

MINUTES of the Court of Verderers held on Wednesday, 17th November 2004 at 9.30 a.m. in the Library, The Queen's House, Lyndhurst.

PRESENT: Mr O Crosthwaite Eyre Official Verderer
Mr J Adams Elected Verderer & Chairman of the Staff Committee
Mr A Gerrelli Elected Verderer
Mr P Frost Countryside Agency Appointed Verderer
Mrs K Heron Appointed Hampshire County Council Verderer
Mr J F Kitcher Elected Verderer
Miss D Macnair Elected Verderer
The Hon R Montagu Appointed Forestry Commission Verderer
Mr A H Pasmore Elected Verderer
Mrs P Thorne Appointed DEFRA Verderer

IN ATTENDANCE: Miss S Westwood Clerk
Mr J R Gerrelli Head Agister (first three items only)

APOLOGIES: None

IN COMMITTEE

The Head Agister was present for the first three items.

2004/1239 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 20th October 2004 were approved and signed.

2004/1240 ANNOUNCEMENTS & DECISIONS DISCHARGE

The Announcements and Decisions were approved.

2004/1241 CONDITION OF STOCK RESUME

Report by the Head Agister

The Head Agister's view was that little has changed from the previous month. Stock continues to look well. One or two mares have gone back in condition have been removed but nothing gave cause for serious concern. The animals are going into the winter looking well.

Most of the cattle that are usually removed for the winter have now been taken in. There have been quite a few deaths resulting from acorn poisoning and this year young cattle in particular have succumbed. More animals have died than in the past two or three years but the acorn crop has been heavier. Acorn poisoning does not always kill animal immediately and unfortunately it is likely more deaths will occur in the months to come.

The Head Agister left the meeting.

Report by the Chairman of the Staff Committee

The Chairman of the Staff Committee agreed with the report by the Head Agister but added that there are a couple of cattle in the north of the Forest which he is not happy about. They both belong to the same commoner and the Chairman will speak with the Agister for the area.

The Welfare Tour

Miss Macnair was concerned that Mrs Pat Campbell has not been invited to attend the Welfare Tour. The Clerk responded by saying that some time ago the Official Verderer had asked that where at all possible not more than two representatives from each organisation should attend. Mrs Campbell has been invited in past years as she was the Chairman of the British Horse Society. However, she has now stepped down from that position and the new Chairman has been invited instead. The Clerk added that if it is the wish of the Court that Mrs Campbell should be invited to attend in addition to the BHS Chairman and Head of Welfare, she will ensure the necessary invitation is extended.

Miss Macnair went onto say that Mrs Campbell has been very helpful to the Forest and is Chairman of the BHS Breed's Committee. She felt she should be invited. The remainder of the Court agreed and the Clerk will therefore contact Mrs Campbell and invite her to attend.

Strangles

The Chairman of the Staff Committee reported that there are still a few cases of strangles on the Forest.

West Nile Fever

The Clerk reported that as requested she had contacted the Verderers' Veterinary Surgeon, Mr Ralph Ellis, asking for his opinion of the risk posed by West Nile Fever and suggesting Government should be asked to licence a vaccine which is in use in the United States. Mr Ellis has stated that he feels there will be an increased risk of various exotic diseases if the climate warms in accordance with current predictions. He added, however, that Government will not licence a drug until the situation warrants its use. i.e. The disease has to be present. Whilst this was considered to be an unsatisfactory state of affairs, the Court agreed that lobbying Government on this subject now is unlikely to be successful.

2004/1243 DECLARATIONS OF INTEREST

RESUME

All the Elected Verderers declared they have an interest in the Countryside Stewardship Scheme.

The Official Verderer declared an interest as someone with licensed premises in the Forest.

As members of the Stallion Syndicate, Mr Gerrelli and Mr Kitcher declared an interest in the items concerning the stallion Obershade Highland Fling as he belongs to the Syndicate.

2004/1244 FINANCIAL STATEMENT

RESUME

The Financial Statements for September and October had been circulated in advance of the meeting and were approved.

2004/1245 BYELAW ENFORCEMENT RESUME

Summons's have been issued in respect of the Stallion which has been running out in the North of the Forest. The defendants are due to appear in the Magistrate's Court on the 30th November when they will be invited to enter their pleas.

2004/1246 PROSECUTIONS FOR NON-PAYMENT OF MARKING FEES RESUME

In respect of the prosecution of certain National Trust Commoners, date for the hearing is still awaited.

2004/1247 LYBURN ESTATE AND CATTLE GRID RESUME

The Head Agister met with the owner of Lyburn Estate who has said he would be interested in taking up the Official Verderers' without prejudice offer of assistance towards the cost of remedial work to the cattle grid. The Court agreed that this is an acceptable solution but insisted that he fencing must be done first. It was pointed out that apart from clearing out the grid, groundwork is essential to stop the gravel washing down the track into the grid. The Official Verderer will write to the Estate Owner making a formal offer, inviting him to respond by return. The Verderers will manage the tendering.

2004/1248 SCHEME FOR NEW FOREST COLTS RESUME

Mr Adams will arrange a meeting of the Stallion Sub-Committee with a view to drawing up a scheme aimed at encouraging commoners to keep a limited number of potential stallions. Proposals will be prepared in time for the next Court. Mr Ralph Ellis MRCVS will chair the Stallion Committee which is managing the stallions whilst they are in New Park.

2004/1249 FORESTRY COMMISSION PROPOSALS FOR HOLLANDS WOOD AND ROUNDHILL CAMPSITES RESUME

Mr Frost reported that the New Forest Association is organising a meeting where interested parties can consider the proposals. The Official Verderer suggested that any Verderers who are able to attend the meeting should do so. They should attend as individuals rather than representatives of the Court. Mr Montagu asked for clarification of which parts of the proposals require the Court's consent. The Official Verderer said the Court may well be challenged on its decisions which must be clearly defensible.

Mr Frost went on to say that the New Forest Committee produced a very valuable document on the proposals as they were set out in 2003. At that time the need for a holistic approach to camping in the Forest was considered essential. Mr Frost will find the paper and e-mail it to the Clerk for circulation.

Mr Kitcher expressed concerns that the proposals are being pushed through despite concerns expressed on the Committee originally set up by the Commission to consider the issues. That Committee was scrapped. Electric Hook-ups on Open Forest were considered at the time to be unacceptable.

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

IN ATTENDANCE: Mr Mike Seddon Deputy Surveyor of the New Forest
Mr Will Parke Area Land Agent (New Forest)

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER

2004/1250 NATIONAL PARK

Further to our correspondence with the Minister and his officials concerning the mechanism for appointing the six members of the future National Park authority who are to be chosen by the Secretary of State, I have subsequently had a meeting with Alun Michael in London in order to discuss the whole issue. The Minister was made well aware of the fact that there would be great disappointment in the Forest if the Government decided that, contrary to the written advice given to them by the Countryside Agency, the Verderers should not participate directly in the selection process. After a very thorough discussion Mr Michael has agreed that he will reflect further upon this issue and consult with his officials.

2004/1251 SINGLE FARM PAYMENTS

We have, amongst many others, been pressing Defra for a positive decision on the question of whether or not land used for horses can be included in claims under the new Single Farm Payments regime. Defra has now confirmed that all land used for horses may be included in claims for Single Farm Payments. The announcement will no doubt be greeted with relief by many commoners, and we applaud the Government for its sensible decision.

2004/1252 SINGLE FARM PAYMENTS

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2004/1253 LONGSLADE BRIDGES

A decision was made in committee last month to allow the construction of the two bridges at Longslade, and we have made it clear to the Deputy Surveyor that we regard the Forestry Commission's desire to build these bridges as being subject to the Verderers' consent under the New Forest Acts, and our consent has been duly given on that basis.

2004/1254 RIVERSIDE SCRUB CLEARANCE

In her presentment at last month's court Mrs Olive Collins asked us to seek assurances from the appropriate bodies for the removal of all cut timber and debris caused by the clearance works in the forest. At our request the Deputy Surveyor has offered to investigate in order to find out exactly what is to be done to the timber and debris in question.

2004/1255 FORESTRY COMMISSION PROPOSALS FOR HOLLANDS WOOD AND ROUNDHILL CAMPSITE

We understand that the Deputy Surveyor will be making a formal presentment this morning in respect of the Forestry Commission's plans for the improvement of these two campsites. This is a significant and important matter and in accordance with the usual procedure we do not propose to consider the presentment until after the January Open Court in order that we may hear and consider supporting or counter presentments. Before making our decision on the campsites we do need to know the depth and scope of the public's feelings and opinions on these proposals, and we therefore particularly encourage presentments on this subject.

ANIMAL ACCIDENT REPORT

2004/1256 ANIMAL ACCIDENT REPORT FOR OCTOBER 2004

Total Accidents for the Period: 16 (16)

	Killed		Collar		Injured		Collar		Uninjured		Collar		Not Found	
Ponies	7	(5)	0	(0)	3	(3)	0	(0)	0	(0)	0	(0)	4	(4)
Cattle	0	(1)	N/a	N/a	0	(0)	N/a	N/a	0	(0)	N/a	N/a	1	(0)
Donkeys	1	(0)	1	(0)	0	(1)	0	(0)	0	(0)	0	(0)	0	(0)
Pigs	0	(1)	N/a	N/a	0	(1)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Sheep	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Totals	8	(7)	1	(0)	3	(5)	0	(0)	0	(0)	0	(0)	5	(4)

TOTAL KILLED & INJURED	11	(12)
Accidents During the Hours of Darkness	8	(11)
Vehicles Involved		
Private Cars / Light Commercials	11	(15)
Motor Cycles	0	(0)
Heavy Vehicles	1	(0) (not reported)
Bicycles	0	(0)
Number of Local Motorists	7	(12)
Number of Accidents Not Reported	5	(1)
Total Killed and Injured for the Year to date	90	(88)
Number of Deer Killed	-	(-)

Figures in brackets () show previous year's totals.

The Clerk commented that although motorists are always warned of the need for extra vigilance when the clocks change, the week before last 11 accidents occurred which involved Forest stock.

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

2004/1257 FORESTRY COMMISSION PROPOSALS FOR HOLLANDS WOOD AND ROUNDHILL CAMPSITES

The Forestry Commission submitted to New Forest District Council on Friday 5th November two planning applications for works at Hollands Wood and Roundhill campsites.

The planning applications are based upon studies undertaken in recent years to assess the environmental effects of specific campsites with a view to relocating sites away from the most sensitive areas of the Forest. Based upon the results of these studies we are confident that the campsite changes proposed in the applications will benefit the Forest.

Our proposals are designed to reduce the impact of camping on some the Forest's

rarest habitats – ancient pasture woodland at Hollands Wood and dry heath at Roundhill. The changes proposed in the applications would allow for about a 15 hectare reduction in the area used for camping, and the restoration of some 8800m² of open forest habitats.

The common grazing will benefit as a result of this habitat restoration, and will be further enhanced by the throwing open of some nine hectares of Perrywood Ironshill and Stockley inclosures.

The modernisation of campsite amenities is also included in the plans, with new reception, toilet and shower blocks replacing the existing buildings. The two replacement facility buildings proposed for the open forest at Roundhill would continue to be removed from site during the winter. Specially designed, removable electric hook-up points would be provided for some pitches at both sites.

The proposals also take into account the Minister's Mandate objective of rural development, and should ensure that the local Brockenhurst community continues to benefit from a similar volume of campsite customers as at present.

Landscape impacts of camping will also be reduced through the relocation of camping areas and the under grounding of the electricity line at Hollands Wood. No changes are proposed to the opening times of either campsite.

Display panels at the rear of the Hall illustrate the proposals for both campsites and describe the main findings of our environmental studies. A full copy of the proposal documentation has been provided to the Verderers office and is also available for viewing at the New Forest District Council offices.

Within the proposals are elements that affect the common grazing and therefore the interests of the Verderers. These elements include the removal and replacement of buildings; the reduction in area subject to camping activity and the restoration of areas of open forest by removal of hard standing; the provision of removable electric hook-up points; and the use of areas of Perrywood Ironshill and Stockley inclosures for recreational purposes. We believe that the implementation of these elements, the overall package and in particular the 15hectare reduction in camping area, and restoration of 8800m² of open forest, will have a positive impact on the commoning interests.

We therefore seek the Verderers comments on these matters and their consent, under section 23(2) of the Countryside Act 1968 and section 1 of the New Forest Act 1970, to the new or additional facilities proposed.

Recognising the Verderers non-statutory role as advocates for the Forest we would also welcome any general comments the Verderers may wish to offer about the proposals.

PRESENTMENTS

2004/1258 CROWN LANDS CYCLE NETWORK
Presentment by Mr Richard Manley, Chairman of the New Forest Commoners' Defence Association

"The Association would ask that the Court give great consideration to this proposal. Whilst we would emphasise that the Association is in no way anti cyclist our members are witness on a regular basis to the total disregard, disturbance and inappropriate behaviour of a minority of cyclists and the apparent inability of the Forestry Commission to bring to check this behaviour. If this proposal is allowed without the current meaningful check and balance it may well send out the wrong message that we

have simply given up on the matter and do not care if this behaviour continues. That would be wrong and in our new National Park is that the message we need to promote right now? This would not affect cyclists who behave responsibly, but continues to promote the message that the Forest is not an appropriate place for off-track, downhill, cross country pursuits.

The Association encourages and awaits a proposed, meaningful and joined up network on which we can subsequently all comment on and continues to support such initiatives as the reconstruction of the old railway bridges at Longslade. However, it is unconvinced that this application would currently be good for the Forest and would urge the Court to continue with the tried, tested and accepted past methods for the moment”.

2004/1259 HERPETOLOGICAL RESEARCH

Presentment by Mr Richard Manley, Chairman of the New Forest Commoners' Defence Association

“The Court will be aware and has apparently given permission for pieces of galvanised corrugated steel to be laid in numerous locations throughout the Forest for the protection and encouragement of various reptiles by certain keepers apparently for research. The Association is supportive of this initiative but would now like the procedure reviewed to see if an alternative method could be found. Our members have had several near misses with ponies and riders of late with these constructions and we are now waiting in anticipation for a collision. We look forward to your conclusion with interest”.

2004/1260 FORESTRY COMMISSION PROPOSALS FOR HOLLANDS WOOD AND ROUNDHILL CAMPSITES

Presentment by Mr Richard Manley, Chairman of the New Forest Commoners' Defence Association

“Neither the Court, the Forestry Commission nor our members will be in any way surprised to hear that the Association is very concerned with specific aspects of this proposal. We can accept that camping is part of the make up of the modern day Forest and surroundings but cannot and will not agree to any form of urbanization within it. Our commissioned independent research done in the summer of 2003 demonstrates that the vast majority of campers visit because of the peace and tranquility that the Forest offers. We would ask that the Court enters into immediate dialogue with the Forestry Commission to ascertain what can be done to alleviate our worst fears about specific aspects of this proposal.

The Association would like to know the closing date for objections to the planning application recently lodged with New Forest District Council”.

2004/1261 COMMONERS' HOUSING RESEARCH

Presentment by Mr Richard Manley, Chairman of the New Forest Commoners' Defence Association

“The Court has a long and honorable history of supporting research which is beneficial to the commoners. The New Forest Association with the support of the CDA has found funding for vital research into commoners' housing which will prove of essential value to the future of commoning and would ask for the Verderers continued support and co-operation for this. We have sought and gained a mechanism that provides total security and confidentiality and assure the Court that all we ask for is a list of names and addresses only – the research to be replied to by commoners on a strictly voluntary basis as in previous instances”.

2004/1262 TWO YEAR OLD COLTS

Presentment by Mr R Stride, Practising Commoner

"In 2003 the Verderers introduced a new rule for two year old colts which has made life unnecessarily difficult for commoners. In previous years colts could remain on the Forest until 1st May. Although after the rigors of the winter on the Forest they are unlikely to be very active until late May/June. The Verderers new ruling that they must be removed by 1st February is an over reaction and causes problems for commoners at a difficult time of the year. I would like the Verderers to reconsider their decision and suggest that March 31st would be a more realistic time for them to be removed."

2004/1263 EXTENSION TO THE PANNAGE SEASON

Presentment by Mr R Stride, Practising Commoner

"I would like the Court to ask the Deputy Surveyor for a further extension to the pannage season. Ponies and cattle are still dying from the abundance of acorns. There is an ample supply of forage for the pigs and I suggest that New Year's Day would be the right time for the pannage to end.

2004/1264 PIGS – EXTENSION TO PANNAGE SEASON AND UNRUNG PIGS ON BRAMSHAW COMMONS

Presentment by Mr Raymond Bennett, Practising Commoner

Mr Bennett supported Mr Stride's request for an extension to the pannage season.

Mr Bennett then went on to say that unrung pigs are causing considerable damage on the Bramshaw Commons. He said they have been turned out deliberately and the National Trust is turning a "blind eye" where in years gone by it would have been far stricter and taken action. Mr Bennett added that the same thing happens every year. The pigs are turned out in the summer and as soon as the ground softens in the autumn acres of lawns are damaged. Dazel Wood, Penn Common and Penn Marsh are being deliberately dug up.

The Official Verderer confirmed that the National Trust does require pigs to be rung. He added the Verderers are concerned about unrung pigs and that they will look into the problem.

Mr Bennett then added that the National Trust Warden does go to see the owner of the pigs who says he will ring them but doesn't. He felt the Trust is too soft.

2004/1265 CYCLING IN THE FOREST

Presentment by Col Peter Sweet, Practising Commoner

"Regarding the Presentment made by the Deputy Surveyor at the last Court asking that you extend your approval of the way-marked cycle routes for three years. May I suggest that this is not the best moment for the Verderers to give their approval.

As everyone knows cycling on the Open Forest has been out of control ever since you gave approval in 1994 for cycling on the way-marked cycle routes. I have said so before the Court at least annually, ever since.

However, the Forestry Commission now co-ordinates a body, called Progress whose members include the County, NFDC, together with many Forest organisations which is now finalising a new map showing the strategic cycle routes for the wider New Forest area. At the same time they are producing codes of behaviour for cyclists, riders and dog walkers, all of which will, under clause 1(2) of the 1970 New Forest Act, require your agreement in so far as it concerns leisure activities within the Perambulation.

I am informed by the co-ordinator that the new map has been passed to a design company to produce a first draft when it, and the new codes, will be for further discussion. The way-marked routes in the perambulation will be clearly shown on the new map. May I suggest the Court now, as last year, gives an extension for just one year until we all see what the new map and behaviour codes propose. Then, when they come before the Court for your approval will be the time, if you are satisfied that these cycle routes within the perambulation can be properly policed, to consider any further long-term extension”.

2004/1266 RTA IN BROCKENHURST
Presentment by Col Peter Sweet, Practising Commoner

“Yesterday a pony was hit by a car in the middle of Brockenhurst in a 30 mile per hour area and close to a “slow” sign on the road and a sign showing “elderly people. I stopped my car and Harry Oram came over to tell me that everything was under control. The Agister had been called and the Police were present. I drove on. The driver of the car concerned was there.

Can I be assured that you will do all you can to ensure the driver is prosecuted?”

2004/1267 VERDERERS' COURT COMMITTEE MEETINGS
Presentment by Mr R Cooper, Minstead Manor Commoner

“Clearly we are faced with a Government which, through either extreme dishonesty or wholesale incompetence, is likely to treat the New Forest with the contemptible negligence and malfeasance it is even now after 7 years practice showing to rural Britain, and it remains essential for the Court to stand up for all that the New Forest people will want to see if our way of life is to be allowed to continue.

Because of recent developments in the administrative and constitutional law, two matter which I raised in presentments variously since the late 1970's are all the more apposite.

Firstly it is essential for good rule and government, as well as to pay the proper and due lip service to democratic requirements that, the Court's Committee work is not only open to the public, but subject to the rules of disclosure of a formal Agency relating to its essential works for the protection of the Forest. This particularly may not be a tablet of stone established even in the Freedom of Information Act which might have relevance in the Court's business in the near future, but in the face of ever increasing encroachment from pressure groups, outside agencies, it is a necessity for our protection of the Forest.

Secondly, I understand that it was only in the stewardship of Mr John Burry as Official Verderer that some formal regulation of the Court's affairs by what might be called “standing orders” was established and the “5 minute rule” of presentments was established as the norm, no matter what custom had been accepted in the past. Having transgressed this irregularly in the past, and seen and heard many other sinners, garrulous or otherwise, over the years, I readily accept the rule's convenience and expedition in administrative business. However, the Court regularly acts in a quasi judicial capacity (even though it may not realize that it has done so!) and in such circumstances it should exercise great caution not to fall foul of, on the one hand, the rules of Natural Justice and, on the other hand, the Human Rights Convention.

I respectfully ask that the Court

1. publishes full agendas for all its committee meetings and opens the same for public attendance, if required.

2. allows those making Presentments sufficient time to address the Court in public session in order to comply with the requirements of statutory protection of private rights and interests.”

2004/1268 MARKWAY LAWN

Presentment by Mr Bob Cooper, Minstead Manor Commoner

Mr Cooper expressed concern at the conditions on Markway Lawn where he said you will stand in 6 inches of water. He said if English Nature feel this is a proper way to manage a lawn they are wholly incorrect. It was one of the finest bits of Forest grazing and a picnic area enjoyed by the public. Mr Cooper added that English Nature should be called to book immediately in order to correct this disgraceful state of affairs.

2004/1269 CYCLING IN THE FOREST

Presentment by Mrs Immy Bickford-Smith

“I would like to ask the Verderers to reject Mr Seddon's request for permission for the cycle route network to be renewed for more than one year.

These waymarked routes were established when Mr Seddon was Recreation Manager and the promotion of their use nationwide has resulted in unsustainable numbers of mountain bikers causing unacceptable disturbance to wildlife.

Many bikes are ridden at dangerously high speeds and cannot be stopped from going off route – where they cause considerable erosion.

It has been proved beyond any doubt that the Forestry Commission is unable to police these existing routes – let alone control an even greater number of users over an extended network.

When the cycle route network was started in 1998 some 300 signposts and way-markers were erected. I understand some believe these signs should now be bigger or that there should be even more of them. I think you will agree that this all contributes to the unattractive and unwanted *urbanization* of the Forest.

In some villages traffic problems have actually got worse since the introduction of the cycle network as bikes arrive by car.

Cycling is environmentally friendly when taking the place of motorised traffic, but NOT when uncontrolled numbers of mountain bikers are encouraged and directed onto the Forest – and into areas that previously had no vehicular access.

This is of particular concern in areas that have been designated as the most Remote and Tranquil or are of High Habitat Sensitivity.

It seems pointless to have endless Forums, Strategy Plans and extremely costly mappings commissioned if all are ignored – as for example the 1996 Tranquil Areas report has been.

There is now a legal obligation to protect this unique environment. Please may I remind you of the UK Biodiversity Action Plan, Chapter 6 – Sustainable use: Clause 6.2. Please also see – Environmental capacity and the precautionary principle: Clauses 6.7 and 6.8.

Large numbers of cyclists being encouraged to this area to use Forest tracks rather than roads has already resulted in both additional erosion and disturbance to ground nesting birds.

I hope this will be taken into consideration when reviewing these cycle routes or when requests are made for any extensions. Thank you."

The Official Verderer reminded those present that there is no Open Court in December. He thanked everyone for their interest, support and attendance and wished them a Happy Christmas and prosperous New Year.

IN COMMITTEE in the Library

The Deputy Surveyor introduced Mr Gary Coulson from Terence O-Rourke, Planning Consultants, who had come to assist in answering further queries on the on Hollands Wood and Roundhill Campsites Planning Application

2004/1270 FORESTRY COMMISSION PROPOSALS FOR HOLLANDS WOOD AND ROUNDHILL CAMPSITES RESUME

No debate took place on the merits of the Presentment made by the Deputy Surveyor in Open Court but clarification of a number of points was requested.

The closing date for objections to the Planning Application is 25th February. However, the District Council has indicated it will accept comments up to the period in which the application is formally considered. The Deputy Surveyor suggested the Court may wish to register its intention to comment after Presentments have been heard in the January Court. A 16 week consultation period is required for any application which has an Environmental Assessment attached.

The application documentation is available on CD and a further 10 copies were requested.

In response to a query, the Deputy Surveyor confirmed that the two logos which appear on the back of the CD case are those of the consultants dealing with traffic and hydrology and contamination.

Mr Pasmore expressed concern that some of the areas in the middle of Roundhill which are to be reinstated are unlikely to recover particularly well. In response the Deputy Surveyor pointed out that a significant amount of concrete will be removed. He added that with cars and caravans being excluded it is envisaged the heather and grass will return. Environmental studies show dry heath habitat is present and it is expected to recover.

The Deputy Surveyor explained that the Western Hemlock in the Perrywood part of the new campsite will be felled. The best trees will however be identified and left. Mr Pasmore asked if consideration has been given to the likelihood that individual trees which are being left will be more likely to suffer windblow. The Deputy Surveyor assured the Court that this has been taken into account.

Mr Frost then asked for confirmation of exactly what permissions the Forestry Commission believes it requires. The Deputy Surveyor said that the FC is waiving its Crown Immunity and has made a full planning application to the New Forest District council. The FC will be bound by the decision of the NFDC but reserves the right to appeal as would any other applicant.

Mr Pasmore then queried the status of the inclosures. In response the

Court was told that Perrywood is a statutory inclosure. The area required for the campsite will be thrown open so as to allow it to be used for recreation. An application will then be made to the Verderers for the necessary consent. Should the need arise, application could be made in the future for the inclosure to be re-enclosed.

Mr Ralph Montague asked which parts of the proposals come under the heading "facilities". The Deputy Surveyor said that the buildings, electrical hook-ups and changes to hard-standing come into that category.

Mr Gerrelli asked if there has been any advance in the design of the hook-ups. The Deputy Surveyor said that the design is being worked on. Some of the posts will include a hook up for one caravan, others may have multiple sockets. He added that some short lengths of trailing cables will be necessary. The positioning of the hook-ups has yet to be agreed. The FC does not want to have to dig too many trenches and so the hook-up posts are likely to be situated close to the existing trackways. Mr Frost remarked that this had been discussed at the Consultative Panel meeting.

Mr Frost then remarked that the surface of the pitches should not be altered.

The Official Verderer queried whether the re-routing of power supplies requires the Verderers' consent. Mr Parke confirmed it is part of the application and the Verderers could refuse consent for that aspect.

Mr Montagu queried the approach to backfilling of trenches. The Consultant advised that where possible cable routes will be moled. Where trees are in the way, routes will either be diverted or hand-dug.

The Official Verderer commented that some of the detailed plans show where the hook-ups are intended to be but there is no design of the actual hook-up.

The consultant explained that there are no commercially available designs that are suitable for use in the Forest and a bespoke design will be required. It is hoped drawings should be available for inspection at the January Court. The Official Verderer said it would be helpful if something could be made available for the December Court Committee for the Verderers to look at. The Court's concern was understood and every effort will be made to have something available in December.

CONSIDERATION OF PRESENTMENTS

2004/1271 CYCLING ON THE FOREST

DISCHARGE

The Deputy Surveyor said that ideally the new map will be ready before April next year. He confirmed there are no new routes on Crown Land. It was agreed the Code of Conduct for Cyclists which is being drawn up does not require the consent of the Court although sight of it would be useful.

Mr Pasmore expressed concern again that some of the cycle routes are inappropriate as they travel through what are supposed to be quiet areas. Mr Frost was concerned that too many signs down grade the character of the Forest. He added that a map is essential. The Deputy

Surveyor said the Forestry Commission does not intend to change the signs. Mr Montagu suggested the maps could also act as permits. Mr Gerrelli, however, felt that it is not usually people with maps who create the problems. The main problem is cyclists who don't deliberately break the rules but simply don't know what they may or may not do.

The Official Verderer asked if anyone felt things have changed for the better or worse. A better policy had been hoped for but has not been forthcoming. He suggested that one further year should be granted. Mr Kitcher seconded the proposal which was carried.

The Deputy Surveyor stressed that Forestry Commission staff do police the network and talk to people. He said, however, that realistically the FC will never have enough people to cover the whole Forest. Cycling is not damaging the Forest where the minority go off-track – he added that he is not convinced there will ever be much difference in the number of people who do go off-track. On-the-spot fines cannot be issued and policing cycling will always be a difficult subject.

The Official Verderer asked if the concept of a permit system would be considered. The Deputy Surveyor replied that such a system was considered some years ago but was felt to be unworkable. He added there will always be a minority who don't adhere to the rules and requiring permits only penalises the majority of people who behave properly anyway. The message from previous attempts at prosecuting misdemeanours on the Forest has not been good. The Court was reminded of the £50 fine for the lad with a tractor stuck in a bog. Prosecuting does not send out the right message!

It was pointed out that the Biodiversity Action Plan is now law.

2004/1272 HERPETOLOGICAL RESEARCH (Use of galvanised tin sheets) RESUME

To clarify, the Court did not give approval for the use of sheets of tin. The Forestry Commission has already agreed to phase out the use of galvanised tin which will be replaced by sheets of rubber. The Deputy Surveyor said he will confirm how far the replacement program has progressed.

2004/1273 COMMONERS' HOUSING RESEARCH DISCHARGE

A further discussion took place on how the research can be carried out without compromising the confidentiality of the marking fee register. Eventually it was agreed the papers can be despatched from the Verderers' Office under the control of the Clerk.

2004/1274 TWO YEAR OLD COLTS RESUME

The Official Verderer felt it is highly undesirable to again alter the date by which colts must be removed from the Forest. After some discussion the Official Verderer proposed that for the sake of consistency the date should remain unaltered. This proposal was seconded by Mr Frost. On a vote 7 Verderers were in favour, 2 voted against and 1 abstained. It was agreed that the situation will be reviewed after the first year of the new 3 year stallion scheme. The subject will be included on the Agenda for the November 2005 Court. In the meantime, the Court's solicitor will be asked for a definition of "2 year old".

2004/1275 PANNAGE SEASON EXTENSION DISCHARGE

Again for practical purposes it was agreed the date for the end of the Pannage Season this year should remain at 19th December 2004. This can be reviewed in a few weeks if deemed necessary.

2004/1276 UNRUNG PIGS ON THE NORTHERN COMMONS RESUME

It is believed the pigs belong to one of the commoners currently subject to prosecution. In view of the pending prosecutions it was agreed that no action will be taken at present except that the National Trust will be advised of the situation.

2004/1277 ROAD TRAFFIC ACCIDENT IN BROCKENHURST RESUME

The accident will be investigated to see if there is any realistic prospect of a successful prosecution being obtained.

2004/1278 COURT AGENDAS DISCHARGE

Until there is a clear legal requirement to do so, the Court Agenda will not be published.

The Procedures are the Court's prerogative. It was agreed that the present rules are clear and reasonable and the 5 minute rule will remain. It was pointed out that the New Forest Committee allows 4 minutes for public comment, the County Council allows 2 minutes and the New Forest District, 5 minutes. The Verderers' Court would, therefore, appear to be in line with everyone else.

2004/1279 OPEN MEETINGS OF THE COURT RESUME

Mrs Heron confirmed that members of the public have to apply to attend Council Committee meetings. If particular Verderers wish to bring someone to address the Court in Committee they may do so subject to obtaining the agreement of the Official Verderer.

The Official Verderer said that in the past the Countryside Agency offered funding for a consultant to consider the Court's methods of working. He added he is waiting for the Countryside Agency to confirm the amount of money which may be available and to suggest a suitable consultant.

2004/1280 MARKWAY LAWN DISCHARGE

Some members of the Court felt the time has come to give careful consideration to whether support should be given to future LIFE 3 works until the issue of Markway is resolved. It was felt there has been too much "give" on the part of the Verderers and there is serious concern that if something is not done at Markway soon the lawn will be completely lost. Mr Kitcher thought some work may be done and possibly some LIFE money can be used.

SUBMISSIONS BY THE FORESTRY COMMISSION

2004/1281 UPRATED UNDERGROUND ELECTRICITY SUPPLY TO FRITHAM NURSING HOME RESUME

The Court considered it preferable to place both lines underground and asked that this be investigated further.

2004/1282 FLOODING AT WOODLANDS ROAD, ASHURST DISCHARGE

The proposed flood relief work at Woodlands Road was approved subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

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

2004/1283 RIVERSIDE SCRUB CLEARANCE DISCHARGE

The Deputy Surveyor commented said he is not aware that anything abnormal is happening at the scrub clearance sites. He added that holly pollarding arisings are left stacked. Concern was expressed that sometimes the stacked wood is thrown into the watercourse by members of the public. It was also considered to be a waste of good firewood if it is left to rot.

The Deputy Surveyor said that larger pieces of timber are usually extracted for fuelwood and added that at Avon Water (between Wootton Bridge and Holmsley), heavy horses may be used in place of the usual machinery because the ground is so wet. A letter will be sent to Mrs Collins in response to her Presentment at the last Court.

2004/1284 BRAMSHAW TO WINDYEATS ROAD RUBBISH RESUME

Mrs Heron reported that she has spoken to the Site Manager who at first said he has no control over the vehicles leaving the site. Mrs Heron persuaded him that this is not the case and pointed out that it is a legal requirement that vehicles must be either completely empty or sheeted. The Site Manager then told Mrs Heron that he could probably ensure that skips are sheeted or that the drivers make sure they are properly cleaned out and he promised to write to the contractors. The Manager asked for three weeks grace to allow time for the message to get through to the drivers. Mrs Heron agreed to wait and see if there is any improvement. Two men (instead of the usual one) were seen collecting rubbish alongside the road on Friday.

2004/1285 MARQUEE & PARKING PROBLEMS AT THE ROYAL OAK PUBLIC HOUSE, FRITHAM RESUME

The Clerk read out aloud the letter recently received from the landlord of the Royal Oak at Fritham. He believed that the Forestry Commission had written to the Council about the marquee. This is not the case. The Forestry Commission has not been in touch because as yet, plans for resolving the parking problems have not been prepared. Enquiries will be made of the NFDC to find out what is the difference in the situation at the Royal Oak compared with that at the High Corner Inn. The Clerk will write to the landlord to let him know the current position.

The Forestry Commission will come to the Verderers when they have some ideas about how to solve the parking difficulties.

2004/1286 WOODSHED AT BARTLEY DISCHARGE

The woodshed and firewood has now been removed. Some pallets, tongued and groove boarding and tarpaulin remain but should go soon.

2004/1287 SINGLE FARM PAYMENTS RESUME

Land used for grazing horses may be included. The Official Verderer wrote to Lord Whitty and the local MP's and questions were asked in Parliament. Nothing further has been heard yet as respects the calculation of payments for commoners.

2004/1288 THE CROW ACT DISCHARGE

The Deputy Surveyor provided a paper to members of the Court setting out the Forestry Commission's position. Mr Pasmore wrote a private letter to the Deputy Surveyor to which he has received a private response. Mr Pasmore is now awaiting answers to some further questions.

The designation of the CROW Act in the Forest is complicated by the Law of Property Act 1925. Mr Pasmore is particularly concerned about dogs being allowed to be exercised off lead on the Forest and he felt if the Forest is not subject to the controls imposed by the CROW Act, the Forestry Commission should strengthen its own byelaws. The Deputy Surveyor advised the Court that the Forestry Commission has no intention nationally of revising its byelaws. He suggested the Verderers should have a policy on dogs. If there are significant issues and evidence to support Mr Pasmore's concerns the matter may be considered further in order to try to agree a way forward. The Deputy Surveyor remarked that it is not just dogs which create disturbance. He added that good laws have the support of the general population whereas bad laws don't. A greater understanding of the problem is needed, based on facts. It is important to take people with you rather than end up in conflict with a large group.

Mr Frost said he wrote to the Royal Society for the Protection of Birds and was advised that there has been a lot of research carried out in Dorset. He said that there is an amendment to the Wildlife and Countryside Act which brings in an offence of Reckless Disturbance. Mr Frost felt dog owners should be advised. He went on to say that he felt the Forestry Commission is avoiding plucking the nettle and added the Forestry Commission should do some research rather than leaving it to others to prove disturbance is taking place.

2004/1289 WATER MAIN LOCATION POSTS DISCHARGE

Mr Parke reported that the Water Board has agreed to replace the blue posts with the traditional concrete design usually used in the Forest. If they are in the open, they will be laid flat.

2004/1290 CYCLE TRAPS IN BUSKETTS DISCHARGE

The Deputy Surveyor apologised that nothing has yet been done. He said a digger has been arranged for next week.

- 2004/1291 DUNCES ARCH RESUME
April 2005
- The contractors are being pursued to repair the damage which will now have to be done next spring to avoid causing further problems.
- 2004/1292 DAMAGE TO FRITHAM GREEN RESUME
- Mr Parke will look at the damage done at Fritham House although reportedly the owners have made some attempt at reinstating the grazing.
- The trailers which were parked on Open Forest have gone.
- 2004/1293 LEADEN HALL – BIRDWATCHERS DISCHARGE
- Concern was expressed that birdwatchers are apparently driving over Open Forest. One vehicle was displaying a Forestry Commission Permit sticker so the driver presumably has permission. It seems that Hen Harriers and Grey Shrike are the interest. The Deputy Surveyor said he will ask the Keepers to keep an eye on things.
- 2004/1294 FALLEN TIMBER ON OPEN FOREST DISCHARGE
- In response to concerns expressed about fallen timber left lying on the Forest, the Deputy Surveyor explained that in accordance with the SAC Plan, such timber, particularly ancient and ornamental deadwood, will not be removed.
- 2004/1295 CLUMBERS – FERNYKNAP DISCHARGE
- The causeway which is a longstanding crossing has fallen into serious disrepair and is now the cause of some concern. The Deputy Surveyor confirmed it has been discussed in OFAC and plans are afoot to carry out work on it.
- 2004/1296 FENCING AT BROOMY LODGE RESUME
- The fence is still in appalling condition and a hazard to stock. Mr Parke said he has chased up the householders who know it is their responsibility.
- 2004/1297 FENCING AT HOME FARM ASHURST RESUME
- The piece of land is intended to be part of a land exchange. Mr Parke will follow this up and said it may be easier to take the fence down. The Court's view was that it either needs repairing or removing because it is also dangerous to stock in its present state.
- Mr Ralph Montagu gave his apologies and left the meeting.
- 2004/1298 KEEPERS AND QUAD BIKES DISCHARGE
- The Keepers have been using quad bikes to drive ponies out of the inclosures. The question of liability should an animal be injured was raised and it was felt the Agisters should be advised when it is to happen. The Deputy Surveyor said he will take the necessary action to ensure the Agisters are informed if Forestry Commission staff intend to drive ponies out of inclosures.

The Deputy Surveyor and Mr Parke left the meeting

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

2004/1299 LYMINGTON RIVER STRATEGY

DISCHARGE

Mr Pasmore attended the recent meeting held at Marwell Zoo. Unfortunately the meeting consisted of groups of officers who were speaking in very technical terms. The New Forest was not mentioned. Mr Pasmore felt he could not contribute to the general debate and asked that when concrete proposals for the Forest are being considered, could the Verderers please be advised. He then left the meeting. The Official Verderer thanked Mr Pasmore for taking the trouble to attend the meeting. Mr Pasmore added that he thinks the Environment Agency may have abandoned the plans which would have had a damaging effect on the Forest.

VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME

2004/1300 PROGRESS REPORT

RESUME

The Annual Report has been submitted to DEFRA. We are on schedule and all necessary requirements to date are being met. The Grazing Management Plan may be delayed because English Nature needs more time to gather information. A request to DEFRA for an extension to the date of submission of the Plan has been made.

Proposals for the second year of the scheme will shortly be put forward by the Scheme Manager. They will be sent to the Scheme Committee first and then to the full Court for approval.

NATIONAL PARK

2004/1301 APPOINTMENTS TO THE NATIONAL PARK AUTHORITY

RESUME

To add to the Announcement made in Open Court, the Official Verderer reported that he understands that there are over 60 applicants and the standard is very high.

The Official Verderer said he advised the Minister that he should not underestimate the high level of scrutiny that will be given to the selection process. Local people are already shocked and disappointed at the boundary. If any similarly unpopular decisions are made it will not aid a smooth start to the National Park. The Forest had expected the Verderers to have a direct influence on the appointment process to ensure that at least one person on the new Authority represented commoning interests. In practice, under the Nolan rules, the Verderers cannot have a direct say in the appointment process despite the Countryside Agency's written recommendation to Government that the Official Verderer should be involved.

REPORTS FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2004/1302 CONSULTATIVE PANEL

Mr Draper, Stewardship Scheme Manager, gave a presentation on the Scheme.

Michael O'Rourke then gave a full presentation on the camping proposals.

2004/1303 NEW FOREST DESIGN PLAN

DISCHARGE

Mr Pasmore reported that there is little alteration in the plan this time. Different schemes are being planned for replanting on ancient woodland sites. Replanting will be with broadleaf trees not conifers in order to ensure regeneration. Site meetings are due to be held in early December.

The question of compensation paid to the Verderers for inclosures which are being thrown open was again raised with a query as to when payments will cease. The Official Verderer said that payments have not stopped and there is something of a disagreement with the Forestry Commission over this issue.

Mr Peter Frost gave his apologies and left the meeting.

STAFF MATTERS (including the Staff Committee)

2004/1304 AGISTERS REMUNERATION

RESUME
June 2005

Mr Gerrelli declared an interest in this matter as the Head Agister is his son.

The Agisters are aware that a grading review for the office staff was undertaken and they have asked if a similar exercise could be carried out in respect of their positions. The Official Verderer said that he has informally told the Head Agister that a review is not planned but may be considered.

The Agricultural Wages Board grading system appears to have been expanded and pay rates vary according to the number of days in the week which are worked and whether or not employees are required to work flexible hours.

The Court felt it is imperative that the principle of applying the Agricultural Wages Board Annual Awards should be adhered to but it was agreed the request for a review of grading is reasonable.

The Court, therefore, agreed that a review should take place but in view of the generous wage increase put forward by the Agricultural Wages Board this year, it will not take place until July next year.

2004/1305 AGISTERS' MILEAGE

RESUME
January
2005

The issue of mileage payments to Agisters is a matter which will be dealt with by the Remuneration Committee. The principle of returning to the old system of paying a higher rate per mile was agreed but the precise rate needs to be agreed. Because of the complexities of the tax system it would be more convenient to wait until the start of the new tax year to implement any change.

2004/1306 INSURANCE FOR AGISTERS' RIDING HORSES

DISCHARGE

The Agisters have asked if the Court will pay for insuring their horses. Insurance and veterinary fees have increased significantly over recent years and by the nature of the job, the Agisters' horses are more prone to injury than a horse used for normal riding activities. The cost of replacement horses has also risen dramatically over the past couple of years.

The Court gave careful consideration to the request but felt that the allowance currently paid to Agisters is intended to cover insurance premiums and other costs incurred in keeping their horses. The answer, therefore, is no.

HEALTH AND SAFETY AT WORK

2004/1307 SUPPLY OF TORCHES TO THE AGISTERS

DISCHARGE

In view of the health and safety issues connected with Agisters having to attend sick and injured animals at night it was agreed it is very important that the Agisters are equipped with good torches.

The Court therefore agreed to provide one torch per year to a maximum cost of £20.00 each.

2004/1308 DRIFTS

DISCHARGE

Contacts for the cycle races and time trials which take place in the Beaulieu area have been added to the list of people and organisations who receive drift lists each year.

TRAINING

No training is currently taking place or required at the present time.

ANY OTHER BUSINESS

2004/1309 SURFACES ON MINOR ROADS

DISCHARGE

Miss Macnair raised concern about slippery road surfaces. She explained the British Horse Society is requesting members to write to their local Highway Authority asking them to ensure that new surfaces are not slippery to horses. A surface known as stone mastic asphalt (SMA) has been used in some parts of the country with disastrous results. The Clerk confirmed she too had read about the problem and will write to the local Highway Authority.

2004/1310 SELLING OF ANIMALS OUTSIDE RING AT BEAULIEU ROAD SALES RESUME

Concern was expressed at the continuing problems created by illegal trading on Beaulieu Road Sale days. Horses and ponies offered for sale outside the ring are being ridden through the general public and puppies have also been on sale in the car park. The Court felt the Forestry Commission should enforce its byelaws restricting commercial activities on the Forest and the matter will be raised with the Deputy Surveyor.

2004/1311 STALLION - BROCK BUCKINGHAM DISCHARGE

The Clerk said she has received a letter from Mr James Young thanking the Court for making the payment in respect of his stallion which had to be removed from the Forest following an accident.

2004/1312 OFFICE STAFF BONUS DISCHARGE

The Clerk thanked the Court for the bonuses received by the office staff for their work on the Countryside Stewardship Scheme

2004/1313 FORESTRY COMMISSION PROPOSALS FOR HOLLANDS WOOD AND ROUNDHILL CAMPSITES RESUME

Members of the Court felt that more time for discussion than will be available in the January Court Committee is needed to properly consider the Forestry Commission's proposals for Hollands Wood and Roundhill Campsites. It was agreed to wait to see what direction the Court is moving in at the December Court before deciding whether an additional, dedicated meeting is necessary.

2004/1314 LIFE 3 DISCHARGE

The Official Verderer reported that he wrote to Maxine Elliot at the Environment Agency concerning compensation for any damage that may be caused to the Forest and the grazing as a result of the LIFE works. In response the Official Verderer was referred to the Water Resources Act 1991 (as amended by the Environment Act 1995) which has a section on how to seek compensation for damage caused. Certain other questions set by the Official Verderer have not yet been answered. The letter from Ms Elliot will be circulated to all members of the Court.

There being no further business, the meeting closed at 2.00 p.m.