

**MINUTES of the Court of Verderers held on Wednesday 15<sup>th</sup> March 2006 at 9.30 a.m. in the Library, The Queen's House, Lyndhurst.**

PRESENT:	Mr O Crosthwaite Eyre	Official Verderer
	Mr J Adams	Elected Verderer & Chairman of the Staff Committee
	Mr P Frost	Countryside Agency Appointed Verderer
	Mr A Gerrelli	Elected Verderer
	Cllr Mrs K Heron	Hampshire County Council Appointed 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
IN ATTENDANCE:	Mr J R Gerrelli	Head Agister (first three items only)
	Miss S Westwood	Clerk
APOLOGIES:	Mr J F Kitcher	Elected Verderer

**IN COMMITTEE**

The Head Agister was present for the first three items.

2006/2148 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 15<sup>th</sup> February 2006 were approved and signed.

2006/2149 ANNOUNCEMENTS & DECISIONS RESUME

The Announcements and Decisions were approved.

2006/2150 LYNDHURST BYPASS RESUME

At the February Court, the Official Verderer stated he would be making an announcement about the proposed Lyndhurst Bypass. The Court has now been advised that the County Council has arranged a seminar to be held on 7<sup>th</sup> April at Beaulieu when the subject of transport in the Forest as a whole will be discussed. Accordingly it was decided that an announcement now as to the Verderers' views on the proposed bypass would be premature.

Mr Pasmore agreed to represent the Verderers at the seminar on the 7<sup>th</sup> April. The Official Verderer will also attend if he can.

2006/2151 CONDITION OF STOCK RESUME

Report by the Head Agister

The Head Agister said he remains reasonably happy with the condition of stock. Conditions are much the same as reported in February. The number of animals removed because they have lost condition is consistent with previous years and is giving no greater cause for concern than usual.

The Head Agister left the meeting.

Report by Mr John Adams – Chairman of the Staff Committee

Mr Adams agreed with the Head Agister. He added, however, that in his opinion a lot of ponies are now going back in condition quite rapidly. The Agisters are removing ponies as necessary. He remarked that the grass will be late this year because of the cold dry winter.

2006/2152 DECLARATIONS OF INTEREST

RESUME

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

Mr Gerrelli declared an interest in any items concerning Campsites.

The Official Verderer declared an interest in matters concerning Forest golf courses.

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

IN ATTENDANCE: Mr Mike Seddon  
Mr Will Parke

Deputy Surveyor of the New Forest  
Area Land Agent (New Forest)

**ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER**

2006/2153 ELECTIONS

As mentioned last month, Verderers' elections will take place on November 24<sup>th</sup> if more than two candidates come forward.

We wish to encourage all those who are eligible to vote to do so, and to that end copies of the registration form are available here in the hall, and in the office, from today onwards. Please fill them in now if you wish, and hand them in either to an Agister or the office. We would also encourage you to take as many forms home with you as you like in order to give to those you think might be entitled to vote.

If you were on the electoral roll at the last election in 2003, then a form will be sent to you by post automatically.

2006/2154 BRANDS

A letter is being sent out this week to all known holders of registered brands. It is very important that those who receive this letter read it carefully, and respond to it as necessary.

If a new brand is required then the deadline for applying is May 2<sup>nd</sup>. If an existing brand is to be retained for future use then the letter contains a declaration that must be signed and returned by May 31<sup>st</sup>. Failing to respond to this letter may lead to the re-allocation of an existing brand to another user.

2006/2155 FALLEN TIMBER

Further to the Presentment made by the Commoners Defence Association and Mr Richard Stride in January, we are working with the CDA, Forestry Commission and English nature to identify the areas where accumulated dead-wood and fallen timber are causing the most serious obstructions. Once that has been done we hope to draw-up a realistic plan with the FC to tackle those problem areas by moving the obstructing wood.

2006/2156 LYNDHURST BYPASS

At the last Court we said we would be making a statement on the proposals for a Lyndhurst bypass. Since then, the Leader of Hampshire County Council has announced a seminar will be held on 7<sup>th</sup> April to discuss all aspects of transportation in the Forest. We have, therefore, decided that to make a statement at this stage would be premature.

**ANIMAL ACCIDENT REPORT**

2006/2157 ACCIDENT REPORTS FOR FEBRUARY 2006

The Agisters attended 10 accidents in February which compares with 16 for the same period last year.

6 ponies were killed and 1 was injured.

All 10 accidents occurred during the hours of darkness.

8 involved private cars or light commercials, and one involved a motor cycle.

One accident was not reported and 5 involved local motorists.

The total killed and injured for the year to date is 19 compared with 20 for the same period last year.

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

None

**PRESENTMENTS**

2006/2158 NEW FOREST DISTRICT COUNCIL – GARDEN WASTE COLLECTION SCHEME  
Presentment by Mr Michael Cooper, New Forest Commoners Defence Association

On behalf of the CDA, Mr Cooper expressed concern at the new NFDC garden waste collection scheme and raised a number of questions:-

Do the bags have drawstrings or something similar to close the tops of the bags or are they left open which would mean the contents would be easily accessible by stock?

Are the bags to be left within the curtilage of properties and have has it been made clear to residents that the bags must not be placed where stock have access to them?

The Court was asked to reaffirm the agreement with NFDC that all household and garden waste must be left where it is out of reach of Forest stock.

Concern was also expressed that the new £25.00 charge may result in a huge increase in the amount of garden waste disposed of illegally onto the Open Forest by persons not prepared to pay for proper disposal. The Court was asked to take the opportunity to advise the local press with a request to make the public aware of the concerns.

2006/2159 BURNED OUT VEHICLE IN MOONHILLS CARPARK  
Presentment by Mr Michael Cooper, New Forest Commoners Defence Association

The Court's attention was brought to the burned out lorry which has been in Moonhills Car Park for some time. The remains of the vehicle have now been spread widely across the car park and Open Forest and is a hazard to the public and stock. A request was made for the vehicle to be removed as soon as possible.

2006/2160 ENGLISH NATURE  
Presentment by Mr Bob Cooper

Mr Cooper made a presentment concerning English Nature.

2006/2161 LYNDHURST BYPASS  
Presentment by Mr Peter Roberts on behalf of the New Forest Association

Mr Roberts said the NFA has campaigned against proposals that would be damaging to the New Forest. He went on to say that the NFA supports the initiative of the leader of the County Council in bringing together the parties involved so that they may look at the problems in the context of the New Forest as a whole and potential methods of resolving them.

The Court was requested to consider very carefully appropriate methods of dealing with any proposals that may be brought before them.

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

2006/2162 FINANCIAL STATEMENT RESUME

The financial statement for February was not available for consideration in committee and copies will be sent to all Verderers as soon as possible.

2006/2163 MARKING FEES RESUME

The Clerk apologised for not having the exact numbers available. She added that from memory the total number of animals so far paid for is down by about 700 on the previous year.

2006/2164 BYELAW ENFORCEMENT DISCHARGE

Minstead Manor – Mr Frost and Mr Gerrelli asked for copies of the map showing the Manor/Forest boundary.

2006/2165 MARKING FEES FOR PIGS AND SHEEP ON THE NORTHERN COMMONS DISCHARGE

It has been suggested that the marking fee for sheep is too high. The commoner who has objected to the fee has been asked to make a Presentment in Open Court asking for the level of fee to be reviewed.

2006/2166 PHOTOGRAPHS DISCHARGE

The Official Verderer advised the Court that a short photography session in the Verderers' Hall will take place sometime during the morning.

### CONSIDERATION OF PRESENTMENTS

2006/2167 NEW FOREST DISTRICT COUNCIL - GARDEN WASTE RESUME  
COLLECTION SCHEME  
Presentment by Mr Michael Cooper, New Forest Commoners Defence Association

It was agreed the Clerk should write to NFDC seeking assurance that the previous agreement regarding refuse be re-affirmed and also seeking answers to the questions raised by the CDA.

Cllr Mrs Heron advised that there is to be a debate and consultation on the merits of introducing wheelie bins.

2006/2168 BURNED OUT VEHICLE AT MOONHILLS DISCHARGE

The Forestry Commission will deal with this matter.

2006/2169 ENGLISH NATURE DISCHARGE  
Presentment by Mr Bob Cooper

The Court was unanimous in its condemnation of the tone of Mr Cooper's presentment. Everyone expressed satisfaction with the current system of consultations between the two organisations and agreed the Official Verderer should write to Mr Cooper warning him that his Presentment bordered on slanderous and that if he makes such a Presentment in future, the Official Verderer will intervene.

2006/2170 LYNDHURST BYPASS DISCHARGE  
Presentment by Mr Peter Roberts on behalf of the New Forest Association

The Court agreed that any formal proposals that may be brought before it will be considered very carefully.

### SUBMISSIONS BY THE FORESTRY COMMISSION

2006/2171 A326 HYTHE BYPASS, HEATH HOTEL ROUNDABOUT DISCHARGE  
CONTROLLED CROSSING

A feasibility design has been carried out on a scheme to re-site the crossing place on the A326 close to the Heath Roundabout. This road has seen several fatal accidents involving pedestrians in recent months and the repositioned crossing place is intended to improve safety. The proposed option will involve moving the existing field gate which permits access onto the Forest some 25m north from its present position. Drawings were provided. After careful consideration the Court was happy to approve the proposals on the understanding that the new box gate is self closing so as to prevent stock escaping.

- 2006/2172 LAND AT CADNAM DISCHARGE
- A request has been received for the removal of an old cattle grid giving access to an area of land which is fenced out of the Forest at Cadnam but still remains subject to common rights. The Verderers felt this is not an unreasonable request and approved the proposal provided that assurance is given that if the land is required for grazing in future, the gate and grid are to be replaced.
- 2006/2173 LAND IN THE VICINITY OF "FOREST VERGE" AT CADNAM DISCHARGE
- When the roads at Cadnam were re-aligned an area of tarmac was redundant. At the time it was expected that the tarmac would be removed and the land laid to grass. This, however, has not happened and a local resident, Mr Good, is campaigning to have the work carried out. The Official Verderer was approached for support but he felt the Court should decline to become involved. The Court agreed, however, that the replacement of the tarmac with grass would be desirable.
- 2006/2174 SPEED INDICATOR DEVICES DISCHARGE
- The Court was asked to formally approve the sites for the SID's. The Court agreed the Official Verderer should check the sites with the Clerk and if happy the approval will be issued.
- 2006/2175 WATER SUPPLY TO LYNDHURST CEMETERY DISCHARGE
- The request from Lyndhurst Parish Council for a supply of water to be laid to the cemetery at Bolton's Bench was approved subject to the three usual conditions.
- 2006/2176 NEW FOREST GOLF CLUB RESUME
- The Forestry Commission tabled a paper and plan setting out a proposed Management Plan for the golf course. The Verderers were requested to give consideration to the plan and provide comments by the next Court. It was suggested that a site meeting may be necessary and the Commoners Defence Association should also be asked to comment.
- MATTERS ARISING FROM THE MINUTES OF PREVIOUS COURTS OF CONCERN TO THE FORESTRY COMMISSION AND ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION**
- 2006/2177 FALLEN TIMBER RESUME  
May
- The Forestry Commission (Richard Stride) and English Nature are looking at the problem of fallen timber. The Commission will advise the Court what it may be able to do.
- 2006/2178 HOLLANDS WOOD & ROUNDHILL CAMPSITES PROPOSALS RESUME
- English Nature's response to the further consultation results is awaited. This should be available within a few days and the Official Verderer will inform all members of the Court.

- 2006/2179 QUEEN'S BOWER FLOODING DISCHARGE
- The Forestry Commission has inspected the area. A date for a site meeting will be set which will be attended by representatives from the Environment Agency, English Nature, English Heritage and others. The dam cannot just be removed.
- 2006/2180 PROPOSED WIDENING OF THE M3/M27 DISCHARGE
- No further information is available at the moment. It is likely that the proposals will be implemented but not yet.
- 2006/2181 A338 ROAD CLOSURE DISCHARGE
- The Clerk, Head Agister and Mr Parke attended a meeting with the Highway Authority. The works on the A338 just north of Ringwood were discussed in detail and a plan has been provided. The intention is for the road to be closed between the roundabout and Ivy Lane at night only for up to 7 weeks in the autumn. It will also be necessary for temporary traffic lights to be installed on occasions during the day to enable re-surfacing to be undertaken.
- 2006/2182 HIGH CORNER INN MARQUEE – PLANNING APPEAL RESUME  
May
- The appeal was heard on the 7<sup>th</sup> March 2006. It is hoped that the planning authority's decision to refuse permission for the marquee may be upheld.
- 2006/2183 SLIPPERY SURFACES ON RAILWAY BRIDGES RESUME  
May
- Mr Parke said he has been unable to pursue this matter further and asked that the item be resumed in May.
- 2006/2184 BLUE COLOURED WATER MAIN MARKERS RESUME  
May
- Mr Parke said he has heard nothing further from the Water Company and asked that this item also be resumed in May.
- 2006/2185 ELLINGHAM RUGBY & CRICKET PITCH RESUME  
May
- Mr Parke reported that despite a number of requests the cricket covers are still there. The harrow has, however, been moved. Mr Parke will contact the Club yet again.

**ANY OTHER BUSINESS INVOLVING THE FORESTRY COMMISSION**

- 2006/2186 A337 BALMER LAWN ROAD JUNCTION – CONSTRUCTION OF FOOTPATH RESUME
- The County has not approached the Verderers for approval for a new footpath although the verges of the A337 are still subject to common rights and therefore fall under the Court's jurisdiction. The Clerk will contact the Highway Authority to obtain details of the works and also to politely remind them that the Court should have been consulted.

2006/2187 WATERS GREEN

DISCHARGE

A temporary fence was erected following work on the stream which crosses Waters Green. The fence was subsequently removed as agreed. However, recent additional work to the stream has resulted in a levy of spoil being left which is unsightly and may prevent floodwater from draining into the stream. The Forestry Commission was asked if it is possible for the spoil to be spread more widely.

2006/2188 A337 OPPOSITE THE FILLY INN SETLEY - GORSE CLEARANCE

RESUME

It was noted that large areas of gorse have been cleared along the fence line. This has exposed the Forest to the noise of the traffic and it was asked why the clearance was carried out. Mrs Heron said she would ask the Highway Authority for an explanation.

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

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

2006/2189 WILVERLEY INCIDENT

DISCHARGE

This matter is in the hands of the Insurers and it was agreed it should be discharged from the Minutes for the time being. The matter will be brought back before the Court when necessary.

2006/2190 LYNDHURST BYPASS

RESUME

Two Verderers and the Head Agister have been invited to attend the seminar at Beaulieu on the 7<sup>th</sup> April. Mr Pasmore agreed to attend and the Official Verderer said he will also if he is available. The Head Agister will be attending.

2006/2191 EARLY FOALS

DISCHARGE

Mr Adams reported that six foals are known to have been born so far. Mrs Macnair said there are three at Woodgreen and one at Burley which she was unsure whether they were included in the six. She added that in her view, foals are not wanted before April. Other Verderers, however, felt that it is a matter of opinion whether early foals are a problem.

A few mares have aborted for no apparent reason but it is not thought that the numbers are any more than in a normal year. One mare and foal has been removed. The others have been left on the Forest but are being monitored closely.

2006/2192 STALLION SCHEME

RESUME

A surprise £1,000 donation has been received from the RSPCA towards the cost of the stallion scheme. A letter of thanks has been sent.

Funding for the remaining year of the scheme has not yet been

confirmed. However, the Official Verderer felt that the Court should be able to absorb this year's costs and it is hoped the National Park Authority may be able to help.

2006/2193 BRAND REVIEW LETTER

RESUME

The Clerk confirmed the brand review letter has been sent to commoners with registered brands.

## **COUNTRYSIDE STEWARDSHIP SCHEME**

2006/2194 ADVISORY GROUP MEETING

RESUME

The Official Verderer reported that the Advisory Group met recently. The meeting was chaired by Andrew Fielder from DEFRA and was attended by representatives from the CDA and National Trust. Various decisions and recommendations were forthcoming, namely that the Verderers' sub committee should:-

- consider the adoption of a condition scoring method similar to that used by other welfare organisations,
- consider the use of CSS funds to help pay for some more reflective pony collars,
- leave the ceiling of 7,000 animals unchanged.

DEFRA has now confirmed, through the Advisory Group, that an additional 2,000 hectares will be added to the scheme area which will result in an additional £30,000 to £40,000 per annum for the scheme.

There was also a suggestion from the Advisory Group that some scheme money could be used to support the provision of land rovers for the Agisters but this will be considered very carefully before any decision is made.

The Verderers' sub-committee will now formally consider the recommendations of the Advisory Group.

## **NATIONAL PARK**

2006/2195 VISIT BY DIRECTORS

DISCHARGE

Two National Park Directors have been invited to attend the April Court. They are Mr Steve Trotter, Director of Conservation and Enhancement and Mr Jeff Haynes, Director of Understanding and Enjoyment.

2006/2196 MEETING BETWEEN NATIONAL PARK DIRECTORS AND THE AGISTERS

DISCHARGE

A useful discussion ensued during a meeting between Mr Jeff Haynes, Mr Martin O'Neil (Head of Communications), Mr Peter Frost and the Agisters. The Clerk and Stewardship Scheme Manager also attended. It is hoped that the NPA will be able to assist in getting some important messages across to residents and visitors to the Forest and the

Verderers' staff gained a useful insight into the future intentions of the Park Authority which they can help disseminate to the commoners and public.

2006/2197 TRAINING DAY RESUME

A second training day has been arranged for next Wednesday. Members of the Court who wish to attend are asked to advise the Office as soon as possible.

2006/2198 MINERALS & WASTE NPA REPRESENTATION AT WILTSHIRE COUNTY COUNCIL TROWBRIDGE MEETING RESUME

Mrs Heron requested someone from the NPA to attend a recent meeting to discuss, amongst other things, Pound Bottom Tip. Mrs Heron will seek information as to the outcome of the meeting.

### **OTHER AGENDA ITEMS**

2006/2199 COLLECTION AND DISPOSAL OF PLASTIC BAGS & WRAPPING RESUME

Following on from the previous item, Mr Frost commented that in Copythorne and Bramshaw there is a pilot scheme for the collection of plastic bags and string from farms. As there is soon to be a ban on burning or burying such waste it will become even more difficult for such material to be properly disposed of. Mr Frost said he will endeavour to find out more about the pilot scheme which, if successful, could perhaps be extended to cover the rest of the Forest.

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

2006/2200 NEW FOREST CONSULTATIVE PANEL DISCHARGE

Mr Tim Greenwood (ex Hampshire County Council) has been elected new Panel Chairman.

2006/2201 FOOT & MOUTH DISEASE LIAISON GROUP DISCHARGE

The contingency plan has been revised. It should be noted that unless an outbreak of FMD occurs actually in the Forest, the area will remain open to the public.

2006/2202 LOCAL ACTION GROUP – LEADER + APPLICATION DISCHARGE

The third pound application has been approved. LEADER + is coming to an end but it is thought there may be funds available from elsewhere.

2006/2203 WATER BASIN FORUM (LIFE 3) DISCHARGE

A conference will be held in June to review work done under LIFE 3 and consider possible future proposals.

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

There were no staff matters to discuss at this meeting.

## TRAINING

2006/2204 TRAINING FOR THE AGISTERS ON WORKING ON OR NEAR THE RESUME  
HIGHWAY

It is expected the training will take place in June or July.

## HEALTH AND SAFETY AT WORK

There were no health and safety matters to discuss.

## ANY OTHER BUSINESS

2006/2205 PONY CONDITION STANDARDS (See also CSS above) DISCHARGE

It was agreed the Court should ratify the proposals to change the pony condition scoring system.

2006/2206 LIFE 3 CELEBRATION DISCHARGE

A celebratory event is to be held at New Park on the 2<sup>nd</sup> June at 10.45 a.m.

2006/2207 NATIONAL TRUST PROPOSED PURCHASE OF FOXBURY RESUME  
PLANTATION

A meeting is to be held on 5<sup>th</sup> April at 1.45 p.m. in Bramshaw Village Hall concerning the National Trust's proposed purchase of Foxbury Plantation. Mr Pasmore will definitely attend together with the Official Verderer if he is available.

2006/2208 NEW FOREST SHOW STAND DISCHARGE

A quotation of £2,000 has been received to revamp the Show Stand. The Court approved this expenditure.

2006/2209 ROAD SURFACING DISCHARGE

Miss Macnair remarked that the road between Woods Corner and Mill Lane to Lester Square is extremely slippery. Last time it was resurfaced, the Highway Authority omitted to return to add chippings. Mrs Heron remarked that it cannot be done until the summer.

2006/2210 KINGSTON GREAT COMMON RESUME

The Official Verderer reported that English Nature lost their case against Mr Lowndes in respect of the fence which he has erected across Kingston Great Common. English Nature intends to hold a debriefing meeting when it is hoped there will be a more detailed explanation of what went wrong. Mr Lowndes has been acquitted of a criminal charge and cannot be prosecuted for the same offence again. Mr Pasmore said he could not understand this result. He added that the Law of Property Act is quite clear that fencing cannot be erected on Common Land without the Secretary of State's approval. The fence

clearly infringes the commoners right of vicinage. Mr Pasmore and Mr Frost felt the matter must be investigated further and this was agreed. The Official Verderer will write to English Nature requesting an urgent de-brief. It was also commented that some of the land is designated Access Land.

2006/2211 POUNDS

RESUME

The Chairman of the Staff Committee remarked that with the present level of pound building, the Court will end up with approximately 50 pounds which will need to be maintained. The newly constructed pounds are technically more complicated (with additional internal gates etc) and with ever increasing health and safety and stock welfare requirements it is essential that the structures are properly maintained. Mr Adams therefore made a request that the budget for pound materials be reviewed.

There is one more year of LEADER + funding after which it is possible the sustainable development fund may be available for such projects. Mr Adams will produce some figures to cover a five year maintenance schedule.

The Court agreed that in any event the under-spend on pound repairs from last year will be carried forward.

2006/2212 TUBERCULOSIS

RESUME

Mr Pasmore expressed concern that little appears to be being done with respect to the threat of TB which is moving steadily eastwards towards the Forest. He questioned what would happen to the Forest cattle if a herd is infected. Mr Adams said that the matter was raised briefly at the recent Foot and Mouth Disease Liaison Group meeting and it seems even DEFRA is not sure. The Clerk will write to DEFRA to endeavour to obtain some information and also to request what is happening on Dartmoor.

2006/2213 HALF MOON COMMON

RESUME

Half Moon Common is in an appalling state apparently as a result of gross overstocking. There is approximately 5 acres of mud outside Swallowfields. Mr Pasmore said he has written to English Nature and intends to take the matter to a higher authority in the National Trust in an effort to get something done. A joint working group consisting of DEFRA, the National Trust, English Nature and the Verderers is to meet to discuss the problem.

At the recent Stewardship Scheme Advisory Group meeting the problems on that part of the Forest were discussed.

One of the problems is that English Nature has stated it does not believe the area is overgrazed. However, in 1992 English Nature wrote to the National Trust stating it was unhappy with conditions. It is considered the National Trust has had ample time to sort out the problems. The current situation clearly represents a breach of cross compliance under DEFRA SPS rules. DEFRA has carried out two

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surveys and produced two reports, both of which say the area is overgrazed.

The Official Verderer was asked to write to Wanda Fojt at English Nature with a copy to the National Trust and DEFRA requesting information on the data English Nature is relying on when saying the area has not been damaged.

There being no further business, the meeting closed at 1.30 p.m.