotten that the Precautionary Principle needs to be used, especially as mycological research is ongoing, we know comparatively little, and mycology is a long way behind botany. Worrying too, the fact that the staff of Natural England that I have spoken to at length, do not seem to have a very profound knowledge of mycology.

The National Trust (Northern Commons in the Forest) are in the very slow process of forming a national strategy for fungi, as their properties are being greatly affected by the 'wild food craze', exacerbated by the fact that their land in the north of the Forest is now being heavily and regularly targeted by pickers.

I had hoped that the problem could be resolved within the Forest itself with the relevant authorities, as I feel it is a local matter and local people, not necessarily those even interested in fungi, feel very strongly that the Forest is being exploited and trashed, and the Forest must come First. But because of the aforementioned, I have now appealed to other mycologists outside the area, and now have many letters of support from them.

This is of national importance - NOT just me on my own hobby horse being a nuisance and annoying the 'powers that be'.

Dr Richard Fortey from the Natural History Museum (now of television fame) and Dr David Minter (President of the International Society for Fungus Conservation), are amongst them.

I would like to say that I, and local people, are strongly in favour of increasing fungal knowledge and education - and see it as the way forward. I lead many fungus forays in the Forest every autumn for various local charities and organisations, which are always fully booked - and not a single fungus needs to be picked for everyone to be interested, have fun and enjoy the experience.

I would like to finish by reading two paragraphs from the letter I received from Dr David Minter who is President of the International Society for Fungal Conservation, after he has outlined all his reasons why fungi collecting is not acceptable.

Quote - The International Society for Fungal Conservation strongly opposes this selfish and inconsiderate activity which has widespread negative environmental impacts.

- The International Society for Fungal Conservation calls on those responsible for managing the New Forest to prohibit commercial foraging for fungi, and to remove text encouraging foraging from websites and other publicity material.

Thank you.'

2015/8050 STREAM RESTORATION PROJECTS  
Presentment by Mr John Fryer

'Official Verderer, Verderers, Ladies and Gentlemen. Good morning.

My name is John Fryer, I came to this Court just over three years ago, to express my horror at what had been done to some of the brooks, streams and other watercourses of the New Forest, at that time. I went on to say that I had lived in the Hyde Parish for some sixty-eight years, and having worked for the Forestry Commission, then contracted throughout the Forest for a number of years, I had always felt a very special attachment to, and an affinity with, the Latchmore area... with Hasley, Sloden and Alderhill Inclosures surrounding it.

I am amazed that, after three years, this perpetual ruination of the watercourses and their associated habitats is still being allowed to continue. The persistent perpetrators of this heinous crime against nature and our heritage, have proven beyond doubt that this scheme DOES NOT WORK, also that they are unable to repair the extensive damage they have already caused to the fragile habitats of many birds, mammals, fish, insects and micro-organisms... these, of course, cannot be restored, especially in the case of the fish, as you were previously informed by eminent fish vet, Fiona Macdonald. The flora, many of which are rare and indigenous, are also being destroyed.



Verderers... you, as custodians of The New Forest, have the ancient right to control what is actually taking place here... I have already stated that the Wetlands Scheme has proven beyond doubt, to be an environmental disaster... now is the time to say "enough is enough" – more than enough, in fact, and put a stop to this trail of destruction.

If this type of activity had been taken place on private land, particularly if that land had been awarded SSSI status, or similar, DEFRA would have called a halt to "work" as soon as it started... Quite rightly, the annihilation of multispecies habitat in this situation would never be endorsed, or indeed, permitted. WHY SHOULD ITS APPLICATION TO CROWN LAND, OUR FOREST, BE ANY DIFFERENT?'

2015/8051    AMBERSLADE AND BROOMY INCLOSURE RESTORATION WORKS  
Presentment by Mrs Beryl Bull, Commoner

'I'm Beryl Bull, commoner and live NW of the Forest. My presentment is about my concern for the so-called restoration work at Amberslade and Broomy Inclosure which was done during the peak bird nesting season.

May and June are busy months for birds, with the breeding season in full swing for most species, yet, this was the time when the Forestry Commission started restoration work for the second time on Amberslade and Broomy Inclosure. This was contrary to the required undertaking within their NPA Planning Application that it would not start until summer/early autumn.

It was not only peak nesting time for the birds when the work began, but it was raining at the time. The Planning Application also clearly stated that work should be suspended when the ground was wet or it was raining.

The huge diggers were carting the enormous amounts of material along the once small Forest tracks to where great mounds of clay, heather bales and large stones were being stored, this turning the tracks into a deep wide muddy mess, causing unnecessary disturbance to the birds, wildlife and their habitat.

It's extraordinary how the Forestry Commission ignores the fact that there is conservation legislation to protect the bird breeding season. The New Forest is an SPA – Special Protected Area for birds and the New Forest wildlife is of international importance. They just went ahead with this work regardless of the time of year and the damage it would do.

A FC notice on the gate into Broomy Inclosure read – Over the last 200 years streams have been straightened and deepened creating a network of artificial drains.

The notice also said it was restoring this stream to its natural course through Broomy Inclosure and that natural vegetation would be replaced so that the habitat could recover as quickly as possible. Whatever that means, I can't imagine that in former days, the small meandering stream that has actually been filled right to ground level, topped with tennis ball size stones, was anything like the dreadful condition it has now been left in.

It resembles a hideous gravel track through the woods where it once flowed down into Dockens Water and the dried up pieces of grass now lying around on the grazing area outside the Inclosure, presumably represent the carefully replaced vegetation.

The woods are usually beautiful around this time of year. Full of bird song, bluebells and other wild flowers. The stream hosted grey wagtail – seen on numerous occasions – Kingfisher were also seen along this stretch of water and a large variety of other birds could always be seen foraging in and around the stream. This has all been destroyed by these works.

HLS money is paid out for these schemes and so many people and organisations have a vested interest in the money that it seems no one dare complain about or oppose these works.

The losers are the birds, wildlife, flora and fauna, and the local people who now have to live with this devastation. The winners of course are those who are being paid to do the work, not least the suppliers of the gravel etc. The cost of all this gravel must be enormous. So much gravel has gone into Broomy Inclosure that it's like a builders yard.

The tracks around the woods are so wide now that they look as though they could hold a Grand Prix race.

The Woods are now completely unrecognizable. No more the once peaceful narrow Forest tracks that went around them. With real concern for the Forest, they could still have been a delight to ride or walk.

Verderers, you are appointed and elected to look after the best interest of the New Forest and should, along with the National Park, be making sure that the bird conservation legislation and planning application rules are adhered to and not ignored and misused in the way they have been in Amberslade and Broomy Inclosure.

### **IN COMMITTEE in the Library**

#### **CONSIDERATION OF PRESENTMENTS**

2015/8052    FORESTRY COMMISSION LICENCING ENCROACHMENTS (1-2 FOX COTTAGES, BULL HILL ACCESS TRACK/PARKING AREA)    RESUME

Mr Grugeon explained why the Forestry Commission felt it was necessary to grant the access/parking licence to the occupiers of 1-2 Fox Cottages at Bull Hill.

The Verderers are adamant that their consent should have been obtained because this licence is for parking, not access. Natural England's consent is also required.

The Court asked the Forestry Commission to contact the owner of the property to say that the Licence is illegal as neither the Verderers' consent, nor that of Natural England, has been obtained. The Verderers asked Mr Grugeon to have the gravel removed from the open Forest grazing.

Mr Grugeon asked to be allowed the opportunity to negotiate with the owner of the property to see if a mutually acceptable agreement can be reached.

The Verderers expressed deep concern at the increase in gravel accesses and cited Broomhills Farm and Pipers as examples where a better result for the Forest could have been achieved.

Meanwhile, the Deputy Surveyor will draw up a procedure to be used when considering applications for licences in order that greater protection can be afforded to the Forest and to ensure that the loss of Forest to access tracks is kept to the absolute minimum.

Action  
DS

The Court asked the FC's land agent for the full file so that the Verderers can understand why a new licence has been issued by the FC.

Action PG

2015/8053	3 FOX COTTAGES FILE	RESUME
	The Court asked the FC's land agent for the full file so that the Verderers can understand why a new licence has been issued by the FC.	Action PG
2015/8054	FUNGI PICKING	DISCHARGE
	The Deputy Surveyor advised the Court that the Forestry Commission and the National Park Authority are working together to try to find a way of preventing industrial scale fungi picking. The Forestry Commission has also been in touch with Epping Forest where the collection of fungi is subject to much greater control.	
	The Court supported Mrs Westerhoff's suggestion that Natural England and Defra should look at the legislation relating to fungi which is not currently considered to be a plant.	
2015/8055	WETLAND RESTORATION	DISCHARGE
	Members of the Court were unanimous in their continued support for wetland restoration projects.	
	The Official Verderer will make a robust statement at the next Open Court, explaining why the Court supports the principle of the restoration works.	
	It was again suggested that one of the problems is that insufficient publicity is undertaken in respect of the very successful restoration works that have taken place. As a result, when things do not work out quite as expected, or further work is required on a particular site, it provides an opportunity for those who are not in favour of such works to claim that the projects are doing more harm than good. The benefits of the projects need to be explained in layman's terms. Once again it was agreed that more effort must be put into positive publicity.	
2015/8056	AMBERSLADE & BROOMY INCLOSURE RESTORATION WORKS	DISCHARGE
	The Deputy Surveyor undertook to check whether the timing of the work was contrary to the planning application.	Action DS
	Head Keeper Andy Page, who is a nationally acknowledged bird expert, has spent time on site with members of the Hampshire Ornithological Society (HOS) explaining what was happening and how protection of wildlife, including birds, is taken very seriously.	
	Sections of the tracks in Broomy Inclosure have always been wide, for use as timber stacking areas. The tracks now simply appear as though they have undergone routine maintenance and the ride has been improved.	
	The Deputy Surveyor said the full NPA planning committee is to visit Sluffers, which is an area where work has been carried out in the recent past, to see the effects. It was suggested that Markway would also be a good place to take the Committee. Mrs Westerhoff and Miss Macnair will attend the visit on behalf of the Court.	Action DW/DM



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

2015/8060	HOLMSLEY PASSAGE	RESUME
	<p>In a letter from Mr Tim Lawton, Head of Highways at Hampshire County Council, the Court was advised that the permanent closure and 'stopping-up' of the road cannot be taken forward at the present time due to the Authority's current financial situation, particularly in relation to the cost of consultation. The proposal would also require the formal approval of the Executive Member for Economy, Transport and the Environment, Councillor Woodward. An assurance was however given, that for the time being and until a formal decision has been made on whether to progress the concept of a closure, no major works will be implemented on the route, other than those required to keep it in a safe condition. That approach is considered unlikely to result in increased speeds or usage.</p>	
	<p>The Court was disappointed at this response. The Clerk was asked to find out how much the consultation costs will be.</p>	Action Clerk
2015/8061	TRAFFIC MANAGEMENT AT TILE BARN LANE	DISCHARGE
	<p>The Official Verderer reported on a recent site meeting at which Hampshire County Highways agreed that the build-out that was constructed has simply created a verge erosion problem on the other side of the road. The build-out and Access Only signs have not had the desired effect of discouraging drivers from using the road as a short-cut.</p>	
	<p>Proposals for resolving the erosion problem are now awaited from HHW.</p>	
2015/8062	VERGE EROSION RESTORATION PROJECT	RESUME
	<p>The Deputy Surveyor said that Gary North's team and the Estates Keeper are engaging with East Boldre Parish Council to agree a plan for tackling verge parking in the area. Woodgreen Parish Council is undertaking some consultation and planning itself. Both projects will become part of the HLS programme to restore verge erosion. The National Park Authority has also agreed to help by liaising with Parish Councils.</p>	
		Action DS (GN/GW)
2015/8063	ORDNANCE AT MATLEY	RESUME
	<p>The demarcated area has now been surveyed and marked out over a smaller area by the MOD. The MOD has informed the Deputy Surveyor verbally that it is safe to carry out drifting, cutting and burning. However, the Deputy Surveyor is waiting for a conclusive written report before he is prepared to formally state that the area is safe for those activities. Once the written report is received and has been considered, the Court will take a view as respects whether the drift should cross the area.</p>	
		Action DS
2015/8064	'NO FOREST CYCLING FROM THIS CAR PARK' SIGNS	RESUME
	<p>The Official Verderer has provided the Deputy Surveyor with the documentation on the 2011 project which the Court hopes will now go ahead without further delay.</p>	
		Action DS

2015/8065    **FALLEN TIMBER**    **RESUME**

A further meeting in Hawkhill Driftway is to be arranged which Mr Stride will attend, together with Mr Billy Howells, Jenny Thomas of Natural England and Dave Morris from the Forestry Commission. Mr Richard Everett is organising the date.    Action  
DS

2015/8066    **PHOTOGRAPH OF A CAMPFIRE ON CAMPING IN THE FOREST'S WEBSITE**    **DISCHARGE**

The photograph was removed within 20 minutes of receipt of the request to take it down.

2015/8067    **REFURBISHMENT OF THE VERDERERS' HALL**    **DISCHARGE**

The work will not start until Christmas at the earliest, and probably not until next summer.

### **SSSI RESTORATION WORKS**

2015/8068    **REPAIRS AND MAINTENANCE LIST**    **RESUME**

An updated repairs and maintenance list was circulated by the Deputy Surveyor.

It was suggested Crockford can now be removed from the list as no further work is planned there.    Action  
DS

The Deputy Surveyor undertook to check on progress with clearance of the debris dam near to Longmeadow, New Park, Brockenhurst. To prevent flooding the adjacent Forest, it should be done this summer.    Action  
DS

2015/8069    **SLUFTERS CROSSING PLACES**    **DISCHARGE**

Mr Dowsett and Mr Stride met with Ms Sarah Oakley. Ms Oakley will take the project forward.    Action  
SO

2015/8070    **CONSULTATIVE PANEL WETLAND RESTORATION PRESENTATION**    **RESUME**

The presentation will take place on 3<sup>rd</sup> September at 7.30 p.m. in Brockenhurst Village Hall.

The Forestry Commission, Natural England and the National Park Authority are preparing presentations. The Parish Councils have been offered the chance to respond. The Official Verderer will also attend. The presentations will be made in layman's terms. Howard Taylor will deliver the FC's presentation. Mr Stride was asked to support him which he agreed to do.

2015/8071    **LATCHMORE EIA CONSULTATION**    **RESUME**  
October

The Scope of the Environmental Impact Assessment for Latchmore needs to be agreed. The FC has arranged an event which will take place on 6<sup>th</sup> October.

The Official Verderer is going to speak to the Parish Council on the day. The Deputy Surveyor is organising a site meeting with the Parish Council prior to the exhibition. Mr Dowsett offered to go along. Mrs Westerhoff, Mr Readhead and Mr Stride may also attend.

2015/8072	NORLEY MIRE	DISCHARGE
The report drawn up following the site meeting on 9 <sup>th</sup> February 2015 was deemed to be an accurate description of the works that were agreed. This scheme was therefore approved.		
2015/8073	BAGSHOT MOOR	DISCHARGE
The report drawn up following the site meeting on 9 <sup>th</sup> February 2015 was deemed to be an accurate description of the works that were agreed. This scheme was therefore approved.		
2015/8074	UPPER CROCKFORD BOTTOM	DISCHARGE
The report drawn up following the site meeting on 9 <sup>th</sup> February 2015 was deemed to be an accurate description of the works that were agreed. This scheme was therefore approved.		
2015/8075	THREE BEECH BOTTOM EAST Ma10 (Wet)	DISCHARGE
The report drawn up following the site meeting on 9 <sup>th</sup> February 2015 was deemed to be an accurate description of the works that were agreed. This scheme was therefore approved.		
2015/8076	HORSESHOE EARTH Ma10 (Wet)	DISCHARGE
The report drawn up following the site meeting on 9 <sup>th</sup> February 2015 was deemed to be an accurate description of the works that were agreed. This scheme was therefore approved.		
2015/8077	BANK SEWAGE WORKS	DISCHARGE
The report drawn up following the site meeting on 3 <sup>rd</sup> December 2014 was deemed to be an accurate description of the works that were agreed. This scheme was therefore approved.		
Agreement is awaited from the Water Company.		
2015/8078	OGDENS MIRE	DISCHARGE
The report drawn up following the site meeting on 16 <sup>th</sup> March 2015 was deemed to be an accurate description of the works that were agreed. This scheme was therefore approved.		
Mrs Westerhoff asked for it to be noted that she did attend the meeting. In the report, it indicates that she did not.		
Mrs Westerhoff stressed the importance of careful ongoing monitoring of this site to ensure that it remains stable and material is not lost.		

## ENCROACHMENTS

2015/8079	ENCROACHMENTS LIST	RESUME
	Mr Grugeon circulated an up to date list of encroachments affecting Crown Land.	
2015/8080	OLDWELL COTTAGE	RESUME
	It has been ascertained that the verge outside this property does belong to the Crown.	Action PG
	The proposed new broadband cabinet can be sited here.	
2015/8081	PILLEY ALLOTMENTS VERGE PARKING	RESUME
	Mr Deakin has spoken to Mr Gary North to try to agree a solution to this problem which will involve car free ditching and moving the barrier. However, when deciding where to dig the ditch it will be necessary to ensure reasonable vehicular access is retained to properties along what is a very narrow road. Mr North and Mr Wilson have had a site meeting.	Action GN(FC)
	The question of the unofficial sign which deters people from using the parking area also needs to be addressed.	Action PG
2015/8082	SEATS AT BERRY WOOD AND BENTLEY	RESUME
	The seat at Bentley has been removed. The Berry Wood seat is due to be removed shortly.	Action PG
2015/8083	COTTAGE AT KINGS COPSE	DISCHARGE
	The rubbish from outside the property has been removed, leaving a patch of dead ground.	
2015/8084	JUNCTION OF CHAPEL LANE, EAST BOLDRE	RESUME
	The Forestry Commission has visited the property. Dragons teeth are planned. Mr North will prepare a plan. The scalplings that have been laid will be removed.	Action GN (FC)
2015/8085	NORLEYWOOD CROSSROADS PUB SIGN	DISCHARGE
	The board advertising the Fleur De Lys public house has been removed.	
2015/8086	TRACK AT HOME FARM, BARTLEY	RESUME
	It is believed this track may have been resurfaced with basalt which does not have formal approval for widespread use in the Forest.	
	A trial is being undertaken by the Forestry Commission which is using basalt as an alternative to hoggins in a select number of Forest Car Parks but no decision has been made as to whether it should be used elsewhere. A decision is needed from both Natural England and the Verderers.	Action DS
	Meanwhile, the overspill on the verge at Bartley needs sweeping back onto the track.	Action PG



2015/8087 CAMP HILL, EMERY DOWN

RESUME

Mr Stride reported that a pony which recently died in this area is thought to have been poisoned. Rubbish has been dumped in the area and there may have been something in it that was poisonous.

In addition, the car parking area has been enlarged and staddle stones placed on Open Forest. The Forestry Commission was asked to investigate.

Action  
PG

## ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2015/8088 SPORTS CLUBS AND USE OF CHEMICALS

DISCHARGE

The Official Verderer expressed concern that the Forestry Commission is still not ensuring that sports clubs in the Forest do not use illegal chemicals which are in contravention of the HLS agreement.

In response, Mr Grugeon said that the FC is re-negotiating the licence with Godshill Cricket Club and the opportunity will be taken to include a clause that no chemicals are allowed to be used without specific consent.

Action  
PG

An annexe is needed to all licences insisting that proper records are maintained of all permissions for chemicals. Mr Grugeon confirmed that letters have been sent to all the Clubs.

2015/8089 OFF ROAD CYCLE NETWORK GPS ROUTE FINDERS

RESUME

Mr Dowsett reported that the National Park Authority has teamed up with active lifestyle brand Garmin, headquartered at Totton on the edge of the National Park, to provide cycle hire customers with free GPS navigation devices.

Working with local cycle hire operators, these devices will help them easily navigate around the Forest and stay on the permitted cycling network.

The devices are currently being trialled with a view to rolling out the programme later this summer.

The Court is keen to ensure that the system only directs cyclists onto the permitted cycle network. Mr Dowsett agreed to liaise with the National Park Authority.

Action  
BD

2015/8090 ANDERWOOD TOILET BLOCK

DISCHARGE

The rather bright red colour on the newly painted doors and facias on the toilet block at Anderwood was felt to be out of keeping with the traditional character of the Forest. The Forestry Commission agreed to paint it the more usual green

Action  
DS

2015/8091 PANNAGE DATES

RESUME

The Court requested that the Pannage Season starts on Monday 14<sup>th</sup> September this year. The Deputy Surveyor will consult with the Keepers and confirm the date with the Clerk. It looks like there will be a heavy acorn crop this year.

Action  
DS

As soon as the date is confirmed, the Agisters will be advised and it will be put on the Verderers' website and in the Lymington Times.

Action  
Clerk

	The Deputy Surveyor will make his usual announcement at the September Verderers' Court.	Action DS
2015/8092	DEMOLITION OF SWAN GREEN PAVILION	RESUME
	Mr Grugeon said the newly appointed Assistant Land Agent will instigate the necessary planning application for demolition as one of his first tasks.	Action PG
2015/8093	LYNDHURST ALLOTMENTS	RESUME
	Mr Stride agreed to meet with the Parish Council's Allotment Committee Chairman, Mr Adrian Wiltshire to discuss the best way of preventing dogs from entering the allotments as problems have been experienced with dogs killing allotment holders' poultry and damaging crops.	Action RS
2015/8094	LYNDHURST WAR MEMORIAL, BOLTONS BENCH	RESUME
	Mr Stride will meet with the Parish Council's, Mr Adrian Wiltshire to discuss ground repairs around the War Memorial.	Action RS
2015/8095	ELECTRICITY SUPPLY TO LYNDHURST CEMETERY, BOLTONS BENCH	RESUME
	For security reasons, the Parish Council would like an electricity supply to be made available at the cemetery. Mr Stride will meet with the Parish Council's, Mr Adrian Wiltshire to discuss, how this can best be achieved with minimal damage to the Open Forest.	Action RS
2015/8096	RESIDENTS CAR PARKING – BRITTONS COTTAGES, BROCKENHURST	RESUME
	In 2004, four car parking spaces were approved for use by the residents at Brittons Cottages. A further space on the open Forest grazing has recently been requested for one of the cottages which had not previously required a car parking space so that it can be sold at a higher value with a parking space. The Forestry Commission refused the request and the current owner has complained to the Ombudsman, who is requesting sight of the Verderers' formal Policy in respect of parking spaces. This will be provided.	Action OV/Clerk
	In addition, planning consent would be required.	

**The Deputy Surveyor and Mr Grugeon left the meeting**

**ENCROACHMENTS NOT INVOLVING THE FORESTRY COMMISSION**

2015/8097	KNUSDEN, SWAY ROAD, BROCKENHURST	DISCHARGE
	A large hoarding, behind which a skip and building materials are being stored, has been erected on the verge outside this property. Building work is being carried out at the property and the occupiers have told their builder he must not store any materials within the property's curtilage.	
	The Commoners' Defence Association is dealing with this encroachment which is on land which does not belong to the Crown. The Court will support the CDA if legal action is required.	

2015/8098 ENCROACHMENT AT HUCKLESBROOK RESUME

Mrs Westerhoff will visit the site to see whether anything has been done about the spoil that was dumped on the common. Action  
DW

#### OTHER MATTERS ARISING

2015/8099 A PARTNERSHIP PLAN FOR THE NEW FOREST NATIONAL PARK DISCHARGE

The amendments requested by the Court have now been included, except that the previous reference to the desire for a change in the law relating to mass cycle events is still absent. All members of the Court were happy that the Verderers should endorse this version of the plan. The Clerk was asked to go back to the NPA asking for a date and version number to be added. Action  
Clerk

2015/8100 NEW FOREST SHOW RESUME

Members of the Court volunteered to help on the stand. The Clerk confirmed tickets will be provided.

2015/8101 NEW FOREST HOUNDS FALLEN STOCK DISPOSAL PRICE INCREASES DISCHARGE

The Official Verderer declared an interest as a subscriber. Mr Dowsett declared an interest as a member of the Hunt Club and as a former committee member.

The proposed price increases were approved. The Clerk was asked to write to the Chairman of the Hunt confirming the Court has approved the new prices. Action  
Clerk

2015/8102 SPEED CAMERA VAN INITIATIVE DISCHARGE

Although accident numbers have remained static, the number of animals turned out has increased. Vehicle numbers have also undoubtedly increased. Whilst it is difficult to draw any firm conclusions from the accident data that is available, with increased traffic and more depastured stock, the probability of Forest stock being involved in accidents is likely to have increased as well and so it may imply that the speed camera van is having a positive effect.

After careful consideration of the data that is available, and the Court's current financial position, it was felt that the Court should fund a further year of the speed camera van initiative at a cost of £42,810, payable in two instalments. This was proposed by Mr Readhead, seconded by Miss Macnair and carried unanimously.

#### SUBMISSIONS

2015/8103 UTILITY SUPPLIES TO ARMSTRONG HOUSE, ARMSTRONG ROAD, BROCKENHURST DISCHARGE

The applicant's proposal for one trench to carry four utilities was approved subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions, compensation for loss of grazing.

The Court felt the applicant should be congratulated on his well designed, very detailed submission.

## **MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS**

2015/8104 REPAIRS TO MINSTEAD BRIDLEWAY NO.10 – LOWER CANTERTON DISCHARGE  
& MUDDY LANE, EMERY DOWN

Mr Stride reported that following meetings with Hampshire County Council Rights of Way Team, works are due to start on these two rights of way.

2015/8105 HEATHER ENCROACHMENT ON THE RESEEDED AREAS DISCHARGE

The commoners are concerned at the increasing encroachment of heather on the reseeded areas. The use of lime has not been permitted for over 30 years but there are other methods of keeping heather in check, such as burning or cutting. Certain birds such as Woodcock and Lapwing benefit from areas of open ground for feeding. The Agisters have drawn up a list of work required and it is hoped that this will form part of the New Forest Cut and Burn programme. The Official Verderer said the issue was raised at the last HLS Board Meeting and he asked Mr Stride to discuss it with Leanne Sargeant, the Verderers' Grazing Scheme Administrator.

Action  
RS

## **FINANCIAL MATTERS**

2015/8106 FINANCIAL STATEMENT FOR JUNE 2015 RESUME

The Financial Statement was noted.

## **TRAINING**

2015/8107 FIRST AID DISCHARGE

All staff have now completed refresher First Aid Courses.

2015/8108 CHAINSAWS DISCHARGE

Chainsaw training continues.

## **HEALTH & SAFETY**

2015/8109 ANNUAL HEALTH AND SAFETY REVIEW RESUME

Mr Deakin reported that the Court's independent Health & Safety Consultant has reviewed the organisation's health and safety systems. He read from the Executive Summary which recommends some enhanced record keeping in respect of servicing of equipment (which has since been implemented). No other issues have been identified.

## **STAFF MATTERS**

2015/8110 THE NEW FOREST TB CONTROL PLAN DISCHARGE

Mr Deakin joined Animal Health in visiting a new commoner who has two holdings covered by the same holding number. In order to comply with the TB Control Plan, the commoner has agreed to turn out from his land at Bramshaw which will be given a separate holding number. All movements on and off that land will therefore have to be recorded.

2015/8111 THE NEW FOREST TB CONTROL PLAN – DEFINITION OF DISCHARGE  
'ISOLATION'

The AVLA Veterinary Officer is drafting some guidelines to assist cattle commoners in ensuring that their facilities for isolating animals when required by the TB Control Plan comply. Once the guidelines have been agreed, they will be sent to all the cattle commoners.

Action  
RD/Clerk

**ANY OTHER BUSINESS**

2015/8112 THE NEW FOREST LAND ADVICE SERVICE DISCHARGE

The Official Verderer advised the Court that the Forest National Park Authority issued a press release in which it highlighted the considerable help the Land Advice Service was able to give commoners applying to the Basic Payments Scheme.

2015/8113 THE DRIFTS AND CYCLING EVENTS DISCHARGE

Mr Dowsett and the Clerk met on several occasions and identified nine events where there were potential clashes between the drifts and cycling events. The re-instatement of the New Forest Marathon has created additional issues with event routes and timings having had to be changed in order to avoid any conflicts with that.

The Court was pleased to hear that eight out of the nine potential clashes were resolved very swiftly. The ninth, which was a clash between the autumn Wiggle and a drift, is being discussed with the Wiggle organiser, Mr Martin Barden, who is re-arranging part of the Wiggle route to completely avoid the drift. He is waiting for the Safety Advisory Group to confirm his revised route is acceptable, at which point the new route will be published on the Wiggle website. At his request, Mr Barden has been sent a copy of 2016's drift list as he is keen to avoid any problems next year. The Court agreed this is a very positive result.

Mr Dowsett and the Clerk are doing their best to identify any other recreational events that may create problems for the drifts.

Action  
BD/Clerk

2015/8114 REVIEW OF THE NEW FOREST DESIGN PLAN DISCHARGE

Mrs Westerhoff advised that all the inclosures are due for review. Mrs Westerhoff and Mr Dowsett are invited to attend the stakeholders meeting which is being held next week. Mr Stride said he is particularly interested in any plans to throw open more inclosures. Miss Macnair remarked that there are concerns that changes may affect employment in the Forest.

Action  
DW/BD

2015/8115 NATIONAL GRID PROPOSALS FOR UNDERGROUNDING THE HIGH VOLTAGE PYLONS AND LINES IN THE NORTH OF THE FOREST RESUME

A further meeting is due to be held on 6<sup>th</sup> August at which National Grid will report on progress with this project and present the final options for the line which crosses Hale Purlieu. Mrs Westerhoff and Mr Dowsett are due to attend the meeting. They will report back to the Court. The options then go to an advisory group which is due to meet in September, and that committee will decide which schemes should be taken forward.

Action  
DW/BD

