

**MINUTES of the Court of Verderers held on Wednesday, 20<sup>th</sup> October 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
	Mr A H Pasmore	Elected Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk
	Mr J R Gerrelli	Head Agister (first three items only)
APOLOGIES:	Miss D Macnair	Elected Verderer
	The Hon R Montagu	Appointed Forestry Commission Verderer
	Mrs P Thorne	Appointed DEFRA Verderer

**IN COMMITTEE**

The Head Agister was present for the first three items.

2004/1163 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 15<sup>th</sup> September 2004 were approved and signed.

2004/1164 ANNOUNCEMENTS & DECISIONS DISCHARGE

The Announcements and Decisions were approved.

2004/1165 CONDITION OF STOCK RESUME

Report by the Head Agister

The Head Agister said he is very pleased at how well the stock is looking at the moment. The animals will go into the winter in very good health. In particular, mares without foals this year look brilliant. Some mares with large foals are losing a little condition and a few are being taken off. One or two older mares which were clearly looking their age and have been removed. This occurs every year.

A few animals have succumbed to acorn poisoning and it is felt cases are likely to increase because of the very heavy crop of acorns this year. Two cattle have suffered from eating too many crab apples.

The Agisters have reported no problems with commoners whose animals have been removed.

Mrs Heron remarked that it is a shame there are so few pigs out this year. It was agreed that this may partly be because in recent years the acorn crop has not been particularly heavy and commoners have not bothered.

Mr Gerrelli commented that the grass is still growing, the weather having been wet but mild.

Mr Kitcher added that there are undoubtedly more acorn deaths to

come. Sometimes animals become sick and die much later in the season as a result of eating too many acorns. Mr Frost asked if it is possible to encourage commoners to keep more pigs. It is hoped the Countryside Stewardship payments may help in this respect.

Referring again to the pannage season, after a brief discussion it was agreed that the Forestry Commission should be asked to extend the pannage season this year by another month.

The Head Agister left the meeting.

Report by the Chairman of the Staff Committee

#### Welfare of Stock

Mr Adams said that he agrees the ponies are looking really well. At the Wilverley Drift on Sunday he felt they looked remarkably well.

Strangles is still rumbling on with one or two cases. The Agisters are continuing to monitor the situation.

The Drifts have been quite successful and a few more commoners are branding foals this year.

Members of the Court had seen the note from the Verderers' retained Veterinary Surgeon, Mr Ralph Ellis, on the latest strangles vaccine. Unfortunately, however, because of the short vaccination intervals it is felt it is of little use in the Forest although some private horse-keepers may feel it is worthwhile.

The Clerk said that Miss Macnair had expressed concern about the possibility of West Nile Fever reaching the UK. Miss Macnair has asked the Clerk to raise the issue with Mr Ellis. It was agreed this is a good idea.

#### 2004/1166 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.

#### 2004/1167 FINANCIAL STATEMENT

RESUME

The Clerk reported that unfortunately the Financial Statement has not been prepared for September. She confirmed that the finances are on track and a copy of the Statement will be circulated to the Court as soon as possible.

#### 2004/1168 BYELAW ENFORCEMENT

RESUME

Summons's are being issued in respect of the Stallion which has been running out in the North of the Forest.

2004/1169 PROSECUTIONS FOR NON-PAYMENT OF MARKING FEES

RESUME

In respect of the prosecution of certain National Trust Commoners, all the papers have been lodged with the High Court and a hearing date is awaited.

2004/1170 WELFARE TOUR

RESUME

December

The Winter Welfare Tour has been scheduled to take place on Friday 3<sup>rd</sup> December 2004.

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

IN ATTENDANCE: Mr Mike Seddon Deputy Surveyor of the New Forest

APOLOGIES: Mr Will Parke Area Land Agent (New Forest)

**ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER**

2004/1171 STALLION SCHEME

I am very pleased to announce that the countryside Agency have agreed to provide further funding for the new Stallion Scheme, totalling GBP10,000 per annum. These extra funds will mean that we can now consider widening the scheme to include the provision of winter grazing at New Park for selected colts, and payments to their owners. We will be announcing details of this possible extension to the scheme as soon as we have been able to secure extra grazing land at New Park, and we are informed that the availability of further pasture cannot be confirmed until January 2005.

In the meantime we have now signed a formal agreement with the New Forest Show Society for the provision of 40 acres of secure pasture, and 20 stallions are now grazing at New Park. Half of the rent that is charged by the Show Society is being paid by the New Forest Trust, and we would like to offer our grateful thanks to the Trust on behalf of the participants in the scheme for its most welcome and generous support.

The selection for next year's stallions will take place at Beaulieu Road on January 29 2005.

2004/1172 NATIONAL PARK

As stated in last month's open Court, we are currently in 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. The recommendation made to the Government by the Countryside Agency was that the advice of the Official Verderer should be sought, and we have written to the Minister asking him to confirm that that recommendation will in fact be formally adopted. We are still awaiting news from the Minister.

We shall be meeting the Interim Chief Executive of the Park Authority, Susan Carter, in committee this afternoon.

2004/1173 LIFE III

Further to the presentments that were made last month, the matter of the Life III works in the Forest was discussed in depth in committee and it was agreed that the concerns expressed in relation to the damage done, and the potential for future damage, were justified. We have therefore written to the Environment Agency asking for a clear guarantee that, since no one can be entirely sure if remedial works will succeed in the

long term, the Agency or its successors will fully restore any grazing that, both now and at any stage in the future, fails to recover due to damage caused by the Life II works. We have also asked for confirmation that work practices are in place that ensure that no work will commence, or be allowed to continue, if conditions on the ground make the occurrence of damage likely.

2004/1174 COUNTRYSIDE STEWARDSHIP SCHEME

We have our submitted our claim to Defra for the payment due under our Stewardship Agreement. On the assumption that we will be deemed to have successfully completed our inaugural year, we anticipate being able to make payments at the rate of GBP60 per head to all participants as soon as we receive the funds from DEFRA. The Project Manager, Mr Colin Draper, will introduce himself in a moment.

2004/1175 BEAULIEU AUTOJUMBLE

We have taken-up the matter of the problems surrounding the International Autojumble directly with the Managing Agent of the Beaulieu Estate, who is acutely aware of the disruption to traffic and the damage caused by the illegal parking prior to the opening of the Autojumble. Further measures are now being considered in order to try and avoid a recurrence. We recognise that these particular problems are not simple to resolve, and we are satisfied that the Estate will do all it can to ease the situation next year. A copy of the letter explaining the Estate's position and its proposals has been supplied to Mr Mike Cooper and Mr Clive Maton who raised this matter at the last Court.

2004/1176 PRESENTMENTS

Mr Bob Cooper's presentment made at the September Court contained various serious allegations concerning the conduct and character of named individuals. We are not prepared to allow this Court to be used as a forum for personal attacks, and we give notice that presentments that we believe contain potentially defamatory material will not be heard.

In addition Mr Cooper's presentment contained extracts that purported to be from a note supplied to him from a person he described as a "Senior Forestry Commission Official". The note, which was quite properly submitted to accompany his written presentment, was unsigned and on plain paper. There is thus no way that, in the absence of further information from Mr Cooper himself, the note can be authenticated. In the circumstances we find it very difficult indeed to give any weight to its contents and accordingly we do not propose to take the note in to account.

We also give notice that, if no details are supplied showing the authenticity or origin of material that is contained in presentment, we will disregard that material when considering the presentment as a whole.

2004/1177 ACCOUNTS

The draft audited accounts for the 2003/2004 financial year were approved in committee last month, and they are now available for public inspection in the office and on our website.

2004/1178 PANNAGE SEASON

In view of the heavy crop of acorns this season, the Court will be recommending to the Forestry Commission that the Pannage Season be extended until Sunday, 19<sup>th</sup> December 2004.

## ANIMAL ACCIDENT REPORT

2004/1179 ANIMAL ACCIDENT REPORT FOR SEPTEMBER 2004

Total Accidents for the Period: 22 (18)

	Killed		Collar		Injured		Collar		Uninjured		Collar		Not Found	
Ponies	7	(8)	0	(0)	4	(0)	0	(0)	1	(0)	0	(0)	5	(5)
Cattle	2	(1)	N/a	N/a	1	(3)	N/a	N/a	0	(0)	N/a	N/a	1	(0)
Donkeys	0	(0)	0	(0)	1	(0)	0	(0)	0	(0)	0	(0)	0	(0)
Pigs	0	(1)	N/a	N/a	0	(0)	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	9	(10)	0	(0)	6	(3)	0	(0)	1	(0)	0	(0)	6	(5)

TOTAL KILLED & INJURED	15	(13)
Accidents During the Hours of Darkness	11	(13)
Vehicles Involved		
Private Cars / Light Commercial	13	(10)
Motor Cycles	1	(0)
Heavy Vehicles	1	(0)
Bicycles	0	(0)
Number of Local Motorists	12	(7)
Number of Accidents Not Reported	7	(8)
Total Killed and Injured for the Year to date	79	(76)

Number of Deer Killed - (-)

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

The Clerk reported that on Monday night between the hours of 6.30 p.m. and 2.45 a.m., three accidents occurred which were not reported by the motorist responsible. Police are seeking information on one particular accident where the driver drove off after being approached by another motorist.

## PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

2004/1180 CROWN LANDS CYCLE NETWORK

The Forestry Commission seeks the renewal, for a period longer than one year, of the Verderers agreement for the existing network of waymarked cycle routes on gravel tracks of the Crown Lands.

The cycle network provides sustainable enjoyment for many thousands of people each year, as well as providing traffic free cycle links between some of the Forest's villages and attractions.

A small working group has been pursuing the re-design of the waymarked network map to improve its clarity. The map will now form part of a Code of Conduct for cycling in the New Forest that has been developed through the stakeholder Forum of the PROGRESS Project. The intention is to distribute this Code prior to Easter 2005.

## UPDATE ON THE NEW FOREST COUNTRYSIDE STEWARDSHIP SCHEME BY THE SCHEME MANAGER

2004/1181 "Good morning – I am Colin Draper, the Scheme Manager for the New Forest Countryside Stewardship Scheme.

This is an update on the Scheme:

The first year of the Countryside Stewardship Scheme ended on 30<sup>th</sup> September. A total of 265 commoners took part in the Scheme and animal figures for the first year were:

2219 ponies, 940 cattle, 33 donkeys and 34 pigs, making a total of 3,226.

The claim for the first year's payment has been submitted to DEFRA and it is expected that it will be paid in time for payments to Scheme Members to be made in early December.

The second year started on 1<sup>st</sup> October and application forms for this year will be distributed once payments for last year have been completed".

## PRESENTMENTS

2004/1182 LONGSLADE BRIDGES

Presentment by Peter Sweet, Practising Commoner

"Mr Crossthwaite Eyre and Members of the Court.

1. At the September Court the Deputy Surveyor made a Presentment concerning the construction of two bridges on the disused railway line across Longslade, a very popular and much used cycle route across the Forest.
2. In your files and that of the Forestry Commission you will find many references to this project in both 1994/1995 and again in 1997/1998 when I made a Presentment to have these bridges supported in Open Court by the New Forest Commoners' Defence Association, the New Forest Association and others. I have a letter of 12<sup>th</sup> August 1997 from the present Deputy Surveyor, at that time our Recreational Manager and Arthur Barlow the Deputy Surveyor, about this. Subsequently we were all informed that it was considered unsafe to build these bridges but we believed the real reason was lack of funding.
3. In the early 2000's we read in the local paper of Sustrans' intention to build these bridges. No application was made to your Court at that time and I presume the Deputy Surveyor's Presentment appears to put this right.

However, I note that this Presentment is merely to inform the Court what they intend to do, not to ask permission. In the previous Presentments regarding cycling in the Forest justified by Arthur Barlow of 19<sup>th</sup> July 1998, it was made in order to comply with the 1970 New Forest Act and that made by Donald Thompson on 29<sup>th</sup> September 1999 an agreement was sought in accordance with Clause 1(2) of the New Forest Act of 1970. As this is a leisure facility this is necessary.

4. We, the practising Commoners, have always asked for these bridges to be built and I would ask the Court to give this Presentment their blessing but making it clear that they do so in accordance with Clause 1(2) of the 1970 Act".

2004/1183 LONGSLADE BRIDGES

Presentment by Mrs Olive Collins

Mrs Collins commenced her Presentment by stating that she has a vested interest in this subject, as she is the proprietor of a local cycle hire business.

"The disused railway line from Brockenhurst is a popular cycle route particularly for the less experienced cyclist and families with children. However, many of those I have spoken to have expressed concerns over the safety of the present steep and often

slippery ramps on either side of the gaps where the bridges were removed and there is clear evidence that quite large numbers prefer to cycle on the Open Forest alongside the line rather than re-negotiate the ramps. I personally do not recommend this route to my customers in its present state and advise those who ask about it to be very careful when using the ramps.

I therefore support the re-instatement of the bridges which, once in place, will not only provide a safer route but also a more direct one from which cyclists are less likely to stray provided adequate and clear signing is installed along the whole length of the track.

I also support Col Sweet's Presentment in that the Verderers are required to give consent under the New Forest Act of 1970 and the words seeking consent under the Act must be re-instated in all Forestry Commission Presentments involving recreational facilities".

2004/1184 RIVERSIDE SCRUB CLEARANCE  
Presentment by Mrs Olive Collins

"I was very pleased to read in the local paper recently that there is to be more scrub clearance along the Forest's streams and I'm sure I'm not alone in thinking that this is not before time.

However, having walked many of the Forest's watercourses recently, I am concerned about the amount of rubbish which is being left behind, blocking and polluting ditches and streams, damaging grazing and creating an additional hazard for the commoning animals.

I would be grateful therefore if you could seek assurances from the appropriate bodies that any scrub clearance being undertaken will include the removal of all cut timber and rubbish and that areas already cluttered up like the stretch between Wootton Bridge and Holmesley will be cleared as well".

2004/1185 PANNAGE SEASON  
Presentment by Mr Len Mansbridge

Mr Mansbridge thanked the Court for requesting an extension to the Pannage Season. He said that was one reason for his coming to the Court today but that he was going to ask for an extension until the January Court. He added that ponies will continue to die until at least May and it is not nice to see ponies in agony.

2004/1186 DISEASED FOXES  
Presentment by Mr Len Mansbridge

Mr Mansbridge said his second reason for coming to the Court was to make a Presentment about diseased foxes. He believes the Forest is over-run with foxes with mange. Mr Mansbridge felt something should be done. He has been in touch with Animal Health to ask if he is responsible for foxes on his land and must he report any which are diseased. He was told he must make such reports to the local authority. Mr Mansbridge went on to say that ponies, cattle, sheep and humans can suffer disease and dogs can get it and pass it on.

2004/1187 LIFE 3  
Presentment by Mrs Annie Cooper

Mrs Cooper said she is delighted the Court has "woken up" to the LIFE 3 damage. She urged the Court to keep a good eye on the work at Ocknell Sling. Mrs Cooper added that if the Court doesn't, she will as it is very close to where she lives.

2004/1188 CYCLING

Presentment by Mrs Annie Cooper

The Court was urged to try to persuade the Forestry Commission to produce a decent map this time that can be read and understood. The present one is difficult to read and Mrs Cooper said she has come across a number of cyclists on the Open Forest who have shown her the map and explained they cannot understand it!

The Official Verderer responded by saying a new map is currently being worked on. He agreed the current one is not the most user friendly or easy to understand!

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

**The Deputy Surveyor introduced Mr Chris Clark and Ms Sarah Small from Terence O-Rourke, Planning Consultants, who had come to present the latest plans for the buildings on Hollands Wood and Roundhill Campsites**

2004/1189 HOLLANDS WOOD AND ROUNDHILL CAMPSITE FACILITIES RESUME  
BUILDINGS

A detailed discussion took place concerning the proposed design of the facilities blocks on these campsites. Some members of the Court expressed a dislike of the very modern design that has been chosen. Other members of the Court were more concerned at the continuance of camping in the ancient and ornamental woodland at Hollands Wood and what they felt to be unavoidable conflict between conservation and recreation.

The Deputy Surveyor feels it is very important to wait for the Environmental Statement which is currently being prepared before any firm conclusions are reached.

As respects the proposals for the sites themselves, the Deputy Surveyor confirmed that over-all the scheme will result in 5,000 to 6,000 square metres of Open Forest being reinstated. A small reduction in the area occupied by the campsite will be achieved at Hollands Wood with rather more being reinstated at Round Hill. All redundant hard-standing and gravel will be removed and where materials are available on-site for reinstatement these will be used. In the absence of any suitable on-site materials, regeneration will be allowed to occur naturally; this being English Nature's preference over re-seeding.

All the statutory bodies with an interest in the proposals are being consulted and each organisation's views will inevitably impact on the others. The formal planning application is likely to be submitted in the next few weeks following which wider consultation will commence.

The Official Verderer thanked the Forestry Commission and Terence O'Rourke's representatives for showing the Court the latest designs.

### **CONSIDERATION OF PRESENTMENTS**

2004/1190 CROWN LAND CYCLE NETWORK RESUME

This matter will be considered after the next Open Court. In the meantime, the Deputy Surveyor was asked for how long he is seeking approval for the cycle network. He replied that he would like a

permission that means he does not have to come back to the Verderers every year and would like an approval not bound by any specific term.

Mrs Heron remarked that the main issue is still the lack of policing rather than the cycle network itself.

The Deputy Surveyor confirmed that a new cycling map is currently being designed which, it is hoped, will be easier to read.

2004/1191 LONGSLADE BRIDGES

DISCHARGE

Both Presentments heard in Open Court were in favour of the bridges but both were clear that the Verderers' approval is required under the New Forest Acts. No presentments have been received objecting to the proposal.

Mr Frost said he is not happy to see an increase in the built environment and would like to see the problems with the present ramps resolved in a different way. He felt that consent should not be given. Mr Pasmore was adamant that the construction of the bridges should not be a precursor to the cycle route being extended right through to Ringwood – he added that he remains concerned about this despite having received a written assurance from Hampshire County Council that it won't happen. Mrs Heron felt approval should be given on the understanding that an extension to Ringwood does not follow. Mr Adams said he has no problem with the bridges and would prefer cyclists remained on the railway line.

The Deputy Surveyor was advised that the Verderers firmly believe their consent is required for the bridges on the grounds that they provide a recreational facility.

Consent was therefore given to the construction of the two bridges, subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc., and that no future attempt will be made to secure an extension of the cycle route westwards to Ringwood.

2004/1192 RIVERSIDE SCRUB CLEARANCE

RESUME

The Deputy Surveyor said that normally small branches and scrub are burned on site. Logs of a useful size are stacked up and taken away when ground conditions permit. A lot depends upon the nature of the site and how easy it is for vehicular access. Sometimes it is desirable to leave a certain amount of deadwood to create additional habitat but this does not apply to all sites.

Mr Pasmore commented that outside Highlands Water Inclosure the Environment Agency has left logs all over the place and the site looks a real mess. The Deputy Surveyor said some of the problem is deadwood that was already there but which was disturbed during the works. Mr Pasmore added that further on there where pollarding has been carried out, there are stacks of cut timber which it is likely will end up in the stream.

The Deputy Surveyor said he will ask his colleagues to investigate the stretch of stream mentioned by Mr Pasmore and that referred to in Mrs Collins' presentment to find out what is being done and why.

2004/1193 PANNAGE SEASON

DISCHARGE

The Court recommended that the Pannage Season be extended for a further month. It was felt this is the best course of action and that the situation can be considered again later to see if it is necessary to extend the season any further. The Deputy Surveyor said he did not foresee any problems with an extension to the 19<sup>th</sup> December and he will write to the Clerk accordingly.

2004/1194 FOX MANGE

DISCHARGE

Members of the Court were not aware that there is a problem with fox mange at present. However, the Deputy Surveyor will check with the Keepers. If a Keeper sees a fox with mange, the animal is usually dispatched.

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

2004/1195 UNDERGROUND CABLE AT FRITHAM

RESUME

This matter will be considered at the November Court.

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

2004/1196 ROAD SIGNING & BRAMSHAW TELEGRAPH JUNCTION

DISCHARGE

Mr Kitcher told the Court that he has been approached about reinstating the road sign "Roger Penny Way". The Court agreed unanimously that it does not wish to re-visit that issue.

Mr Frost produced the leaflet "Sign of the Times" which sets out how a village in the Lake District went about reducing the road signage and clutter which was blighting the area. A copy of the leaflet will be sent to Hampshire County Council to see if it can be persuaded to apply a similar initiative to the New Forest.

As respects the proposed new signs at Bramshaw Telegraph, it was agreed the matter should be discharged from the minutes for the time being.

2004/1197 INTERNATIONAL AUTOJUMBLE

DISCHARGE

The Official Verderer reported that a very good and helpful letter has been received from Mr Alex Glanville the Resident Agent on Beaulieu Estate. The letter has been copied to those who made Presentments at the last Court.

The Estate has undertaken to do all it can to resolve the problems. Fresh planning applications will be submitted and the results are somewhat dependent upon the outcome of the applications. The Deputy Surveyor also reported that the Estate has been very helpful and a joint meeting is due to take place with the Police.

2004/1198 BRAMSHAW TO WINDYEATS ROAD RUBBISH

RESUME

Mrs Heron reported that she has ascertained that empty lorries do not need sheeting but the emphasis is on "empty". That means swept or washed out as necessary to ensure nothing remains that may be blown out as the vehicle gathers speed. The driver may be prosecuted for any material which flies or falls from his vehicle. This message clearly needs communicating to the Tip management and rather than go as far as reporting the site to the Minerals and Waste Authority, Mrs Heron agreed, in the first instance, to have a word with the site manager to see if the problem can be resolved in a more informal way. The site manager is responsible for vehicles leaving the site and a tactful word with a gentle threat of a letter of complaint will hopefully resolve the problem. Mr Pasmore's view is that the situation remains unsatisfactory and he felt if the word with the Site Manager does not yield a significant improvement, a strong complaint should be lodged.

2004/1199 ROYAL OAK PUBLIC HOUSE, FRITHAM

RESUME

As respects the verge parking, the Forestry Commission is considering possible measures to deal with the problem.

The question of the legality of the marquee was also raised and it was decided that a request should be made for a visit from the District Council's enforcement officer.

2004/1200 HIGH CORNER INN

DISCHARGE

The decision on the Planning Application for the retention of the marquee at the High Corner Inn has been received. Planning permission has been refused on the following grounds:

1. The marquee by reason of its size and appearance constitutes an unsympathetic and discordant element that would result in an unacceptably large extension to the existing food and drink premises which would impact detrimentally on the amenity of neighbouring residents and the character of the wider New Forest Heritage Area contrary to policy NF-F2 of the New Forest District Local Plan.
2. The retention of the marquee would result in an increase in human activity and pressures which would undermine the quality of this portion of the New Forest as a place of quiet recreation and impact on the character of this remote and sensitive area of the New Forest and proposed National Park contrary to policy NF-E1 of the adopted New Forest District Local Plan.

Mr Frost asked for a copy of the decision.

2004/1201 WOOD SHED AT BARTLEY

RESUME

Most of the structure and the wood has now gone. The Keeper will be going back in the next month to ensure the remainder has been removed.

- 2004/1202 BEAULIEU ROAD HOTEL SEWAGE OUTLET RESUME  
January
- The Forestry Commission has asked the Environment Agency why it is taking so long for the consent for the revised treatment plant to be approved. It seems the Environment Agency has asked the Hotel for further information which has not yet been submitted.
- 2004/1203 SINGLE FARM PAYMENTS RESUME
- This is a very complicated issue and Mr Ian Stone, Forest Friendly Farming Advisor who is familiar with many of the grants and schemes run by DEFRA has been asked to help ensure the commoning community is fairly treated.
- Mr Pasmore expressed concern that payment may not be receivable on land used for horses. This may be a problem for commoners who use their land to graze ponies coming off the Forest for a few weeks or months in the year. The commoners depend on their riding horses and ponies for managing depastured stock. They are used on drifts and day to day inspection of the stock.
- The Official Verderer said he would write to the local Members of Parliament to ask if they will make enquiries with the appropriate Minister.
- 2004/1204 ROAD FENCING DISCHARGE
- The Deputy Surveyor was pleased to report that work on the A326 fence on behalf of the Highway Authority has commenced.
- 2004/1205 THE CROW ACT RESUME
- The Deputy Surveyor's paper was circulated to members of the Court.
- Mr Pasmore wrote to the Deputy Surveyor and raised issues which are currently being considered before a response can be made. The Deputy Surveyor said he is seeking clarification of certain national and legal points.
- Mr Pasmore added that he has also asked Mrs Sarah Nield, a lecturer in law at Southampton University to consider certain points that have been raised.
- Mr Pasmore's main concern is that he believes dogs will not be controlled if the Forest is not designated under the CROW Act.
- 2004/1206 LOW FLYING HELICOPTERS DISCHARGE
- Mr Pasmore reported that he has received a "wishy-washy" response from the MOD department in London which handles complaints about low flying military aircraft. It has been reported in the press recently that Inquests are being held into the deaths of two women killed as a result of being thrown from horses frightened by low flying aircraft.
- It was agreed that little more can be done except to complain as and when incidents occur.

2004/1207 WATER MAIN LOCATION POSTS RESUME

Mr Parke has not yet had time to write to the Water Board about the posts but he will do so as soon as possible.

2004/1208 LIFE 3 PROPOSALS FOR ANSES PIT & CREEK BOTTOM DISCHARGE

Mr Pasmore produced a report following a site meeting which was circulated to all members of the Court. The Court agreed with the recommendations and conclusions contained in the report which will now be forwarded to Mr Simon Weymouth in the Forestry Commission.

2004/1209 EXTRACTION DAMAGE AT DUNCES ARCH DISCHARGE

It was reported that no effort has been made to reinstate the Forest behind Dunces Arch inclosure. The Deputy Surveyor said that Mr Kevin Penfold, FC Operations Manager, is chasing the contractors to ensure they carry out proper reinstatement. However, care is needed to ensure that more damage is not done. The Deputy Surveyor said the Forestry Commission will put the area right if the contractor doesn't.

2004/1210 CYCLE TRAPS AT BUSKETTS RESUME

Mr Pasmore expressed concern that nothing has been done and no-one has contacted Mrs Lewis, the lady who has offered to direct Forestry Commission staff to the right place. The Deputy Surveyor said he was not aware that the work has not been done and he will pursue it.

2004/1211 FRITHAM GREEN RESUME

It was reported that a commoner in Fritham is using the green as an extension of his yard. A number of articulated trailers have been on the Green for the past 6 to 8 weeks.

Fritham House is working on its sewage system and has pulled out a hedge. Digger buckets have created large grooves in the grass and the area needs reinstating.

The Deputy Surveyor said he will investigate.

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

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

2004/1212 LYBURN CATTLE GRID RESUME

Several weeks after the Official Verderer wrote to the Lyburn Estate, the owner has contacted the office concerning the cattle grid. He has agreed to meet with the Head Agister and the Agister for the Area to discuss the problems with the grid and surrounding fence. The report in the NFU Professional Magazine concerning a recent Court case where a farmer was found to be liable as a result of an accident caused by an insecure gate will be handed to the Estate owner. Members of the Court asked if the paper could be circulated.

2004/1213 STALLION SCHEME & GRAZING IN NEW PARK DISCHARGE

15 stallions went into New Park on Saturday 16<sup>th</sup> October. Agreements have been signed and rent paid. 3 more stallions are expected to go in this week and possibly a further 2 soon after that. The stallions seem to have settled well. There is plenty of grass available in the field. Most commoners have signed up for grazing until the end of January. The old portable pound has been taken to New Park but the Show Society has promised a new pound will be built by December.

2004/1214 SCHEME FOR COLTS RESUME

The additional land required for colts with their mares will not be available in New Park until early spring. It was agreed however, that it would be helpful to draft a scheme so that everything is ready. Mr Kitcher outlined how he thinks the scheme will be run.

The Official Verderer suggested the Stallion Sub-Committee should create a scheme as soon as possible, looking at an Autumn start. The Show Society will need to be told how much grazing is needed.

2004/1215 APPOINTMENTS TO THE NATIONAL PARK AUTHORITY RESUME

The Official Verderer reported that he had a very useful meeting with Mrs Susan Carter, the Interim National Park Authority Chief Executive. Mrs Carter relayed the concerns expressed by the Official Verderer to DEFRA in London. A response has been received from the Minister, Alun Michael, with an offer to attend a meeting to discuss the issues.

It was agreed a meeting should be arranged. The Official Verderer will let the Court know when the meeting will be held.

2004/1216 BUDGET & FIVE YEAR PLAN DISCHARGE

The Official Verderer reported that the Budget and Five Year Plan has been submitted to the Forestry Commission which in turn has submitted the figures as part of its own budget figures. No comment has been received. A copy of both the Budget and Five Year Plan has been circulated to all members of the Court.

2004/1217 FENCE AT KINGSTON GREAT COMMON RESUME  
December

The owner appealed against the designation of the Common as access land under the CROW Act but lost. The deadline for the removal of the fence has now passed and in fact additional fencing has been erected which virtually divides the common into four.

English Nature reports that it expects a Court date to be advised soon for the prosecution of the owner of Kingston Great Common.

2004/1218 GRIDDING FUND DISCHARGE

The advice of the Auditors is that in order for the Gridding Fund to be closed a legal opinion would need to be obtained to ascertain if there is likely to be a reversionary interest. Such an opinion will be unnecessarily expensive and the Court agreed, therefore, to take no further action.

2004/1219 MARKING FEES

RESUME  
October  
2005

Mr Adams proposed that marking fees should remain unchanged in 2005. The proposal was agreed unanimously.

2004/1220 NEW FOREST ASSOCIATION COMMONERS' HOUSING AND DISCHARGE  
HOLDING REVIEW

The request for a list of practising commoners was refused. It was felt the Court should retain the policy of not providing the list to outside bodies however useful their research might be.

It was agreed that brief questionnaires etc., can be included in mailshots going from the Verderers' Office provided that the requests for information appear appropriate and reasonable. Those requesting papers be circulated will be required to assist the office staff in stuffing envelopes and cover the cost.

The policy of the Court will be not to divulge information on practising commoners unless it is required by law to do so.

2004/1221 COURT DATES 2005

DISCHARGE

The Court Dates for 2005, prepared by the Office were approved.

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

2004/1222 VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME (CSS) & DISCHARGE  
COMMON PIGS

The question of whether pigs turned out on the commons for which marking fees have not been paid may be entered into the Stewardship Scheme was carefully investigated. The Scheme rules are clear in that commoners who wish to join the scheme must pay marking fees and comply with the byelaws.

Owners of pigs on the commons may, therefore, enter their animals in the scheme provided they pay the appropriate marking fee. In the case of pigs that is £1.00 per head. The benefit from the scheme is £25.00 per head.

2004/1223 AUDIT

DISCHARGE

The Verderers' Auditors have confirmed they will audit the CSS accounts for the sum of £950.00

2004/1224 ADVISORY GROUP

DISCHARGE

The Advisory Group has held its first meeting.

It was agreed that a DEFRA's representative will act as Chairman. The Group can make recommendations to the Court about the running of the Scheme. Any report produced by the Scheme Manager will go to the Court first, then to the Advisory Group and then to DEFRA.

It was agreed that it is desirable to continue to restrict the present maximum payment per commoner to £6,000. It was also suggested that the second year's entry criteria should be based on 2003 marking fees.

**NATIONAL PARK** (See also Minute No. 2004/1215)

2004/1226 DISCUSSION WITH MRS SUSAN CARTER, INTERIM CHIEF EXECUTIVE OF THE NATIONAL PARK AUTHORITY

RESUME

Mrs Carter explained the timetable for the setting up of the new Authority. The full National Park Authority should be up and running by 2006. Mrs Carter introduced herself and explained her role as Interim Chief Executive.

The National Park Authority will come into being in a restricted form on 1<sup>st</sup> April 2005.

There are practical things that need to be done in preparation for the full NPA to take over in 2006.

Mrs Carter confirmed National Park purposes are to conserve and enhance the Park and to promote opportunities for understanding. The Social and economic well-being must also be fostered.

A management plan has to be prepared which must take account of what everyone is doing. This includes reference to the CROW Act and existing and future planning policies.

Part of Mrs Carter's role is to find out how best all this can be done. She must consider the options and the pros and cons of each. The Preparation Group includes John Kilner of DEFRA and various organisations are represented. This is an advisory group but it is not exclusive. Other organisations will be consulted as well.

The first job will be to get a work plan / project plan together. Three part-time staff from the Countryside Agency will assist. There is also a working support team from the New Forest Committee.

Mrs Carter said she had a very useful meeting with the Official Verderer during which she learned of some of the concerns. She said she knew Alun Michael had written. DEFRA is apparently concerned that the NPA does not interfere with the current management structure in the Forest but will complement it.

Mr Frost asked how many staff the Park Authority is likely to be employing. Mrs Carter said that depends on how much is done in house and how much is contracted out. £3M has been allocated for the Park to operate and to ensure it meets its purposes and duties. She added that approximately 80 people may be employed as strategic and frontline staff.

Mr Frost commented that it is understood that Hampshire County Council, the Forestry Commission and New Forest District Council have already suggested that the new Authority should make use of existing bodies and have fewer National Park staff. Mrs Carter replied

that there is no standard for National Parks and that each has the freedom to decide how best to operate. How the Parks fulfill their purposes varies widely. She added the incoming Authority will have an interesting time working out how to do things.

Mr Adams then asked about planning issues. He enquired whether the NPA will be responsible for planning decisions within the Park boundary only or outside it as well. Mrs Carter responded by saying that the Local Development Framework will be the NPA's responsibility but it will be expected to take a keen interest in what happens outside. Surrounding Local Authorities will be expected to consult with the NPA. The LDF may be developed in with other authorities. The NPA will take over full planning powers from 1<sup>st</sup> April 2006. Mrs Carter said she has met Mr Paul Bevan of SEERPA and strategic discussions will commence from April 2005. The New Forest Committee will act in an advisory capacity to the NPA.

Mr Gerrelli asked if the Councils on the periphery of the Forest are only obliged to consult? He expressed concern that if development is restricted within the Park there will be far more pressure on the land outside. Mrs Carter said all statutory authorities have a duty to have due regard to the effects of their decisions on the National Park. Mrs Carter recognised there is deep concern. She has been talking to the Chief Executive of Test Valley Council about how to protect important grazing areas. Mrs Carter added that she believes the surrounding authorities as well as the whole country cares about the Forest. The surrounding authorities want to make sure they don't damage the Forest.

Mr Adams asked if the conservation aim will be to maintain the current situation or to try to re-invent what might have been here in the past. Mrs Carter said the Management Plan will be written in consultation with other bodies. She repeated that the aim is to "conserve and enhance".

Mr Adams remarked that conflicts with commoners occur when someone tries to reinvent what was here 50 or 100 years ago. Re-creating habitat creates a lot of conflict.

Mr Frost commented that he is pleased that one of the aims includes conserving the "beauty" of the area. He added that the Verderers have a duty to conserve the character of the Forest, which he described as the "picturesque" nature.

Mrs Carter said the cultural heritage must be of interest to the Verderers. She then went on to say that in the future English Nature will become part of a broader Agency. There seems to be a sea change, encouraging access, but she felt that research indicates that the impact of recreation is not as great as has been thought.

Mr Pasmore raised the point of the relationship between the Verderers' byelaws and the NPA's powers. He asked what would happen if the Verderers made a decision on a recreational development which was against the National Park's view. He was thinking of the need to "have regard to National Park purposes". He went on to explain that there may be a situation where the Verderers had looked carefully at some proposals and taken advice and as a result wished to block the development and he asked what would be the likely outcome. Mrs

Carter said if it was a significant conflict it could end up in Court. She added that the Verderers would have to have regard to NPA purposes. However, if Parliament had wanted the Verderers to be subservient to the NPA, the legislation would have said so. Mr Pasmore said he was concerned that the NPA might promote a development which the Verderers are against and as an example he quoted the Lyndhurst bypass.

Mr Pasmore said that he understands that in theory whilst the Verderers retain their right of veto, it would be very difficult if their decision was in conflict with that of the NPA.

Mrs Carter said she has always been encouraged by the fact that her experience of other Park authorities has shown that it is not easy to tell who represents who or what. They are all trained and are obliged to not allow their personal views and those of the organisations who they represent to cloud their judgement. Mr Pasmore remained unconvinced and commented that he thought it unlikely that a councillor from Totton, for example, would vote against the wishes of his constituents. Mrs Carter commented that the Pembrokeshire situation, where the NPA wants a holiday park within the Park, is unusual. She added that it is normal for NPA's to work in close co-operation with other authorities. Mr Pasmore remarked that that is exactly what he is worried about!

Mrs Heron considered that Government may have different problems with the New Forest. It is a long time since a new National Park has been established and the situation here in the South is different. Many of the original Parks were developed in deprived and often depressed areas, desperately in need of help and improvement. This is not the case in the Forest. Mrs Carter said the National Park will bring money into the area. She said that NPA's are not seen as heavy handed organisations.

Mr Frost said he would like an authority that treads carefully. He suggested that the new Authority should not acquire a huge great building. He added that conflict is almost endemic in the Forest! It means no organisation or group of people gets out of line! Conflict is an essential element. The Forest doesn't want someone coming in and telling everyone what to do.

Mr Gerrelli commented that no-where else has a set-up like the New Forest. Mrs Carter agreed but she said that all Parks have special features. That's why NPA's draw up their own management plans. The Countryside Agency is currently revising its guidance on management plans. There are no laid-down policies for other bodies.

Mr Pasmore commented that the Verderers do not have a management plan. They work with the Forest and adjust their policies as they go along. Mrs Carter referred to the strategy document produced by the New Forest Committee. Mr Pasmore commented that the content of the strategy has never been referred to in the Verderers' Court.

Mr Frost then asked about membership of the Authority. Mrs Carter said there is guidance for the Authority as to how to appoint members. DEFRA will oversee the process. Training is given so that members have regard to the National Park purposes rather than their own agenda's.

The Official Verderer remarked that the Verderers will need to know more about what is required of the Court as a "relevant authority" as set out in Section 62 of the 1995 Environment Act. He asked that if Mrs Carter has any papers which may be useful, would she please provide copies.

At this point it was felt sufficient discussion had taken place and as no-one had any further questions at the moment, the Official Verderer asked Mrs Carter if members of the Court could get in touch if there is anything else they think of. Mrs Carter said she is more than happy to answer any queries and said she hoped she could in turn ask questions of the Verderers as and when necessary.

Mrs Carter is available in the office above the Verderers' Office on Tuesday afternoons through to Thursday evenings. Jo Chorlton, a member of the Forestry Commission's administration staff is providing secretarial support. The National Park team can be contacted via the Forestry Commission main switchboard or 023 8028 6821.

The Official Verderer thanked Mrs Carter for attending the Court Committee. Mrs Carter then left the meeting.

## **REPORTS FROM EXTERNAL COMMITTEES AND WORKING GROUPS**

2004/1227 NEW FOREST COMMITTEE

DISCHARGE

The Official Verderer reported that at the meeting six significant challenges were identified which need to be addressed in order to try to secure the conservation of the special character of the New Forest. These challenges relate to the areas both inside and outside the National Park Boundary. Efforts are being made to link the new National Park with the Heritage Area. The Committee may set up a working group to consider the issues, and how the six challenges can be pursued. It was noted that all Authorities surrounding the National Park are required to consider the impact of their decisions on the Park.

The Minutes of the meeting will be circulated.

2004/1228 THE PROGRESS PROJECT GROUP (See also Minute 2004/1205)

DISCHARGE

Mr Pasmore reported on this meeting. The main topic of discussion was codes of conduct with the code for dog walkers creating the most debate. Mr Pasmore said the CROW Act doesn't automatically apply to the Forest because the public already has access but the Minister can designate the Forest if he so wishes.

2004/1229 LYMINGTON RIVER STRATEGY

RESUME

The Official Verderer advised the Court that he has just been advised that a meeting of the Environment Agency Flood Management Steering Group has been arranged. It is due to be held at 1.30 p.m. at Marwell Zoo on the day after the Court. The Verderers have been invited to send a representative. Despite the very short notice Mr Pasmore said he would endeavour to attend. The Official Verderer said if Mr Pasmore was unable to go, he would go in his place as it was considered important that the views of the Court are made clear at the beginning of the process.

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

2004/1230 AGISTERS' MILEAGE RESUME

Some calculations have been done but the Clerk explained she needs to look further at the implications of increasing the mileage rate. This will be done in good time for the next Court.

**HEALTH AND SAFETY AT WORK**

2004/1231 HEALTH & SAFETY TRAINING & ADVICE SHEETS DISCHARGE

The revised versions have been agreed and circulated.

2004/1232 CYCLE ROAD RACES / TIME TRIALS RESUME

The Clerk reported that she has found a contact number for the person who organises the time trials and races in the Ipley area. She will make contact to try to prevent a conflict with the Ipley drift.

2004/1233 POLICE ATTENDANCE AT DRIFTS DISCHARGE

The Police are charging £40.00 per hour plus VAT for each officer who attends a drift. The Court accepted that at some drifts it is essential that the Police attend. However, requests for Police to attend on a fee paid basis will only be made where their presence is considered essential in ensuring the health and safety of the participants on the drift.

2004/1234 WAGE REVIEW DISCHARGE

The Court felt that the salary increase of 5.1% which has been awarded this year is generous and it was considered that at the moment a review of Agisters' salary is unnecessary.

**ANY OTHER BUSINESS**

2004/1235 MR BOB COOPER FROM ACRES DOWN DISCHARGE

The Official Verderer wrote to Mr Cooper as requested by the Court, with reference to the tone of his Presentments and accusations made in them.

Mr Cooper replied to the Official Verderers' letter. His response also contained various allegations about individuals and he had asked for his letter to be brought to the Verderers' attention in committee. Members of the Court agreed that the Official Verderer should read aloud the words written by Mr Cooper but that he should stop if anyone felt that it contained potentially defamatory material. As a result the Official Verderer read from the letter but was requested to stop at the point where Mr Cooper again referred to someone being "a liar".

The Court felt the content of Mr Cooper's letter to be potentially defamatory.

It was once again confirmed as Court policy that if a presentment is not phrased in moderate language it will not be heard.

2004/1236 BURLEY CYCLE STANDS

DISCHARGE

The Official Verderer reported that the Deputy Surveyor was concerned that the last Minutes did not perhaps reflect all the reasons for the Court's decision to refuse permission for the cycle stands in Burley.

After a brief discussion, it was agreed that in addition to the reasons so far given, the Court felt that the stands would result in a loss of grazing.

2004/1237 STALLIONS –

BROCK BUCKINGHAM AND OBERSHADE HIGHLAND FLING

DISCHARGE

The Deputy Surveyor has decided that the Forestry Commission is unable to make the payments to the owners of the above stallions as recommended by the Court in September. His reason was that the stallions were not on the Forest for the required period.

The Official Verderer suggested that on this occasion the Court should stand by its decision to pay the owners of these stallions and this was agreed.

The Court did not want this decision to set a precedent and in future each case will be considered according to the circumstances at the time. It is likely, however, that a pro-rata payment will be made according to the time that a stallion has run out providing always that the removal of the horse results from an incident beyond the owner's control.

The Clerk left the meeting.

2004/1238 STAFF BONUS'S

DISCHARGE

It was unanimously agreed that, in recognition of the extra work and responsibility that had been required of all the office staff in order to set up and administer the Stewardship Agreement during its first year in the absence of a full time Scheme Manager, a one-off net bonus payment will be made to the Clerk, Miss Sue Westwood; the Assistant Clerk Mrs Sally Cardwell and the Administrative Assistant, Mrs Lynne Church. These payments will be made next month.

Since these payments relate directly to work done for the benefit of the Stewardship Scheme, the Scheme will be invoiced by the Verderers for reimbursement of the gross amount.

There being no further business, the meeting closed at 3.55 p.m.