

**MINUTES of the Court of Verderers held on Wednesday 20<sup>th</sup> July 2016 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 J Greenwood	Elected Verderer
	Mr E Heron	National Park Appointed Verderer
	Miss D Macnair MBE	Senior Elected Verderer
	Mr G M H Mills	DEFRA Appointed Verderer
	Mr A H Pasmore	Elected Verderer
	Mr D Readhead	Elected Verderer
	Mrs D Westerhoff	Natural England Appointed Verderer
IN ATTENDANCE:	Miss Justine Bayley	Acting Clerk to the Verderers
	Mr Jonathan Gerrelli	Head Agister

**IN COMMITTEE in the Library**

2016/8743    MINUTES OF THE LAST MEETING    RESUME

The Minutes of Court held on 15<sup>th</sup> June were approved and signed.

2016/8744    DECLARATIONS OF INTEREST    RESUME

The Official Verderer, and Elected Verderers Mr Deakin, Mr Greenwood and Mr Readhead all declared an interest in the New Forest Higher Level Stewardship Scheme, the Verderers Grazing Scheme, and the new Basic Payment Scheme. Mr Pasmore declared an interest in the new Basic Payment Scheme.

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

Mr Greenwood is employed part-time by Cadland Estate and therefore has an interest in the Stallion Grazing. Mr Greenwood also has a stallion of his own.

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

Mr Hallam Mills declared an interest in HLS Schemes as his Estate is in Higher Level Stewardship. The Estate is also involved in the Better Boundaries Project, run by the New Forest Land Advice Service with support from Natural England. Mr Mills is also a Patron of the New Forest Trust.

Mrs Westerhoff is a tenant of the Forestry Commission.

Cllr Heron declared his membership of Hampshire County Council, New Forest District Council and the New Forest National Park Authority. He will declare any additional interests that may arise during the course of the meeting at the item.

2016/8745 CONDITION OF STOCK

The Head Agister advised the Court that all stock is looking very well, there is a tremendous amount of food on the Forest and the ponies are looking superb. Cattle are all doing well and those felt to have been turned out too early this year have all picked up and the Head Agister is pleased with how they look.

The Official Verderer said he is amazed at how quickly the Forest has recovered this year. He continued that verges which had been worn away by cattle movement over the winter look better than they have for years.

Mr Deakin said we had a good June for grass and more had grown than had been expected earlier in the year. He added that we would not be in the same situation had we had a dry month in June.

The Head Agister told the Court about his recent tour of feeding areas with Jenny Thomas of Natural England and the VGS Administrator. All areas, although they are chosen as robust sites, have recovered well and bracken growth has been suppressed in these areas.

Mr Mills said he has looked at a website dedicated to grass growth by region in the UK which reports growth of 100kg per hectare in areas adjoining the Forest. Mrs Westerhoff added that the grass looks lush and she has never seen such long grass grow in ditches.

Mr Readhead said the improvement works carried out by the Forestry Commission by burning, swiping and roadside clearance has helped; he continued that the FC has done a great job and agreed that feeding areas have recovered extremely well.

Mr Dowsett added that whilst out and about on the Forest as a Forestry Commission Volunteer Ranger, members of the public have commented to him how well the stock looks this year.

2016/8746 REPORT ON ANIMALS REMOVED FROM THE FOREST

RESUME

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

2016/8747 STOCK DEATHS - OTHER THAN ROAD TRAFFIC ACCIDENTS

RESUME

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

2016/8748 REPORT ON MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR

RESUME

	<u>2016</u>	<u>2015</u>
Forest Ponies	4692	4628
Forest Cattle	3741	2962
Forest Donkeys	108	107
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	8541	7697
Common Ponies	649	659
Common Cattle	1084	903
Common Donkeys	90	92
Common Pigs	89	33
Common Sheep	271	190
Total Common Stock	2183	1877

Ponies, Cattle & Donkeys on the Forest	8541	7697
Ponies, Cattle & Donkeys on the Commons	1823	1654
Total Ponies, Cattle & Donkeys	10364	9351
Total Stock – Forest & Commons	10724	9574

2016/8749 BYELAW ENFORCEMENT

DISCHARGE

Mr Deakin advised the Court that two small Commoners who were late paying their marking fees had been sent a letter and had now paid in full.

2016/8750 DAMAGE TO THE FOREST AT BIG MATLEY

DISCHARGE

Mr Readhead told the Court that he had visited Big Matley and the area has recovered well. He took photographs and met with the objector to show them how well the area now looked. All were satisfied with the outcome.

**The Head Agister 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**

2016/8751 EU REFERENDUM RESULT AND THE VERDERERS' HIGHER LEVEL STEWARDSHIP SCHEME

'I had hoped to give the Court an update on the effects of the EU referendum result on the Verderers' Higher Level Stewardship Scheme. However I have not met with Natural England yet, so I do not have any information. Hopefully I will know more after our next board meeting in August. I will therefore update the Court in September.'

2016/8752 A35 ROAD TRAFFIC ACCIDENT

'On Wednesday 6th July at about 11.30 at night, our Agisters were called to assist at the scene of an extremely serious accident on the A35, in which a car was in collision with a pony on a fenced road. The accident left a young woman passenger in hospital with critical injuries. A police officer found a gate open, leading from Holmsley Aerodrome onto the A35. It is assumed that the pony had escaped from the forest through the open gate onto the A35.

This awful accident highlights how important it is to ensure that all Forest gates are kept closed; especially those that lead onto the Forest's extremely busy A roads. I would like to convey the Court's deepest sympathy with the young victim of this tragic accident, and also to her family. Please shut the gates.'

**ANIMAL ACCIDENT REPORT**

2016/8753 THE ANIMAL ACCIDENT REPORT FOR JUNE 2016

The Agisters attended 7 accidents in June. This compares with 8 in June last year.

2 Ponies were killed, 2 ponies were injured and had to be destroyed, a donkey was injured, another donkey escaped injury and in 1 case nothing was found injured.

4 Accidents were not reported

4 accidents occurred in the dark, and 3 in daylight

3 of the motorists involved were local.

#### **THE SPEED CAMERA VAN**

58 drivers were caught speeding on the unfenced Forest roads in June 2016.

#### **ANNOUNCEMENT BY THE DEPUTY SURVEYOR**

2016/8754 PANNAGE

'In accordance with the provisions of Section 7 of the New Forest Act 1964, the Verdere have been consulted with regard to the dates of the pannage season and I hereby formal notify the Court that the season will commence on Monday 12 September 2016 and that will end on Sunday 13 November 2016, both dates inclusive.

May I remind Commoners who hold the right of Common of Mast that:-

1. Pigs turned out must be levant and couchant in and upon the land from which the right is derived.
2. Pigs may not be turned out until they have been inspected by an Agister, effectively ringed, marked and the appropriate fee paid. This must take place during normal working hours. 48 hours notice must be given and the time and place where the pigs are to be inspected and marked must be agreed.
3. Pigs must be marked before they are put onto the Forest.
4. Pigs may not be turned out into the Inclosures.
5. Breeding sows, that is female pigs in-pig, may be allowed the privilege of remaining on the Open Forest after the end of the pannage season if so authorised in writing by the Deputy Surveyor for the period specified in the consent.
6. Any breeding sow that is granted the specific written consent of exercising the privilege must be inspected, ringed, marked and paid for during the pannage season.
7. Any breeding sow exercising this privilege must return to the holding at night.
8. Apart from the aforementioned privilege of turning out breeding sows with proper authorisation onto the Open Forest beyond the pannage season, no pig will be allowed to remain on the Forest after the end of the season.
9. No period of grace is allowed for the removal of such unauthorised pigs.
10. Any consent granted for the exercise of the privilege is limited to the period following this particular pannage season and cannot be presumed to apply for future years, for which a separate application must be made.
11. Any unmarked animal running on the Forest does so in contravention of the Verderers' Byelaws and the owner is liable to a fine of up to £200.00.
12. Property owners of land adjacent to the Forest are reminded that it is their responsibility to fence out Forest animals from their land.'

## PRESENTMENTS

2016/8755 BASIC PAYMENT SCHEME

Presentment made by Oliver Cook, Young Commoner

'Official Verderer, Verderers and members of the public my name is Oliver Cook and I am a young commoner currently based at Telegraph, Redlynch.

As well as being a practicing commoner myself, as a land agent, I also advise a number of fellow young commoners in the New Forest on land management matters including the Basic Payment Scheme; a scheme that is funded through Europe's Common Agricultural Policy and pays farmers throughout the union for providing environmental benefits through farming in an environmentally sympathetic manner. It goes without saying that the ancient practice of Commoning in the New Forest has played a tremendous role in creating the rich biodiversity, and many other public goods that the Forest offers today. At a time when the cost of Commoning infrastructure is persistently rising and rules, regulations and the general administrative burden associated with keeping livestock continues to grow, I don't believe it's ever been more important for ensuring that commoners, and particularly young commoners, are supported if we are to see this practice continue well into the future.

The Basic Payment scheme superseded the Single Payment scheme in January 2015 with the first applications being made in the following spring. The payment window opened on the 1<sup>st</sup> of December 2015 and, according to the Rural Payments Agency's (RPA's) website, as of 26 June 2016, 86,678, (99.5%) farmers have received a payment on their 2015 BPS claim.

Due to many setbacks, delays, "faults in the system", re-mapping of the commons and other reasons given by the RPA, as far as I am aware no New Forest commoner to date has received their full 2015 payment. Even more worryingly, not a single young commoner has received any form of payment yet where they simultaneously applied as a "young farmer" for entitlements from the National Reserve.

Missing their original target of the end of June, the RPA have now extended their payment window to October 2016. I have been calling the RPA virtually every week since the end of May asking for an update, and consistently receive a response to the effect of "we can't give you an indication as to when you will receive your payment but we are doing what we can". It's impossible to get any further information than this.

My concerns are twofold:

Firstly, the RPA appear to have completely "gone to ground" on the matter, with no explanation or attempt to communicate with commoners over the delayed payments for months now. I believe that the way the RPA are treating common land claimants is wholly unacceptable – it's been a catalogue of errors since the first pre-populated forms were sent out.

Secondly, I know many young commoners, like me, that have invested in their new Commoning enterprise, whether it is though taking on extra ground, buying machinery or even additional entitlements, on the premise that they will have received their payment well before now. This experience is truly damaging the enthusiasm and dampening the spirit of those that were previously disadvantaged under the Single Payment Scheme; having been locked out for 10 years if they didn't make a claim in 2004.

Although I appreciate that someone has always got to be the last claimant to receive their payment, I am deeply concerned that if the voice of Forest commoners isn't heard we will be left to the bottom of the pile in future years.

I am fully aware that the Commoner's Defence Association (CDA), the New Forest Land Advice Service and the National Farmers Union (NFU) are all lobbying the RPA through

their various channels of communication for action and explanations, however I would like to ask the Verderers for their support, resources and position of influence to add to the weight of the voices collectively trying to resolve this problem that currently appears to be making little progress and particularly for your help with ensuring that the interests of young commoners are protected.

Thank you very much for listening.'

2016/8756 VERDERERS HIT AND RUN REWARD SCHEME  
Presentment by Rosemary Bennett, Sway

'In view of the number of hit and run accidents involving forest animals, I wondered if more publicity could be given to the Verderers' Hit and Run Reward Scheme. I realise that, from time to time, this is mentioned in the local press, but not everyone reads the newspapers and even if they do they may throw the paper away and forget the details of what they have read.

One idea which occurred to me was that A5 size notices could be produced with large headlines of "Up To £1000 Reward", or something similar. These could be displayed not only in forest car parks, but on village notice boards, in shop windows and other places. The headline would attract the attention of locals and visitors alike, and would hopefully make people more aware of the scheme. It might also act as a warning to those who drive through the forest without concern for the animals that, if an accident occurred, they might find themselves in court.'

2016/8757 BREXIT  
Presentment by Brian Tarnoff, New Forest Association (Chair, Habitat and Landscape Committee)

However we feel about the Brexit referendum, its aftermath has introduced a vast array of uncertainty, including many elements key to the future of the Forest.

At last Thursday's National Park Authority meeting, several members stressed the need to express our concerns about keeping the Forest's levels of protection, investment and subsidy to government as soon as possible. The Secretary of State for Exiting the European Union and the Environment Secretary will be contacted. The NFA offer our support and input, and hope that the Verderers will join this effort.

There will be much to consider: commoners' subsidies past 2020; retention of the important landscape scale habitat designations of the SAC and SPA (Special Areas of Conservation / Special Protection Areas); what we may want from a new British Agricultural Policy, together with reformed Habitats and Birds Directives. New legislation may be necessary to back-stop these protections before the ties to the EU directives might be cut. There's every reason for having the same levels of protection – or better – enshrined directly in United Kingdom law, policy and implementation.

The New Forest Acts and the role of the Verderers remain the bedrock safeguarding the Forest, and our National Park has unique qualities and demands. This must be recognized and respected at the highest levels going forward.

There will be clarifications needed. There is work to be done, and a timely and united forest would help put our vital points across.

2016/8758 POSSIBLE IMPLICATION OF WETLAND RESTORATION TO AQUATIC LIFE  
Presentment by Dr Fiona MacDonald

'I am Dr Fiona Macdonald, veterinary surgeon with a special interest in fish.

Both the Official Verderer and the Deputy Surveyor will be aware that I expressed my concerns at the recent NFNPA Planning Committee meeting on Wootton Riverine Planning application. I feel that the design of the Wetland Restorations has serious implications for fish and other aquatic creature health and welfare. The Forestry Commission along with the University of Southampton investigated the effects of shallow meanders in streams combined with lack of tree cover and this peer reviewed paper is available on the Forestry Commission website. Basically it stated these effects caused high water temperatures – salmonid fish (which include brown and sea trout) require temperatures between 5°C and 15°C for normal function and above 23°C will be lethal. In addition loss of tree cover results in loss of food source for aquatic creatures, and also allows predators such as herons and egrets good access to fish since they walk into shallow water to stand and wait for their prey.

Despite repeated requests, I also understand that there is no formal provision by the Forestry Commission for frequent detailed monitoring pre- and post-works to see what effects the works have had on the ecosystems. Thus I have decided to carry out some monitoring myself and the results to date are giving me serious cause for concern. Sluifers was one of the original formal Planning Applications, and the work was carried out some 2 years ago.

1. The temperature of the water in Sluifers on the 5<sup>th</sup> of July was 25°C in the open and 23.5°C under some tree cover – and this was just after a prolonged period of cool wet weather (tennis fans will remember the adverse weather problems and rain at Wimbledon). In contrast, Latchmore yesterday (18<sup>th</sup> July) was 19°C while the air temperature was 31.5°C.
2. Forest streams are in general acidic, or even highly acidic, due to the nature of the origins and substrates of the streams as well as the geological influences and pH levels can range between 5.3 to 6.2. The pH of the water in Sluifers was 7.3 some 2 years after the work was done and Harvest Slade was running at a pH of 7.5 to 8.6, which means that all the aquatic life is having to try to survive in seriously adverse conditions.
3. For gill-breathing creatures such as fish, eels, newts etc, the particle content of water is really critical as a high particulate content will seriously damage delicate gill tissue and cause significant mortalities. High water temperatures will exacerbate this by lowering the oxygen- carrying capacity of water, and slow-moving water will be limited in how it gathers oxygen – that's why ripples and cascades in a stream are so important for fish. The particle content of the water in Sluifers was above scientifically accepted levels for these creatures.

All of these factors would explain why I saw no sign of any fish when I walked these streams at various times this year. Latchmore, on the other hand, is teeming with fish and the water chemistry is eminently suitable for fish and other aquatic creatures, with comfortable temperatures even in very hot weather.

Both the Official Verderer and the Deputy Surveyor have repeatedly stated that this work will improve the existing wetlands. I cannot comment about the actual bogs and wetlands, but I have seen no evidence of improvement in the associated streams, but very much the reverse which despite repeated remedial work in some cases are continuing to be devoid of fish life as a result of major water quality issues. How long will it be before the water in these streams returns to normal pre-works levels.....if ever?

Also there are two legal issues here –

1. In general, wildlife crime is any action which contravenes current legislation governing the protection of the UK's wild animals and plants – if I had been responsible for what was done to the eels and brook lampreys at Harvest Slade I would have been prosecuted.
2. Domestic animals including fish enjoy protection under the Animal Welfare Act and must be kept in conditions appropriate to their species and needs – what a pity this is not enjoyed by their wild relatives in the New Forest.'

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

### **CONSIDERATION OF PRESENTMENTS**

2016/8759	BASIC PAYMENT SCHEME	RESUME
<p>The Official Verderer asked Mr Greenwood if he had an update from the Rural Payments Agency. Mr Greenwood said he had received an email from Simon Lunnis last Friday saying a payment had been attempted but had failed. Mr Greenwood feels this and the fact that the size of the Forest has not yet been agreed was unacceptable. He continued that the maps are still incorrect, with the RPA dividing each of over 500 RLR parcels by the number of livestock units claimed so everyone gets a share of each parcel.</p>		
<p>Mr Greenwood suggests that the Court sends a letter to the minister saying its dissatisfaction with the way things are being handled at the RPA. Mr Mills thought that he will ask Simon Waterfield of DEFRA to assist in moving things forward.</p>		
		Action HM
<p>Post Brexit, there is the possibility of the Verderers being more involved in the framework of the successor scheme, and having the ability to influence new rules. Mr Pasmore added that the Basic Payment Scheme must be adapted to make allowances for rules applicable to commons with no restricted turn out rights.</p>		
2016/8760	VERDERERS' HIT AND RUN REWARDS SCHEME	RESUME
<p>Mrs Bennett's presentment was discussed, although the Verderers are not keen to add more posters to Forest car parks it was agreed that an A4 poster will be designed and sent out to all Local and Parish Councils to display on their notice boards. Mr Deakin added that we should also include garages in the circulation list where vehicles may go for repair.</p>		
2016/8761	BREXIT	DISCHARGE
<p>Mr Tarnoff's presentment was discussed; it is felt that he has got his points in early and that we will find out more information over the coming few months. The Official Verderer will write to the relevant DEFRA minister to ask him to consult with the Verderers at a very early stage.</p>		
2016/8762	POSSIBLE IMPLICATION OF WETLAND RESTORATION TO AQUATIC LIFE	RESUME
<p>Mr Deakin said he was surprised that Dr MacDonald had not mentioned flow rates as Slufers almost dries up every year. Mrs Westerhoff said that the points in the presentment were random.</p>		



The Official Verderer said that if Dr MacDonald's points were valid, they should be taken into consideration. He asked the Deputy Surveyor if the FC has an in-house fish expert who could provide an unbiased assessment. The DS replied he would need to request an opinion from an expert consultant at the Environment Agency.

Action DS

Mr Mills said that fish become inactive in warm water and that it is a good idea to leave trees and woodside scrub as they not only provide shade but are a good source of insect food for fish.

Mrs Westerhoff said there were no before measurements in the presentments and random facts are not very meaningful.

Mr Grugeon commented on the wildlife crime aspect saying that all works were sanctioned by Natural England and they would not permit any actions that could be classed as criminal against wildlife.

Mrs Westerhoff said that the presentment misrepresents the works that have been carried out. She continued that she had been amazed by the natural state of Harvest Slade immediately after works were complete. The river beds are lifted, work carried out then the river bed is put back down. Mrs Westerhoff added that in other areas of the Forest lamprey has done very well following restoration work.

Mr Dowsett said there is misinformation in Dr MacDonald's presentment, in particular the statement that there is no pre- or post-works monitoring is incorrect. Monitoring of invertebrates and fish is carried out before restoration works are undertaken and continue for well over a year afterwards. Mr Dowsett told the Court that he is part of the Forestry Commission team that carries out the monitoring, and was at Slufers only last week.

He confirmed that a steady month on month rise in the colonisation of the river bed is evident at Slufers, with invertebrate and fish numbers rapidly increasing.

Action DS

The Deputy Surveyor will ask someone from the monitoring team to make a presentment at the next Court.

## SUBMISSIONS BY THE FORESTRY COMMISSION

2016/8763 SGN GAS MAIN AT BRAMLEYS, NORTH WEIRS, BROCKENHURST DISCHARGE

The proposed new gas main installation to Bramley's is approved with no objections subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing etc.

2016/8764 OUTLINE PROPOSALS FOR REPLACEMENT PAVILION AT DISCHARGE  
BRAMSHAW CRICKET CLUB

Although the Court has some sympathy with Bramshaw Cricket Club's desire to provide the modern facilities expected nowadays, it did not approve of the suggested two storey building, which is felt to be out of keeping with the Forest landscape.

The two storey building is thought to be too ambitious, and as the upper floor appears to be designated purely for social activities the Court

Action PG

suggests that some clever design is implemented and plans for a one storey building be produced on the existing footprint of the clubhouse.

2016/8765 HCC REALIGNMENT OF HIGHWAY FENCING AND CREATION OF A FOOTPATH AT WATERS GREEN, BROCKENHURST RESUME

The Official Verderer said he had attended a site visit at Waters Green back in 2014 after a footpath was requested by the mother of a disabled student at Brockenhurst College. At the time he had seen no issue with creating a footpath but Natural England had refused due to the loss of SSSI.

The Official Verderer requests that HCC submit correctly drawn plans to enable the Court to assess the mitigation being offered. Action PG

Additionally, the Court would like details of the length and width of the proposed path, its construction and particularly its proposed surface finish. In designing the path, the Court would like HCC to respect the rural nature of the Forest setting.

2016/8766 REPLACEMENT SEWER, POUND LANE, BURLEY DISCHARGE

The proposed replacement sewer was approved with no objections subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing etc.

2016/8767 REPLACEMENT WATER MAIN, BLACKFIELD CEMETERY DISCHARGE

The proposed replacement water main is approved with no objections subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing etc., and all arisings being placed on the gravel track and not the verge.

2016/8768 NATIONAL GRID, ACCESS TO TOWER 31 DISCHARGE

The proposed access to Tower 31 is approved with no objections subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing etc.

In case of wet weather grass mats will need to be used to protect the SSSI and must not be left in situ for any longer than strictly necessary.

2016/8769 SSE NEW OVERHEAD POWER SUPPLY, SHIRLEY HOLMES, MILKING POUND BOTTOM DISCHARGE

The proposed new overhead power supply is approved with no objections subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing etc.

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

2016/8770 PROBLEMS WITH EXCESSIVE TRAFFIC AND ANIMAL ACCIDENTS IN LINWOOD RESUME

The Official Verderer said both he and the Head Agister have spoken to Hampshire Constabulary, and the Speed Camera Van is now carrying out speed checks on foot in the Linwood area.

	The Official Verderer has a meeting scheduled with Cllr. Rob Humby and Tim Lawton of Hampshire Highways in early August. Part of this meeting will be a site visit to the Linwood Road to discuss possible joint funding to restore the verges and improve safety on the road.	Action OV
2016/8771	<b>VERGE RESTORATION WOODGREEN</b>	RESUME
	Mr Dowsett told the Court illegal verge parking along the B3079 towards Longcross will be prevented by the scheduled ditching works due to be carried out by Farwells as part of the Godshill Parish plans. Gary North is waiting for a date from the contractors as to when works will start.	Action DS
	Mr Pasmore reported severe damage to the Forest opposite Windyeates Farm near to the cattle grid on the B3080 at Hale. Mr Dowsett confirmed that the National Trust is aware of the damage.	
	The closure of Pound Bottom Tip was discussed along with the possible removal of the layby used by lorries waiting for the Tip to open.	
	Cllr Heron reported he has received several complaints from angry Woodgreen residents who have been prevented from parking on the Forest outside their properties. Cllr Heron continued that the issue does not appear to have been stopped by the installation of dragon's teeth, it has just moved further up the road.	
	Mr Dowsett said that the Verge Restoration team and Woodgreen Parish Council had communicated their proposals to village residents. He continued that all dragon's teeth have now been installed and ditching works are scheduled to start in the near future.	
2016/8772	<b>VERGE RESTORATION EAST BOLDRE</b>	RESUME
	The East Boldre works are undergoing local consultation; the Parish Council has approved the maps and also suggested other sites. Gary North will then develop a programme of works which will start later in the summer.	Action DS
<b>SSSI RESTORATION WORKS</b>		
2016/8773	<b>REPAIR AND MAINTENANCE LIST</b>	RESUME
	The Deputy Surveyor provided an updated list.	
2016/8774	<b>BROWNHILLS DRIFTWAY</b>	RESUME
	The Official Verderer requested an update from the Deputy Surveyor following the site visit several months ago. The Deputy Surveyor said that the Forestry Commission Ecologist who was to be leading the project is on sick leave so the project has passed back to the Open Forest Team.	Action DS
	The Court requested that the ditch within the inclosure, which had been blocked to enable vehicular access over the top of it, be cleared immediately; there should be enough fall within the Inclosure to allow the driftway to drain naturally.	
	The Deputy Surveyor said there were several options available to the Open Forest Team and a works plan of action will be finalised in the next two months.	

The Official Verderer expressed his dissatisfaction that no works has been carried out despite the site visit being held months ago.

2016/8775 SITE VISIT TO DRIVER'S NURSERY AND POUND HILL RESUME

The Official Verderer reported that several Verderers attended the Driver's Nursery site visit with Natural England and the Forestry Commission. He continued that the whole project is a success, but that some areas are in need of improving; some of the grass area is permanently flooded so it has become sour and therefore will not be eaten by Forest stock.

Mr Dowsett agreed that remedial work aside, the restoration work carried out was a success.

The Official Verderer requested that the Deputy Surveyor ensure that the improvement work identified at the site visit be carried out as soon as possible. Action DS

2016/8776 PONDHEAD WETLAND RESTORATION PLANNING CONSENT DISCHARGE

The Official Verderer told the Court that both he and the Deputy Surveyor spoke at the recent planning meeting. The project received planning consent by a small margin and the Deputy Surveyor confirmed that works will start in the summer.

2016/8777 WOOTTON RIVERINE RESTORATION PLANNING CONSENT DISCHARGE

The Official Verderer told the Court that again he and the Deputy Surveyor had spoken at the planning meeting. Some objections were raised, but there was also a lot of support, particularly from both Sway and Brockenhurst Parish Councils. The project received planning consent and the Deputy Surveyor advised that works are planned to start next week.

2016/8778 DAMES SLOUGH WETLAND RESTORATION RESUME

Mr Pasmore told the Court he has received a complaint from a Burley Lodge resident that since the Dames Slough works were completed the road now floods outside her property and the water backs up onto her land. Miss Macnair said that the property is built on the site of an old nursery and is usually a very dry area.

The complainant added that work downstream has caused the river to rise by 3-4 feet and flood the road as well as her land.

The Deputy Surveyor will discuss with the HLS Team and add to the SSSI Repair and Maintenance List. Action DS

## ENCROACHMENTS

2016/8779 ENCROACHMENTS INVOLVING THE FORESTRY COMMISSION INCLUDING ENCROACHMENT LIST UPDATE AND REPORT ON ANY NEWLY IDENTIFIED ENCROACHMENTS RESUME

An updated encroachments list was circulated and the various items discussed.

2016/8780	ILLEGAL PARKING AT WATERS GREEN, BROCKENHURST	DISCHARGE TO ACTION LIST
	It was agreed that erosion caused by the illegal verge parking by residents at Waters Green would be dealt with at the same time as the new footpath installation.	
2016/8781	WAYFARERS BURLEY	DISCHARGE
	The Land Agent updated the Court on the mitigation offer for Wayfarers, land has been offered to Natural England following concrete remove from Lyndhurst Cricket Club. However, Natural England has refused it.	
	The Official Verderer reminded the Land Agent that the Verderers have several conditions relating to mitigation and it must always only be considered as a last resort. Mitigation will only be considered if it is in the same area as the encroachment it is being offered against.	
2016/8782	MCDONALDS PICKET POST	DISCHARGE
	The Land Agent told the Court that the Trainee Estates Keeper has been in contact with McDonalds and the fence is to be moved to the top of the bank close to the hedgerow.	
2016/8783	FOX HILL COTTAGES	RESUME
	The Official Verderer told the Court that the inevitable has happened and following the installation of gravel access track by 1 & 2 Fox Cottages, the owner of 3 Fox Cottages has now also installed an access track.	
	It is obvious that the track is being used for parking when it is only licensed as an access to the garage. The Official Verderer asked the Land Agent whether Natural England's consent has been sought by the occupier? He continued that Natural England do not generally agree to a 10 foot wide gravel track, but simply that two narrow strips for the vehicle wheels to drive on is considered sufficient for access purposes.	
	The Land Agent said that the onus is on the home owner to obtain consent. The Official Verderer requested Mr Grugeon writes to the property owner requesting to see a copy of the Natural England consent: without NE consent, the home owner is in breach of the Forestry Commission licence.	Action PG
2016/8784	CULVERLEY FARM ENTRANCE	RESUME
	Mr Readhead said the entrance to Culverley Farm had been raised in the recent New Forest Commoners' Defence Association meeting. Concerns were raised as the entrance is 14 feet wide. Mr Deakin added that huge lorries are always coming and going from the farm and there is always a huge trailer parked on the Forest. The Land Agent will check the conditions of their licence.	Action PG

#### ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2016/8785	LATCHMORE WETLAND RESTORATION	DISCHARGE
	Mrs Westerhoff asked the Deputy Surveyor when the plans for Latchmore were due to be submitted. The Deputy Surveyor replied that plans were submitted on the 7 <sup>th</sup> July and went live on the 15 <sup>th</sup> July 2016. The consultation process will be 16 weeks from the 15 <sup>th</sup> July 2016.	

2016/8786 BRACKEN AND BRAMBLE ENCROACHMENTS

DISCHARGE

Miss Macnair raised her concerns about the widespread issue of bracken and bramble encroachments on the Forest. She said that acres of grazing are being lost and it is unpleasant to walk or ride through many areas which are seriously overgrown. Miss Macnair requested that the Forestry Commission go back to removing one fifth of the Forests bracken every year as nothing can grow underneath.

Mr Readhead agreed with Miss Macnair saying that the bracken was over 6 feet high in some places on Blackfield Common.

The Official Verderer said that the HLS commits a lot of money for bracken clearance each year and asked if the Bracken Control Plan was being adhered to. The Deputy Surveyor will speak to Dave Morris and the Open Forest Team.

Action DS

The Official Verderer said that an HLS survey had been carried out on the bracken in the Forest and had identified nine different types of bracken, some can be cleared but others should remain. For example, a rare wild orchid thrives beneath one of the varieties which must not be disturbed.

2016/8787 COMMONERS DWELLING RENT HIKES

DISCHARGE

The Official Verderer, Mr Pasmore and Mr Deakin have all received individual complaints about a severe hike in the Commoners Dwelling rental charges far above inflation.

The Land Agent said that the last rent increase was two years ago, and rent of Forestry Commission properties has been kept far too low over the past years. He continued that the Forestry Commission has a duty to support Commoning but that support can only go so far and the rent was still half of what people could expect to pay on the open market.

Mr Deakin reminded the Land Agent that the properties were built as Commoners Dwellings and therefore could never be offered for rent on the open market.

The Official Verderer said that the increase in rent this year no longer relates to affordability and that moves to more realistic rental charges should only be made if steps that are reasonable amounts for workers in agricultural industries.

The Official Verderer reminded the Land Agent that these cottages would not have been built without the Verderers' support at the planning stages. He continued that it is a matter of deep regret that the Forestry Commission is now using these properties for increasing income generation.

2016/8788 BARBECUES ON THE FOREST

DISCHARGE

Mr Heron reported the considerable increase in people lighting barbecues on the Forest and a significant decrease in Forestry Commission patrols at weekends.

The Deputy Surveyor assured the Court that the resources were available at weekends to police this type of issue and said that the problems caused by disposable barbecues were endless.

2016/8789 DRONES FLYING ON THE FOREST

RESUME

Mr Greenwood told the Court of a close encounter he has had with a drone at Bolton's Bench whilst out riding. The drone appeared to be controlled from a considerable distance away. Mr Greenwood checked YouTube when he got home and discovered several videos posted by people flying drones without permission on the Forest.

Mr Pasmore said it was an offence under the Forest Byelaws to fly any remote controlled object anywhere on the Forest without permission.

Mr Heron said this is a worrying situation: major issues on the Forest today generally date back to a lack of enforcement when they were happening in a small way. If these problems are not dealt with effectively in the beginning, they become the norm. He urged the Forestry Commission to take action now.

The Deputy Surveyor will look into the videos online and will make a presentment at the next Court regarding the flying of drones on the Forest.

Action DS

**The Deputy Surveyor and Land Agent left the meeting**

**ENCROACHMENTS NOT INVOLVING THE FC**

2016/8790 ACORNS MINSTEAD

RESUME

Dr Ferris has asked the Verderers to financially support the CDA in taking the property owner of Acorns, Minstead to Court over an illegal barrier erected at the bottom of the property's access track.

The Court felt that it could not make a decision to support the case until it has seen all the legal advice given by Mr Charles Parry.

**OTHER AGENDA ITEMS**

2016/8791 POOR FENCING AT DILTON FARM

RESUME

The Court has received three letters from Commoners complaining about the poor state of the fences at Dilton Farm. The complainants all say that their stock has been moved to different parts of the Forest after they have gained access to Dilton Farm.

Agister Maton and VGS Administrator have paid a visit to Dilton Farm and spoken to Mr Gray who complained about walkers leaving the bridleway gate on his property open.

Cllr Heron said that bridleway gates are the responsibility of the land owner to maintain.

The Official Verderer said that all Commoners who farm at Dilton Farm must be written to by the VGS Administrator, to say that if the fences are not considered stock proof by the 1<sup>st</sup> September 2016 VGS payments may be withheld.

OV/VGS  
Administrator

2016/8792 POSSIBLE UNDERGROUNDING OF NATIONAL GRID CABLES HALE DISCHARGE  
PURLIEU

Mr Dowsett circulated photographs to the Court of a recent undergrounding of cables in Ross On Wye, and gave a detailed explanation to the Court of what to expect if the project goes ahead.

Mr Pasmore reported that following a two day consultation at Hale Village Hall, 80% of the people attending were in favour of the scheme.

The Court reiterated its support in principle for this project, which will be a great landscape improvement, and a net gain for forest grazing.

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

2016/8793 FOALS BY PONDHEAD BRACKEN DISCHARGE  
TO STAFF  
COMMITTEE

Miss Macnair reported from the recent Pony Society meeting it was decided that the Society should pay for the DNA testing of all foals thought to be by Pondhead Bracken. The Society would like to attend the drifts in the Burley area and take hair samples from the foals there.

Mr Deakin said we should ask for the owner's permission before samples are taken and wanted to discuss the health and safety element with the Agisters first.

Action RD

2016/8794 NEW FOREST CATCHMENT MANAGEMENT GROUP DISCHARGE

Mrs Westerhoff updated the Court on the recent meeting she attended and advised that water sampling was being carried out in the Beaulieu Catchment.

**FINANCIAL MATTERS**

2016/8795 FINANCIAL STATEMENT FOR JUNE 2016 RESUME

The Financial Statement was noted.

**HEALTH AND SAFETY**

2016/8796 POLICE ATTENDANCE AT DRIFTS RESUME

Mr Deakin told the Court that the office has not received confirmation of police attendance at the drifts. The Acting Clerk is speaking to Inspector Lou Hubble at Hampshire Constabulary.

Action JB

Cllr Heron said that the new Police and Crime Commissioner for Hampshire is keen to get out and about and see how things work in the Forest and suggested he should be invited to attend a drift.

**ANY OTHER BUSINESS**

2016/8797 RENOVATION OF THE VERDERERS' HALL DISCHARGE

Mr Pasmore will circulate information to all Verderers regarding the renovation of the Verderers' Hall.

There was no further business and the meeting closed at 14:00 hrs.

*Domini May*  
*Official Verderer*  
*21<sup>st</sup> Sept 2016*