

**MINUTES of the Court of Verderers held on Wednesday 17<sup>th</sup> June 2009 at 9.30 a.m. in the Verderers' Hall & Library, The Queen's House, Lyndhurst.**

PRESENT:	Mr O Crosthwaite Eyre	Official Verderer
	Mr J Adams	Elected Verderer & Chairman of the Staff Committee
	Mr P Frost	Natural England Appointed Verderer
	Mr A Gerrelli	Elected Verderer
	Mr J F Kitcher	Elected Verderer
	Miss D Macnair	Elected Verderer
	The Hon R Montagu	Forestry Commission Appointed Verderer
	Mr A H Pasmore	Elected Verderer
	Mrs P Thorne	DEFRA Appointed Verderer (joined the meeting after the Open Court)
	Vacant	National Park Appointed Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister (Joined the meeting for the second item)
APOLOGIES:	Mr A Gerrelli	Mr Gerrelli was unavoidably delayed and joined the meeting at 2009/4366

**IN COMMITTEE in the Library**

The Official Verderer congratulated Mrs Pat Thorne on her re-appointment as the DEFRA Appointed Verderer for a further three years.

2009/4362 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 20<sup>th</sup> May 2009 were approved.

2009/4363 CONDITION OF STOCK RESUME

The Head Agister reported that as is to be expected at this time of year, stock looks well and on the whole he is happy.

The cattle look particularly well.

One or two younger mares with foals still need to gain condition but this is not unusual.

A small number of ponies, some four or five, lost condition very rapidly in the past two weeks for no apparent reason. It was suggested that they may have specific problems such as changing teeth, or possibly liver problems. They are all older mares. Miss Macnair remarked that it appears to be a particularly bad year for parasites. A further suggestion was that the animals which have lost condition may have had access to poisonous garden waste. The new garden waste bags which cannot be closed are an open invitation to passing stock. The many requests that have been made over the years to the District Council asking them to ask householders to leave their rubbish inside their gates, have so far fallen on deaf ears.

There appear to be a lot of foals on the Forest this year and some mares have not yet foaled. A clearer idea of numbers will be available after the Agisters have undertaken the annual foal count.

### Strangles

No cases of strangles have been noted recently. As a matter of interest, it was reported that blood tests carried out on some Thoroughbreds kept at a local yard revealed that in some cases evidence of the virus was still evident four months later.

### **The Head Agister left the meeting.**

The Chairman of the Staff Committee, Mr Adams, said he had nothing to add to the Head Agister's report save to say that a significant number of foals appear to have been sired off the Forest; this is evident by the number of spotted and coloured foals.

2009/4364 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2009/4365 DECLARATIONS OF INTEREST RESUME

The Elected Verderers, and Mrs Thorne all declared an interest in the Countryside Stewardship Scheme.

Mr Gerrelli declared an interest in campsites. The Official Verderer declared an interest in matters concerning golf clubs.

2009/4366 FINANCIAL STATEMENT RESUME

The Financial Statement for May 2009 was approved.

2009/4367 REPORT ON MARKING FEES RECEIVED AS AT END OF APRIL 2009 RESUME

Ponies	4470	Pigs	14
Cattle	2401	Sheep	39
Donkeys	126		
SUB TOTAL	6997	TOTAL ALL ANIMALS	7050

Members of the Court were provided with a report of marking fees received on a month by month basis.

2009/4368 ANIMALS REMOVED IN MAY DUE TO POOR CONDITION RESUME

Mares with foals	3
Mares	2

TOTAL PONIES 5

2009/4369 BYELAW ENFORCEMENT RESUME

Mr Colin Barnes has marked half of his cattle and he has paid in full except there may be an issue about whether he has paid for them all at the correct rate. He has advised the Agister that a number of animals belong to Mrs Barnes. This is being investigated.

Nothing further has been heard from the Court concerning the outstanding costs due from Mr Bob Cooper.

2009/4370 REVISION OF THE VERDERERS' BYELAWS RESUME

Regrettably, a draft statutory instrument has still not been received. Once more it is hoped that it will be available for approval at the next Court.

2009/4371 HALE PURLIEU HAUNCHING/TRAFFIC CALMING RESUME  
September

The Highway Authority has not yet formulated the final proposals for this scheme. The edge of the road is breaking up again and providing very effective traffic calming anyway and so it was agreed not to continue to pursue the matter which will be resumed for September when it is hoped there may be a formal proposal for consideration.

2009/4372 HALE PURLIEU – FALLEN TREE RESUME

Unfortunately, nothing further has been heard from the National Trust as to whether or not it is their tree. The Official Verderer said he would try to contact Mr Phil Marshall of the Trust.

2009/4373 OPEN HABITATS: RESTORING AND EXPANDING OPEN HABITATS FROM WOODS AND FORESTS IN ENGLAND: A CONSULTATION ON GOVERNMENT POLICY RESUME

Mr Frost apologised that due to a recent house move he has been unable to progress this matter. He said he would endeavour to prepare a paper at the earliest opportunity.

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

IN ATTENDANCE: Mr Mike Seddon, Deputy Surveyor of the New Forest  
Mr Mark Street, Area Land Agent (New Forest)

**ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER**

2009/4374 DEFRA APPOINTED VERDERER

I am very pleased to announce the reappointment of Mrs Pat Thorne, as DEFRA's appointed Verderer for the New Forest. The reappointment takes effect from 27<sup>th</sup> July for a further three years.

2009/4375 NEW FOREST SPEED LIMIT

On behalf of the New Forest Commoners Defence Association Mr Mike Eccles made a presentment at the May Court in which he urged us to pursue a 30 mile per hour speed limit for all of the open Forest's roads. Although this seems quite a radical move, the precedent of a separate and lower speed limit for the Forest has already been set when the 40 mile per hour limit came into force in 1990.

This is an initiative which we unanimously agreed in committee to support and pursue.

One of the more obvious reasons for introducing a lower speed limit would be to further reduce the number of animal accidents. Whilst it is true to say that the number of accidents had reduced last year, which is obviously very good news, we must continue to pursue any measure that might sustain such a reduction.

One of the other reasons for further reducing the speed limit to 30 in the Forest is

because the differential that once existed in 1990 is now largely non-existent. Many of the roads that lead into the Forest now have 40 mile per hour limits, and thus the impact on entering an area of much lower speed limits, as was the case in 1990, has vanished. Drivers need to know that when they cross the grid and come onto the open Forest they are in an area that requires as much care and attention as driving through a village.

The government has given its backing to a nation-wide initiative, wholly endorsed by Hampshire County Council, for 30 mile an hour limits in villages. Just as with villages that potentially have a concentration of children and pedestrians alongside and crossing the road, the open Forest has 7,000 animals (but with no road-sense what so ever) doing just the same.

Research also conclusively shows that the ten-mile an hour difference between 30 and 40 mph greatly increases the driver's ability to react in time, and so the chances of avoiding an accident are considerably improved. We believe therefore that there is a very strong argument for the Forest to be treated in exactly the same way as villages in terms of policy, and that a 30-mile an hour limit is entirely appropriate.

One of the pleasing side effects of such a policy would be the removal of the huge number of signs that have sprung up over the open Forest in order to communicate the new 30 mile an hour limits that exist in many villages and hamlets, with some of these signs only being yards apart. These signs are ugly and out of place, and they conflict with both our own and the National Park Authority's policy on reducing signage.

I have spoken about this to the leader of Hampshire County Council, Ken Thornber, and I am happy to report that he supports this idea and will pursue it. I have also written to the NPA's Chief Executive, Lindsay Cornish, asking her if a reduced speed limit is something that her Authority would support and include in its forthcoming Management Plan. In her reply, the Chief Executive showed a positive interest and said the Authority will work with Hampshire County Council to explore the proposal.

## **ANIMAL ACCIDENT REPORT**

2009/4376 ACCIDENT REPORT FOR MAY 2009

The Agisters attended 10 accidents, compared with 7 for the same period last year.

3 ponies were killed.

4 accidents occurred during the hours of darkness.

6 involved private cars or light commercials and 4 accidents were not reported.

4 involved local motorists.

The total killed and injured for May is 3 compared with 7 for the same period last year.

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

There were no Presentments by the Deputy Surveyor

## PRESENTMENTS

2009/4377 FOREST HOLIDAYS RETAIL VAN

Presentments opposing the retail van were received from the following individuals and organisations:-

Colonel Peter Sweet, Commoner  
Mr Brian Tarnoff on behalf of the New Forest Association  
Derek Bennett, resident of Sway  
Mr Thorold Masefield, Chairman of Brockenhurst Parish Council  
Cllr Mrs Jo Russell on behalf of Denny Lodge Parish Council  
Mrs Kate Lane of Blissford and partner in Leisure Fayre in Lyndhurst  
Ms Sally Arnold, Chair of Ashurst & Colbury Parish Council  
Representative of Pilley Stores and Post Office  
Mr Nick Munnik, Chairman of Brockenhurst Business Association  
Dr Graham Ferris, Hon Chairman, New Forest Commoners Defence Association  
Ms Linda Hollins on behalf of the Friends of Brockenhurst  
Mr Peter Sopowski, Vice Chairman of Ashurst & Colbury Parish Council

In addition, letters were received from Forest News of Ashurst and a letter on behalf of Ashurst Post Office, The Herb Pot, Litebites, New Forest News, The Little Friar and Jumbo House.

The basis of the majority of the objections was twofold, firstly that the proposed retail van would be seriously detrimental to trade in the village shops. The shops rely on summer trade to keep them going through the lean winter months and any loss of business due to the retail van could result in the failure of the shops. This in turn, would affect local residents, particularly those who are less mobile and therefore less able to travel out of their villages for provisions.

Secondly, concern was expressed that the van would have a commercialising effect on the campsites themselves and that it would increase waste and rubbish on the already delicate sites, creating a hazard to livestock and the environment. A mobile shop will also introduce further urbanisation to the sites and was thus inappropriate.

There was also concern that this may be the thin end of the wedge and that a larger van would be introduced later, probably visiting more campsites.

It was further argued that the suggestion that car journeys would be reduced is unfounded. In the case of Hollands Wood and Ashurst campsites it is known that a lot of campers walk to the local shops anyway and so the van would make no difference. The same number of car journeys would be made as they are now.

Both the New Forest Commoners' Defence Association and the New Forest Association believe that the Forestry Commission is incorrect in their view that the provision of a retail van service does not require Verderers' Consent.

Presentments supporting the retail van were received from...

Mr John Boyd, proprietor of the New Forest Fruit Company Limited and  
Mr Jason Gray of New Forest Spring Water.

In addition, a letter of support was received from Ms Nicola Goode, Owner and Principle Cook of Yum Food Passion, Lymington.

These organisations supported the proposal as they felt it would assist their businesses and increase the outlets for the New Forest Marque and they did not feel the impact of the van on the Forest would be significant.

## **PRESENTATION**

2009/4378 FOREST HIT AND RUN REWARD SCHEME

The Reward Scheme was introduced some years ago to encourage the public to come forward with information where a driver has failed to report an accident with a Forest animal. If the information provided leads to a successful prosecution, a reward of up to £1,000 is paid.

On Thursday 5<sup>th</sup> June last year, a foal was killed in a collision on the B3078 at Crows Nest. Originally, the accident was thought to be a hit and run and an appeal for information was launched in the Press. Mr Mick Organ who was passing at the time of the accident, provided crucial information which helped Hampshire police to identify the driver, Mr Timothy Baker of Fordingbridge.

In Court it was revealed that Mr Baker had in fact reported the accident to Wiltshire Police but they had failed to pass on the information. As a result Mr Baker was found not guilty of failing to stop and report the accident, but the Magistrates at the New Forest Courts in Lyndhurst convicted him of driving without due care and attention. He was fined £900.00 and ordered to pay £60.00 costs and £15.00 victim surcharge. In addition, he received 6 points on his licence.

We are very pleased to reward Mick Organ for providing the information by presenting him with a cheque today, in the sum of £750.00.

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

The Official Verderer welcomed Ms Lindsay Cornish, Chief Executive of the National Park Authority and Mr Richard Palmer of Forest Holidays

## **CONSIDERATION OF PRESENTMENTS**

2009/4379 FOREST HOLIDAYS RETAIL VAN

DISCHARGE

The Official Verderer said that the Verderers would consider the presentments received later in committee. He offered Mr Palmer the opportunity to comment on Forest Holiday's proposed Retail Van service. Mr Palmer made the following comments:-

He explained Forest Holiday's position and saying that they feel the van will complement the camping experience they can offer to their customers. He also explained that they consider the van will have little, if any, effect on the local businesses.

Mr Palmer said he had met with the Commoners Defence Association and the New Forest Association in an effort to build up trust. There has been lots of conjecture and assumptions made about Forest Holidays, a lot of which is untrue. This fuels mistrust.

Forest Holidays feels the van will work in conjunction with the local shops. They will commit to the lions share of the produce being sourced locally and Mr Palmer said he is disappointed at the negativity shown by the shopkeepers who made presentments. He suggested a 3 month trial would give an opportunity to ascertain what effect the van will have on local businesses.

The Official Verderer then invited Ms Cornish to express the views of

the National Park Authority. Ms Cornish said she felt the decision will be a difficult one for the Verderers to make. She felt inclined to support the suggestion of a trial period of 3 months as at present there is no evidence one way or the other. The NPA encourages local products which it feels contributes to the experience for visitors. Although it would be difficult to judge the impact on purchasing activity of campers, Forest Holidays have used questionnaires to gain information and Ms Cornish suggested that carefully thought through questions would be useful.

Mr Seddon said that the Court must consider the limits of its purposes and powers.

Mr Palmer commented that he thought at present there are not many local shops selling local produce in large quantities. The Holmsley Shop is also not selling much local produce but the quantity is increasing and it is being carefully monitored.

The Deputy Surveyor said he felt that observations on Forest Holidays' activities in another part of the Country, Black-Wood, which were drawn in one of the Presentments are no more than scare-mongering. The joint venture company is required to work up proposals for two new cabin sites in Great Britain but there are definitely no proposals to do that in the New Forest. He added that as respects commercialisation of the sites, the Forestry Commission also believes that anything that is proposed must be "in-keeping" with the Forest and no-one is talking about fully serviced sites.

A discussion then took place on Forest Holidays' request last year for electric hook-ups on Open Forest sites. The Deputy Surveyor said that was to legitimise hook-ups that had been present for some years. In reply to a further question on this subject from Mr Frost, the Deputy Surveyor stated that Forest Holidays is not seeking hook-ups anywhere in the Forest.

The Deputy Surveyor went on to say that the local shops are already responsible for some commercialisation. Some local businesses will in future doubtless ask for approval to deliver produce to the campsites and in some cases they probably already do!

The Deputy Surveyor then told the Court that he is concerned at the apparent lack of awareness of the financial flow-back to the Forest from the Forest Holidays campsites in the New Forest. The Forestry Commission's budget in the New Forest runs at a net deficit of £3.5M per annum and all of Forest Holidays rents which it pays for the sites are used to reduce the ongoing deficit. The cash raised from camping directly helps the New Forest. Forest Holidays also employs some local staff and its operations clearly help sustain the local economy as evidenced by the large numbers of Presentments from local traders identifying how important the camping trade is.

Mr Palmer reminded the Court that Forest Holidays supports the monitoring of the campsites and has contributed £1,000 to the cost of the initial campsite survey that is currently being undertaken by the New Forest Association. All development on the sites is now over and there are no plans for further development. That is why they are supporting the survey.

The Official Verderer referred to his letter to the Deputy Surveyor in which he pointed out that the Forestry Commission has sought the Verderers support and agreement to the retail van where the Court is of the firm view that the Verderers' consent is required as set out in Section 2(1) of the New Forest Act of 1970. The Official Verderer felt it is important that everyone is clear that the retail van *does* need the Verderers' agreement under the 1970 Act.

To this the Deputy Surveyor replied that this does fall under the 1970 Act. The Verderers have a responsibility and the Forestry Commission is seeking their agreement. The Official Verderer added that it is very important that everyone understands the basis on which the matter is being presented and considered.

2009/4380 PRE-ERECTED TENTS AND PRE-PREPARED CARAVANS RESUME

The Deputy Surveyor explained he has not responded to the Official Verderer's letter of 28<sup>th</sup> May as he wishes to consider the legal Opinion on cycle hire. The Official Verderer reiterated that the Court feels its consent is required under the New Forest Acts.

#### **OTHER MATTERS CONCERNING FOREST HOLIDAY'S CAMPSITES**

2009/4381 SEASONAL PITCHES DISCHARGE

The subject of seasonal pitches was raised with Mr Palmer. A lot of organisations reportedly feel that these pitches are not in the spirit of Forest campsites. They have evolved without the Verderers' knowledge and some pitches are occupied by very large mobile homes. Some are on hardstanding and so are not moved. It is felt that allowing one van to occupy a site for the whole season is unfair on other campers, especially if the vehicle is unoccupied during the week.

Mr Palmer said that Forest Holidays has not laid any new hardstanding. He said FH is totally committed to moving everything after 21 days – this includes all portable objects. Nothing is put on those areas until sufficient time has elapsed for any grazing to recover. This is all now carefully monitored and Mr Palmer feels there are good processes in place to ensure adherence to the 21 day rule.

2009/4382 BARRIER AT HOLLANDS WOOD CAMPSITE RESUME

Despite exhaustive searches of the files, neither the Forestry Commission or Verderers' Office can find any documentation in connection with the electric barrier that appeared on Hollands Wood campsite, apparently some years ago. No-one knows how the barrier came to be there and it was agreed it needs to be formalised.

The Forestry Commission and Forest Holidays agreed with the Court that the barrier is not of an appropriate style. It was agreed that when the time comes for its replacement, the new one will be of a design that is in keeping with other barriers in use in the Forest at the time.

The Official Verderer requested that the matter be raised formally in the next Court in order that the necessary consent can be given.

**The Official Verderer then thanked Mr Palmer for his attendance and advice and Mr Palmer left the meeting.**

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

2009/4383 RESEARCH ON CRASSULA HELMSII IN NEW FOREST PONDS DISCHARGE

The Court approved temporary fencing on four small enclosures, one each at Woodfidley, Hatchet Triangle, Balmer Lawn and the eastern end of Hatchet Pond to enable research work to take place to inform a future management strategy for this invasive plant (Minute 2009/4151 refers). The Woodfidley enclosure to remain until autumn 2010 with the others being removed by the end of June 2009.

Subsequent to this approval the New Forest has been successful in obtaining funding for a "Non-native plants project" and therefore a request for the enclosures to remain fenced for a further period to enable additional research to be undertaken.

The Court gave the request careful consideration and agreed the three enclosures can remain in place until the end of October 2009. The period of enclosure at Woodfidley will remain as previously agreed.

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

2009/4384 BEAULIEU ROAD SALE YARD PHASE 1 – NEW WATER AND ELECTRICITY SUPPLY DISCHARGE

Further careful consideration was given to the request to run a water supply pipe from Ipley across the Forest to Decoy Pond Farm and then to the Beaulieu Road Sale Yard and thence onto the Beaulieu Road Hotel and Cottages.

The Court has been advised that if this pipe has to be laid under the tarmac road which leads to Decoy Pond Farm the cost of the project will increase by £30,000 which is way beyond the reach of the New Forest Livestock Society and the other partners who are helping with the funding of the project.

Animal Health has advised that if a water supply is not made available the Beaulieu Road sales will not be able to continue. The sales are considered to be an essential element of the management of the semi-feral herd and as such warrants the support of the statutory bodies where at all possible.

There are elements of the proposals which do raise concerns but it is believed that these issues can be resolved. For example, the route of the pipe runs through an old rubbish dump and excavations for the pipe will inevitably unearth all manner of deposits including broken glass and metal etc. A condition of approval will be the careful removal of all such detritus.

In addition, the route of the pipe runs very close to a scheduled ancient monument – an ancient barrow - and the Court stipulated that this should be fenced off whilst the works are undertaken in order to ensure no damage is caused.

Finally, the trench for the pipe must be properly consolidated in order to ensure it does not become a hazard to stock or riders.

After further discussion, it was agreed that in view of the exceptional nature of the proposal and the negative effect on the Forest that would result from the closure of the Beaulieu Road Sale Yard (which is inevitable if a water supply is not provided), the Official Verderer proposed that the Court's consent for the works be granted. This was unanimously agreed, subject to the conditions stated above as well as the usual three conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

2009/4385 KNAVES ASH GAS REGULATOR BUILDING – ELECTRICITY SUPPLY RESUME

At the previous meeting, the Court requested a ground mounted transformer would be preferable to a pole mounted one which would be more obtrusive.

Scottish and Southern Electricity's response is that a ground transformer will mean additional equipment will have to be installed on the pole for isolation purposes, namely an overhead switch with lightning protection, plus additional cabling and the existing pole would have to be replaced with a stouter one.

The Court was not happy with this and Mr Street said he would go back to the Electricity Board again for further information.

2009/4386 HOLLANDS WOOD/BUCKFORD INCLOSURE PROPOSED NEW CATTLEGRID DISCHARGE

The Forestry Commission confirmed the cattlegrid can go outwith the road fence, into the gate-mouth and so out of the way of stock. It will be double gated and may remain as a permanent fixture. The Court approved this proposal.

2009/4387 GRAZING IN NEW PARK FOR FOREST RUN STALLIONS RESUME  
September

The gate at Bolderford End has been repaired. The Forestry Commission will inspect the fence on a regular basis. The Forestry Commission will work with the Show Society and the Agisters to try to maintain the fencing to an acceptable standard.

The Chairman of the Staff Committee and / or the Head Agister will inspect the field fencing prior to the stallions being turned into the field.

### SSSI RESTORATION WORKS

2009/4388 WARWICKSLADE / KNIGHTWOOD DISCHARGE

The original condition that the bad drain leading to Holidays Hill from the stream-filling works should be cleaned out, was revoked by the Court, inconsideration of the works agreed in a paper dated 15<sup>th</sup> June 2009 headed "Knightwood Site Meeting" with some additional comments in red, being carried out. A copy of the paper will be appended in the Minute book.

2009/4389 LONGWATER LAWN RESUME

This is a very complicated proposal. The paper prepared by Mr Pasmore was considered very carefully and after some discussion all but two of the proposals were agreed subject to the conditions contained in the paper. Item No. 1, concerning the old Lyndhurst sewer and its discharge and No. 11 concerning the proposals for Mallards Mead (which have been discussed with the CDA but not the Court) have yet to be agreed. Formal proposals in respect of these two items are awaited from the Forestry Commission.

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

2009/4390 GATE AT THE BACK OF ROUNDHILL CAMPSITE RESUME

It was reported that the gate which gives access to private property at the rear of Roundhill Campsite is in a very poor state of repair. It is thought the gate leads onto a bridleway and as such the assistance of the County Rights of Way Officer will be sought.

2009/4391 CARAVANS ON ROUNDHILL CAMPSITE RESUME

It was reported that the caravans close to the Warden's van have not been moved for six months. The Deputy Surveyor undertook to speak with Mr Palmer about this.

**ANY OTHER BUSINESS OF CONCERN TO THE NEW FOREST NATIONAL PARK AUTHORITY**

2009/4392 THE NATIONAL PARK MANAGEMENT PLAN DISCHARGE

In response to the question as to when the management plan would be published, Ms Cornish said that it would not be available until October. This is to give the Authority time to take on board comments from the consultations which have been undertaken as well as those of new members.

2009/4393 NATIONAL PARK AUTHORITY'S APPOINTED VERDERER DISCHARGE

Ms Cornish confirmed the Authority would appoint a Verderer at its forthcoming Annual General Meeting.

2009/4394 TRAINING OF NATIONAL PARK AUTHORITY STAFF RESUME

Concern was expressed that some members of the National Park Staff appear to have little understanding of the Forest and commoning. This applies to a recently appointed Planning Officer. The Court offered to arrange a training day similar to those which were organised at the Park's inception. Ms Cornish agreed this would be a good idea.

2009/4395 THE NATIONAL PARK'S POLICY FOR DEALING WITH ANONYMOUS COMPLAINTS REGARDING PLANNING ENFORCEMENT MATTERS DISCHARGE

Ms Cornish was asked if the Authority acts on anonymous complaints. Ms Cornish explained that all calls are followed up but checks are

carried out to try to ensure the information is accurate prior to a member of the Park staff going on-site. There are times when a complainant has a legitimate reason for wishing to remain anonymous – such as reasonable fear of retribution from the person who is the subject of the complaint.

2009/4396 MANAGEMENT PLAN TIMETABLE - PLANNING DISCHARGE

In response to a further request concerning the preparation of the Management Plan Ms Cornish advised the Court that there is a 6 week consultation period in respect of the planning element following the Authority's approval. A pre-submission document is then prepared with a further 6 week consultation period before it is submitted to the Planning Inspectorate along with comments received. An Enquiry then takes place and the Inspector decides. His conclusions are binding.

**Ms Cornish, the Deputy Surveyor and Mr Street left the meeting.**

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

2009/4397 HOT BRANDING DISCHARGE

The Clerk reported that she has spoken to Mr Chris House, the President of BEVA (British Equestrian Veterinary Association). Mr House clearly has reservations about hot branding on welfare grounds and feels that microchipping is a viable alternative. The Clerk explained the reasons why those closely involved in the management of the Forest's semi-feral herd disagree. Mr House conceded that the Forest may well have a good case for obtaining a derogation from any future decision by DEFRA to ban hot branding, particularly in view of the Forest's special system of management with the Agisters' supervision of the stock.

Mrs Thorne confirmed that DEFRA is not actively considering the issue at the moment but should it be raised in the future, it will be essential that the Forest's case for retaining hot branding is argued in the strongest possible terms.

2009/4398 IDENTIFICATION OF PONIES – STICKER SYSTEM RESUME

It is understood the New Forest Pony Breeding and Cattle Society as the local Passport Issuing Organisation (PIO), together with the Livestock Society and Southern Counties Auctioneers have put forward a workable system for ponies to be sold through the Beaulieu Road Sales using a sticker system. DEFRA is now considering the proposals but the organisations involved are confident that they will be approved.

The Pony Society may try to organise micro-chipping days for those commoners who would like to microchip their animals.

The proposals for sending ponies direct to slaughter on a similar sticker system have at present stalled because there are difficulties satisfying DEFRA's requirements for the management of such a system which would have to be run by a PIO.

2009/4399 DEFRA CONSULTATION ON AN INDEPENDENT BODY FOR ANIMAL HEALTH AND FUNDING STRUCTURE FOR TACKLING ANIMAL DISEASE DISCHARGE

Mrs Thorne kindly prepared a response to be sent to DEFRA which was unanimously approved.

#### **VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME**

2009/4400 AMENDMENT TO THE RULES RESUME

The sub-committee has held several paper meetings and it has been agreed the rules concerning welfare and fencing will be revised.

2009/4401 PENALTIES UNDER THE SCHEME DISCHARGE

A commoner has been penalised on welfare grounds for turning back out a pony which the Agisters had removed a few months earlier. The pony was still in an unacceptable condition and the commoner has had 10 units deducted from his payments.

2009/4402 HLS (HIGHER LEVEL SCHEME) RESUME

If the current CSS is upgraded to a HLS, this will lock into a further 10 years funding.

Natural England is happy that the rules of the scheme permit the upgrade although there remains a question about whether capital works can be included.

The Court unanimously agreed that an application to set up an HLS should be progressed on the same terms as the current scheme and for an additional 10 years. There will be no other changes.

#### **NEW FOREST NATIONAL PARK**

2009/4403 RECREATION STRATEGY WORKING GROUP DISCHARGE

Mrs Thorne and Mr Frost attended this working group meeting. A number of topics were discussed including erosion, and not just on the Forest, plus cycling when it was suggested the trial of allowing cycling on all inclosure tracks should be removed from the draft Park plan.

#### **OTHER AGENDA ITEMS**

##### **Mr Frost left the meeting.**

2009/4404 PUBLIC FORESTRY ESTATES CONSULTATION RESUME

Mr Pasmore said he will endeavour to attend this consultation which is to be held on Thursday, 9<sup>th</sup> July at Alice Holt Social Club. Mr Montagu said he will do his best to attend if Mr Pasmore is unable to go.

2009/4405 NEW FOREST ACCESS FORUM RESUME

An invitation has been received for a representative of the Court to attend the next forum workshop in July which is entitled "Focusing on Future Access".

Mrs Thorne said she will attend.

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

None

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

2009/4406 AGISTERS' MILEAGE RESUME  
December

As a result of Mr Draper's analysis of the mileage records, it appears the mileage rate does not need to change at present.

#### **TRAINING**

2009/4407 FIRST AID TRAINING RESUME

The Clerk and Head Agister are attending a one day first aid course tomorrow at Brockenhurst College.

#### **HEALTH AND SAFETY AT WORK**

2009/4408 HEALTH & SAFETY REVIEW RESUME  
June 2010

The Head Agister has completed his review of the present health and safety documentation and has passed it to the Chairman of the Staff Committee. The Chairman has confirmed he feels it adequately addresses the health and safety needs of the organisation.

Each Agister will be provided with a folder in which will be risk assessments, training sheets, equipment schedules etc. The contents of the folder will be reviewed on an annual basis – the next one being due in June 2010.

#### **ANY OTHER BUSINESS**

2009/4409 A31 FENCE RESUME

The Clerk advised the Court that her assistant, Mrs Cardwell, is negotiating with the Highways Agency's contractors for the A31 in respect of urgently needed repairs and maintenance.

2009/4410 NETWORK RAIL CONTRACTORS HOMEGROWN TIMBER –  
VEGETATION REMOVAL – PHASE 3 NEAR ASHURST RAILWAY  
STATION RESUME

This matter will be resumed at the next Court when it is hoped further information will be available.

2009/4411 BENEFICIAL USE OF DREDGED SOIL – WIGHTLINK – RESUME  
LYMINGTON RIVER

The Court has been contacted by Wightlink which is proposing to dump soil dredged from the Lymington River onto the salt marshes. A meeting is to be held and Mr Gerrelli and Mr Kitcher said they would attend. The purpose of the meeting is to ascertain whether there is likely to be any risk to depastured stock as a result of the proposals.

2009/4412 FOREST HOLIDAYS RETAIL VAN DISCHARGE

Mr Gerrelli declared an interest as the owner of a small Caravan Club Site.

The Presentments in Open Court, Mr Richard Palmer's comments and those of the Deputy Surveyor earlier in committee were considered in conjunction with the Verderers' published Policies. Policy No. 6.3 refers "Sales Points" and is one of a number of things that the Verderers will not normally grant a new consent. Policy 2 states that the Verderers' overall aim is to ensure the unspoilt natural beauty of the Forest is maintained.

After discussion and careful consideration, and paying due regard to National Park purposes, the Official Verderer proposed that the Court reject Forest Holiday's request for approval of the retail van. Mr Pasmore seconded the proposal which was carried unanimously.

Written, detailed reasons for the decision which was made under the specific power granted to the Verderers by Section 1(2) of the New Forest Act 1970, will be sent to the Deputy Surveyor at the earliest possible opportunity.

There was no further business and the meeting closed at 2.10 p.m.