

**MINUTES of the Court of Verderers held on Wednesday 15<sup>th</sup> September 2010 at 9.30 a.m. in the Verderers' Hall & Library, The Queen's House, Lyndhurst.**

PRESENT:	Mr O Crosthwaite Eyre	Official Verderer
	Mr R Deakin	Elected Verderer
	Mr J F Kitcher MBE	Elected Verderer & Chairman of the Staff Committee
	Miss D Macnair MBE	Elected Verderer
	The Hon Mr R Montagu	Forestry Commission Appointed Verderer
	Mr A H Pasmore	Elected Verderer
	Mrs P Thorne	DEFRA Appointed Verderer
	Mrs D Westerhoff	Natural England Appointed Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister
APOLOGIES:	Mr A Gerrelli	Elected Verderer
	Mr C Maton	National Park Appointed Verderer

**IN COMMITTEE in the Library**

2010/5080 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 21<sup>st</sup> July 2010 were approved.

2010/5081 CONDITION OF STOCK RESUME

The Head Agister reported that on the whole he is very pleased with the condition of stock. On the earlier drifts, mares with foals were not in the best of condition and most were taken off the Forest. However, in the last two weeks, thanks to a little rain, the condition of mares and foals has greatly improved. Younger ponies and mares without foals are looking exceptionally good.

Foal numbers are much reduced thanks to the Stallion Scheme and most commoners are removing any foals that they do have with very few being branded and let back out.

There are now two outlets for older mares and commoners are taking advantage of the opportunity to reduce their numbers in this way.

Cattle are doing very well but there are concerns over the number of acorns which will soon begin to fall in large numbers. The Agisters have been asked to help get cattle in.

The Head Agister added that the commoners are grateful that pannage has been brought forward. The Agisters are marking pigs but it is thought there may not be a lot of pigs on the Forest this autumn.

The Official Verderer said he is very pleased to say that the Deputy Surveyor was most receptive to the request for commencement of pannage to be brought forward and he will ensure that the Deputy Surveyor is made aware of the commoners' gratitude in this respect.

Mr Kitcher, Chairman of the Staff Committee, agreed with the Head Agister's report on the condition of stock and had nothing to add.

2010/5082 MICROCHIPPING OF PONIES – TRIAL AT BEAULIEU ROAD DISCHARGE

The recent trial day on which the newly purchased crush was used for the first time was most successful. The crucial thing in the system working efficiently will be paperwork. Providing the paperwork is correct and matches the animal being chipped, the system will work speedily and smoothly. However, any ponies which do not have the correct paper work will not be allowed through.

2010/5083 FOAL NUMBERS AND THE BEAULIEU ROAD SALES DISCHARGE

Miss Macnair expressed concern that there may not be enough foals to sell at the Sales to make it worthwhile the Auctioneers running them. However, there are 350 entries for the next sale which means approximately 200 are likely to actually go through. There is one less sale planned for this year so far, and it is possible there will be a further reduction if insufficient numbers of animals are entered. The Auctioneers are reported to be happy at the moment.

The Official Verderer advised the Court that if there is a shortage of stock entered in the sales, the Verderers' Grazing Scheme Management Committee has agreed to underwrite this year's sales up to a total of £500.00 per sale.

**The Head Agister left the meeting.**

2010/5084 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2010/5085 DECLARATIONS OF INTEREST RESUME

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

2010/5086 FINANCIAL STATEMENT RESUME

The Financial Statements for July and August 2010 were approved.

2010/5087 AUDITED ACCOUNTS RESUME

The audited accounts were approved unanimously.

2010/5088 REPORT ON MARKING FEES RECEIVED AS AT END OF AUGUST 2010 RESUME

Ponies	4801	Pigs	18
Cattle	2232	Sheep	153
Donkeys	117		
SUB TOTAL	7150	TOTAL ALL ANIMALS	7321

2010/5089 ANIMALS REMOVED IN JULY & AUGUST DUE TO POOR RESUME  
CONDITION

5 mares with foals

Total year to date (January to August) - 551

Total ponies removed November 2009 - May 2010 inclusive - 579

2010/5090 BYELAW ENFORCEMENT RESUME

The commoner who said he cannot pay his marking fees has now paid for all of his animals.

2010/5091 COMMONERS HOUSING SCHEME DISCHARGE

A review of the scheme has already been agreed, however the National Park Authority officer who has been dealing with the scheme is currently on maternity leave and the scheme has been suspended until she returns. Details of the review will hopefully be agreed between the National Park Authority, Commoners Defence Association and the Verderers.

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

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

APOLOGIES: Mr Mark Street, Area Land Agent (New Forest)

**ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER**

2010/5092 ACCOUNTS

The audited accounts for the financial year ending on March 31<sup>st</sup> 2010 are now ready for approval and signature, and we will be dealing with this in committee this morning. Once this has been done they will be published on our website, and copies will also be available for inspection at the office.

2010/5093 COMMONERS' HOUSING SCHEME

At our July Court Mr Tarnoff made a presentment on behalf of the New Forest Association expressing various concerns in relation to the Commoners Housing Scheme which the NPA took over from the District Council in 2006. In particular the Association is of the view that there is a loss of confidence in the scheme, and they asked us if we could approach the NPA and request a review in order to ensure the scheme ultimately support the tradition of commoning and its vital contribution towards the conservation and well being of the Forest.

We have accordingly contacted the NPA and I am able to report that it has been agreed that a full review of the scheme will now take place.

2010/5094 FOREST SPEED LIMIT

Mr Derek Bennett of Sway made a presentment in which he graphically described a speeding incident on the open forest, and he asked us what action could be taken against motorists in these sorts of circumstances.

As I mentioned at last month's court, Hampshire Constabulary are very pro-active in enforcing our Forest speed limits, and if ever a motorist witnesses speeding by another vehicle the key to any possible prosecution is to take a note of the registration number, the details of the type of vehicle and the time place and date of the incident. If the police are supplied with this essential information by a witness, then action will be taken, however please be aware that information which is given anonymously cannot be used.

## **ANIMAL ACCIDENT REPORT**

### 2010/5095 ACCIDENT REPORT FOR JULY & AUGUST 2010

The Agisters attended 29 accidents, compared with 31 during the same period last year.

13 ponies, and 1 cow were killed, and 3 ponies and 3 cattle were injured.

17 accidents occurred during the hours of darkness.

16 involved private cars or light commercials and 1 involved a tractor which a witness said was local but the driver did not report the accident.

A total of 11 accidents were not reported which is a worrying increase on the 6 unreported accidents over the same period last year.

13 accidents involved local motorists.

The total killed and injured for the year to date is 52 compared with 57 over the same period last year.

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

### 2010/5096 PANNAGE SEASON 2010

In accordance with the provisions of Section 7 of the New Forest Act 1964, the Verdere have been consulted with regard to the dates of the pannage season and I heret formally notify the Court that the season commenced on **Saturday 11 September 2010** and that it will end on **Sunday 21 November 2010**, both dates inclusive.

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

1. Pigs turned out must be levant and couchant in and upon the land from which the right is derived.
2. Pigs may not be turned out until they have been inspected by an Agister, effectively ringed, marked and the appropriate fee paid. This must take place during normal working hours. 48 hours notice must be given and the time and place where the pigs are to be inspected and marked must be agreed.
3. Pigs must be marked before they are put onto the Forest.
4. Pigs may not be turned out into the Inclosures.
5. Breeding sows, that is female pigs in-pig, may be allowed the privilege of remaining on the Open Forest after the end of the pannage season if so authorised in writing by the Deputy Surveyor for the period specified in the consent.

6. Any breeding sow that is granted the specific written consent of exercising the privilege must be inspected, ringed, marked and paid for during the pannage season.
7. Any breeding sow exercising this privilege must return to the holding at night.
8. Apart from the aforementioned privilege of turning out breeding sows with proper authorisation onto the Open Forest beyond the pannage season, no pig will be allowed to remain on the Forest after the end of the season.
9. No period of grace is allowed for the removal of such unauthorised pigs.
10. Any consent granted for the exercise of the privilege is limited to the period following this particular pannage season and cannot be presumed to apply for future years, for which a separate application must be made.
11. Any unmarked animal running on the Forest does so in contravention of the Verderers' Byelaws and the owner is liable to a fine of up to £200.00.
12. Property owners of land adjacent to the Forest are reminded that it is their responsibility to fence out Forest animals from their land.

## PRESENTMENTS

2010/5097 A36 FENCING

Presentment by Mr Graham Ferris, Chairman, New Forest Commoners' Defence Association

"We have previously sought the support of this Court in making private property owners aware of their responsibility to fence their boundaries so that Commoners' stock cannot find their way from the Open Forest onto major roads. Shockingly on this occasion we are asking for support to bring every possible pressure to bear on two respected public institutions, namely The National Trust and the Highways Agency.

In recent weeks, cows and a pony have gained access to the A36 in and near Wellow, as a result of inadequate, decrepit and damaged fences. Sadly the pony had to be destroyed.

It is only a matter of luck that the consequences were not far more serious and only a matter of time before they are. Quite apart from the threat to Commoners' animals, these ineffective fences are a potential threat to the lives of drivers and passengers on the A36 and to the safety of Agisters called to attend the incidents.

We would urge The National Trust and the Highways Agency to stop bickering about who is responsible and replace the old fencing at Wellow and the National Trust to install effective fencing at Foxbury Plantation for which they are wholly accountable.

The size of the potential liability for failing to do so would be enormous both in financial and reputational terms".

2010/5098 SURVEY OF CAMPSITES ON CROWN LAND IN THE NEW FOREST

Presentment by Mr William Ziegler, Chairman, New Forest Association.

"Since the introduction of campsites on the Crown lands of the New Forest by the Forestry Commission, confusion and disagreement has at times arisen regarding the infrastructure and other physical objects within the campsites, which are now operated under the name of Forest Holidays.

To try and ensure that such issues do not arise again we, the New Forest Association, at the behest of the Verderers commissioned a detailed survey of all the sites thereby creating an accurate "baseline" of exactly what is and what is not on each of the sites.

This survey is now complete and I am pleased to be in a position to hand it over to the Court.

It is a scientific report containing data showing the distribution of all the mapped features contained within the campsites. These mapped features include trees, tree canopies, campsite infrastructure down to the last dragons tooth and ground cover or lack thereof.

Using the digital version of the map, the mapped features can be displayed in a series of over-lapping layers and overlaid on aerial photographs .

Manipulation of the different layers enables each of the mapped features to be selected and data accessed as desired. All the mapped data is provided in spreadsheet format that can be manipulated in various ways to provide tabulated summaries of the extent and numbers of different mapped features in each or every campsite.

For ease of use we have produced a printable summary of the main information and maps which illustrate some of the data contained in the survey such as the distribution of features including trees, tree canopies, campsite infrastructure and ground cover.

Although we consider that the results of this remarkable piece of work are in places worrying we wish to make clear that the survey itself is a strictly factual document, produced for the Verderers as requested. It does not represent the thoughts of the New Forest Association as to the suitability or otherwise of having campsites on the open Forest. The Association does however hope that it might re-ignite discussion on this point.

We would commend this work to the Court and ask that they work to establish the agreement of all interested parties that it is a totally accurate representation of the campsites as they are now, in order that it may be used as an agreed reference against which any future queries or developments may be considered".

#### 2010/5099 PRESENTATION OF THE LIFE ROSEBOWL

"Under the New Forest LIFE Project Pony Premium Scheme, which ran for four years from 1998, mares were inspected annually and the owner of the pony judged to be the best each year, was presented with the Rosebowl.

The LIFE Scheme has long since ended and the Rosebowl has been gathering dust in the Verderers' Office.

The New Forest Pony Breeding and Cattle Society has now suggested that the Rosebowl should be awarded to the owner of the top-scoring mare in the annual round of Forest mare grading that is carried out each summer.

We are pleased to support the Society's Grading and Elite Scheme, the aim of which is to recognise and reward top quality ponies of good breed type. Registered mares who are a minimum of four years old and have had at least one foal are eligible.

Forest run mares are inspected on the Forest during the summer and assessed individually by three Society Breed Panel judges. They are scored on conformation, breed type and movement at walk and trot. The pass mark is 70%. If they achieve this mark, they are graded and awarded points which are entered into the Society's Elite Scheme.

This is the first time the Rosebowl has been presented under this scheme and we are very pleased that the top mare this year is a lovely mare owned by Mr Roy Hawkins of Brockenhurst. His mare Oakfield Lark haunts Whitefield Moor, Aldridge Hill and Black Knowl and is a very worthy recipient”.

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

#### **CONSIDERATION OF PRESENTMENTS**

2010/5100 A36 FENCING

RESUME

The Court always encourages owners of property in the Forest and on its boundary to take responsibility for their fencing, especially where defects may result in animals gaining access to roads where motorists would not expect to find them. Both Wellow Parish Council and the National Trust own land abutting the A36. Both organisations have entered into Higher Level Stewardship Schemes and it was agreed that letters will be written to encourage them to repair their fencing as a matter of urgency. The Official Verderer will also speak to Mr Phil Marshall, Countryside Manager, National Trust.

2010/5101 CAMPSITE SURVEY

RESUME

The survey will be provided on disc and paper format. When available, copies will be provided to all Verderers as soon as possible.

The Deputy Surveyor was asked if he is able to confirm that the survey represents an accurate record of the infrastructure and natural features on the campsites. In response, the Deputy Surveyor said he obviously needs time to read through the survey but agreed that in principle that should not be a problem.

#### **NEW SUBMISSIONS AND OTHER MATTERS RAISED BY THE FORESTRY COMMISSION**

2010/5102 THIMBLE COTTAGE, EAST BOLDRE – NEW U/G WATER PIPE

DISCHARGE

The proposal to provide a new underground water supply to this property was agreed subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

2010/5103 POUND FARM BARN, POUND LANE, BURLEY – NEW U/G ELECTRICITY SUPPLY

DISCHARGE

The proposal to provide a new underground electricity supply to this property was also agreed subject to the usual conditions.

2010/5104 LONGCROSS COTTAGES, FRITHAM – REPLACEMENT MAINS WATER SUPPLY

DISCHARGE

The proposal to replace the existing 25mm galvanised main which is now rusted, clogged and potentially leaking, reducing tap flows was agreed subject to the usual conditions.

## MATTERS ARISING OF CONCERN TO THE FORESTRY COMMISSION

- |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 2010/5105 | POWER KITING                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | DISCHARGE          |
|           | <p>The Deputy Surveyor thanked the Court for its written response to his request for views on this issue. Natural England has advised that any change of policy would need an appropriate assessment to be carried out.</p>                                                                                                                                                                                                                                                                                                                                           |                    |
| 2010/5106 | THE ATLAS PROJECT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | RESUME<br>Oct/Nov  |
|           | <p>The system has now been received. The next step is to arrange for training for three office staff and Mr Pasmore. This will be organised for some time in October.</p> <p>It was suggested that the Sustainable Development Fund managed by the National Park Authority may be able to assist with a grant towards the cost of the training.</p>                                                                                                                                                                                                                   |                    |
| 2010/5107 | CAMPSITE SURVEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | DISCHARGE          |
|           | <p>The survey has been delivered (see Presentment by the NFA) and so this item has been discharged.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                    |
| 2010/5108 | ROAD HAUNCHING                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | DISCHARGE          |
|           | <p>Following a meeting with the Highway Authority where this issue was discussed, there is no further action required at present and this item is therefore discharged.</p>                                                                                                                                                                                                                                                                                                                                                                                           |                    |
| 2010/5109 | A31 VERGE CLEARANCE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | RESUME<br>November |
|           | <p>A meeting has now been arranged for the 22<sup>nd</sup> October 2010 at 10.00 a.m. in the Library at The Queen's House.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                        |                    |
| 2010/5110 | SANDHOLE POUND REPAIRS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | RESUME             |
|           | <p>The Deputy Surveyor agreed to arrange for some gravel to be tipped in or adjacent to the pound. The cost will be recharged to the Court.</p> <p>The Forestry Commission suggested that an agreement in respect of the pounds should be drawn up setting out clearly which organisation is responsible for what. To ensure it is kept up to date, the agreement should be reviewed every five years. The Clerk said she thought something had been drawn up before and she will check the Verderers' files.</p>                                                     |                    |
| 2010/5111 | TEMPORARY SIGNS ON THE FENCED ROADS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | DISCHARGE          |
|           | <p>The Clerk reported that the Highway Authority has advised that it does have legal powers to insist on the removal of signs. However, it seems that it has not been very successful as the estate agent's sign on the A35 west of Lyndhurst is still there. The old Land Rover on the verge of the A337 north of Lyndhurst which advertises the Waterloo Arms is also still in place although it has been suggested that its presence contravenes the rules of the Brown and White Signs. The Clerk said she will remind the Highway Authority about the signs.</p> |                    |

The Deputy Surveyor said that on the Crown Lands illegal signs should be removed by the Keepers as a matter of course. They are usually returned to the person or organisation which put them up. However, it seems that this does not always happen and over the summer, numerous signs advertising a variety of events were evident all over the Forest. The Deputy Surveyor said this issue is being addressed and he is confident that matters will improve in the not too distant future.

2010/5112 LATCHMORE BOTTOM FELLING OF PINE DISCHARGE

The Deputy Surveyor reported that the arisings and other materials will be burnt. It was reportedly left because at the time of cutting, conditions were unsuitable for burning.

2010/5113 ILLEGAL PARKING DISCHARGE

A paper entitled 'Illegal Parking - Why careless parking causes problems...' has been prepared by the Clerk's Assistant. Members of the Court were asked to let the Clerk have any amendments by Friday 17<sup>th</sup> September. The paper will then be included on the Verderers' website. A simple form for recording details of the vehicles on which stickers are placed is also being drawn up.

2010/5114 WASTE HEATHER BALES DISCHARGE

The waste heather bales from Pitts Wood have been removed however a heap of rejects remains in addition to some hoggin gravel. The Deputy Surveyor undertook that the material will be used in restoration projects in the area and there seems little point in moving it about the Forest. This explanation was accepted.

2010/5115 BURLEY OUTER RAILS/WOOLFIELD HILL COTTAGE RESUME

The Deputy Surveyor is writing to the Official Verderer on this subject which will be resumed in October.

### **SSSI RESTORATION WORKS**

2010/5116 WARWICKSLADE CUTTING SOUTH DISCHARGE

The Deputy Surveyor said that he believes there is general agreement that the purpose of the various restoration works which are taking place is to restore the environment and landscape in a way that is not significantly detrimental to commoning.

The issues at Warwickslade have been largely arisen as a result of problems with communication and the timing of actions. Three particular issues remained outstanding which have now been resolved:-

1. The Deputy Surveyor gave assurances that the necessary side drains to remove ponding will be formed. Mr.Pasmore will supply the Deputy Surveyor with the necessary details once the ground is again saturated.

2. Differing opinions over levels – the intention is to make sure the drains work and if they don't work, to correct the problem.
3. Trees placed across the stream which would ultimately develop into debris dams – the Deputy Surveyor stated that they will be removed.

The Deputy Surveyor reiterated that there is a commitment on behalf of the Forestry Commission to make sure these schemes work properly and he asked that when representatives of the Court attend site meetings, they make sure that issues are raised at the time, openly, and as part of the meeting so that proposals can be agreed. Mr Pasmore pointed out that the problem with this approach is that it has to be the Court which approves schemes, not the individual Verderers who are present at the site meetings. There is no easy way round this as when the Court sits, there may be Verderers who were unable to attend the site meeting who do not agree with certain aspects of the proposals.

It was agreed that the site meetings should consider as much as possible and subsequent documentation must be accurate as respects what is agreed and what isn't. Hopefully principles can be agreed even if every fine detail cannot be.

Mrs Westerhoff produced a report which she prepared following a site meeting with Mr Maton and Mr Montagu. Mrs Westerhoff was pleased the scheme seems to be working well at the moment.

2010/5117 CAMEL GREEN, QUEEN'S MEADOW AND DRIVERS NURSERY – RESTORATION PROPOSALS RESUME

The Deputy Surveyor had provided the detailed plan for which the Verderers had asked. Further detail is required before consent can be given for these works. In particular with reference to the felling works proposed for Wide Lawn and Camel Green where the extent of the trees to be removed must be determined.

A further site meeting will take place attended by representatives of the Commoners' Defence Association.

2010/5118 LATCHMORE BROOK RESTORATION DISCHARGE

The Court remained concerned about potential flooding of the adjacent lawn and it was decided to discuss the matter further later in the meeting.

2010/5119 DATES FOR HABITAT RESTORATION MEETINGS DISCHARGE

The following dates for habitat restoration meetings, suggested by Ms Sarah Oakley were agreed:-

12 <sup>th</sup> November 2010	Wootton Riverine Woodland
25 <sup>th</sup> November 2010	Holmhill and Redhill Bogs (Silver Stream)
3 <sup>rd</sup> December 2010	Pitts Wood Mire, Ashley Fields Mire, Ashley Hole
14 <sup>th</sup> January 2011	Penny Moor

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

2010/5120 POND NEAR TO POUND LANE, BURLEY DISCHARGE

During the discussion on the proposal to provide a new underground electricity supply to Pound Farm Barn, Miss Macnair asked if an ancient pond close-by which has now all but disappeared could please be re-instated. This is a matter for the Forestry Commission to consider. It was reportedly drained in order to destroy a certain species of presumably non-native snail which lived in it but the snails have survived against a nearby wall whilst the pond which Miss Macnair considered to be of desirable amenity value has gone. It was suggested this could be the subject of a project under the HLS.

2010/5121 PANNAGE SEASON DISCHARGE

The Court expressed its thanks to the Deputy Surveyor for agreeing to bring forward the pannage season.

The Staff Committee asked that greater consultation be undertaken as the changes in the seasons are indicating that the pannage season may need to start earlier some years. However, it was felt that the present dialogue is working reasonably well and there is no reason why discussions cannot take place about an earlier date for the start of pannage when the need arises. The Official Verderer thanked the Deputy Surveyor for his flexibility.

2010/5122 SWAY SPORTS FIELD DISCHARGE

Concern was expressed at a recent comment made by a member of the National Park Authority staff concerning the future of the Sway Sports Field which is situated on the Crown Lands. The officer concerned was unaware of the history of the sports field and was put on the spot by a question from a member of the press. The Official Verderer spoke to the Chief Executive of the National Park Authority and has been assured that, as is the case with the Forestry Commission and the Verderers Court, when the present lease on the land expires, proper and careful consideration will be given to any application received in connection with the future use of the land.

2010/5123 BRACKEN DISCHARGE

Miss Macnair expressed the view that the biggest loss of grazing in the Forest occurs when the bracken dies back. Nothing useful grows underneath it. Bracken reportedly spreads at a rate of 4% per annum and a significant amount of grazing has already been lost. Miss Macnair suggested that some of the money which is available for Open Forest restoration projects should be diverted to bracken control. The Court agreed with this suggestion and asked that it be included on the Forestry Commission's list of projects for funding by the HLS Scheme. The Deputy Surveyor is in agreement and confirmed that it is already on the list.

2010/5124 FIREWORKS

DISCHARGE

Mrs Thorne attended a recent meeting of the Consultative Panel at which the problems created by fireworks was discussed. Forest Watch has agreed to target the Forest car parks where it is known that fireworks are often set off and the Forestry Commission was asked if it can help by providing a list. The Deputy Surveyor agreed to investigate if such information is available.

Mrs Christine Ames of the New Forest Tourism Association undertook to circulate an information sheet to public houses and hotels asking them to advise neighbours, particularly those with livestock, if they intend to hold firework displays.

The noise level of some fireworks is considered to be the biggest problem and the National Park Authority has been asked to consider how best to communicate messages within the Forest.

2010/5125 LIMWOOD SIGN

RESUME

The light on the sign on the verge at the beginning of Limewood's Drive has still not been removed although it is thought it is not actually lit now. The Deputy Surveyor undertook to ask Mr Street for an update on the latest position regarding the various issues affecting this establishment.

**The Deputy Surveyor left the meeting.**

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

2010/5126 JACK DONKEYS

DISCHARGE

The Staff Committee asked the Court to reconsider the issue of jack donkeys on the Forest.

The Official Verderer reported that the Verderers Grazing Scheme sub-committee has considered the request for grazing to be provided for jack donkeys when they are not on the Forest, but the view is that there is no economic justification for providing such grazing.

The Staff Committee felt that in general jack donkeys do not cause problems. It is accepted that one or two jacks will serve pony mares but the majority do not. Research indicates that jacks brought up with donkeys are not interested in pony mares but jacks brought up with ponies sometimes are.

There are approximately 8 to 10 jack donkeys on the Forest and it was felt it is more appropriate to deal with individuals which cause problems.

## **VERDERERS' HIGHER LEVEL STEWARDSHIP SCHEME (HLS)**

2010/5127 SCHEME HEALTH CHECK AND FUNDING DISCHARGE

Mr Jim Seymour, Natural England's senior official who was involved with the HLS Scheme from the outset visited the Forest recently to carry out a Health-check on the CSS and HLS Scheme. He has gone away expressing contentment with what he has seen so far.

2010/5128 HLS FUNDING DISCHARGE

The first half of this year's funding, £797,000, has been received. Half of this is allocated to the Verderers Grazing Scheme. The VGS monies have now been allocated and there will be no new schemes this year.

## **NEW FOREST NATIONAL PARK**

There was nothing to report at this meeting.

## **OTHER AGENDA ITEMS**

2010/5129 STALLION SCHEME REVIEW RESUME

A letter from a commoner complaining about certain aspects of the Scheme and suggesting some amendments has been received. It was agreed the letter will be considered when the Stallion Scheme Sub-Committee meets in January to undertake the annual review.

January  
2011

## **ENCROACHMENTS**

2010/5130 HOME FARM BARTLEY RESUME

The Official Verderer reported that Queen's Counsel visited the site of the encroachment in August. Counsel has confirmed that subject to sufficient evidence being collected he believes the case will succeed. The CDA is seeking evidence and statements will be submitted to Counsel. If, on receipt of the statements, Counsel is still confident of success he will provide a written Opinion. Subject to that Opinion, a final decision on whether to proceed to Court will be made.

2010/5131 KINGSTON GREAT COMMON RESUME

Mrs Westerhoff expressed concern that an encroachment may have taken place on the western boundary of the common. It appears the owner of the land may have moved his fence a little to the east. A new deep ditch obliterated the original boundary but it would appear that some grazing in that area has been lost.

However, it also appears that an adjacent equivalent piece of land may have been given in exchange as a result of a different section of fence being moved back.

The Ordnance Survey map shows the boundary as straight whereas now there is a clear dog-leg. This indicates the perambulation may have been changed.

The Head Agister will be asked to visit the site to ascertain whether in fact the re-alignment of the fencing has resulted in interference with common grazing.

2010/5132 FORMER LAYBY IN CANTERTON LANE

RESUME

Queen's Counsel has also looked at a lay-by which appears to have been fenced in by the same land owner who moved his fence some months ago. The Official Verderer wrote to the land owner and the Clerk will now make further contact with him.

2010/5133 ENCROACHMENT AT MINSTEAD

DISCHARGE

The Clerk reported that a possible encroachment in Minstead has been reported to her. She is making enquiries but it appears a piece of land of just under an acre which has been available to commoning stock for many years may have been fenced in. *(Following the meeting, Mr James Young, CDA Encroachments Committee, visited the site and has persuaded the land owner to take down the fence).*

#### **ITEM RESUMED FROM EARLIER IN THE COURT**

2010/5134 LATCHMOOR BROOK RESTORTION

RESUME

The Forestry Commission presented further plans and sections demonstrating levels at Latchmore Bottom, in support of its proposed scheme. Although there was less objection to the western part of the project, the eastern third (roughly between the three eastern section lines on the LIDAR print provided), would potentially result in flooding of the lawn north of the stream over a considerable area. This, together with the closing of the present channel upon which drainage of that area depends, would cause conversion of the already wet lawn to an area of swamp. Mrs Westerhoff said that this is what is intended so that a boggy area as suggested by the 19<sup>th</sup> century 25" map could be recreated. The commoners may find it an unpalatable fact, but they are being subsidised by conservation interests and should reflect that in their attitude to restoration works. If the bog is not re-created, it could result in the area remaining technically "unfavourable" for conservation purposes. Those Verderers who attended the site meeting said that they did not think the consequences of the proposed work at this point had been fully appreciated by the commoners representatives at the time and that there was also a general feeling of hopelessness among the commoners in regard to stream works. Such works seemed to be imposed on them whether they liked it or not.

For the grazing interest, it was argued that there must be an element of give and take and that there are occasions when protecting grazing areas should take precedence over scientific conservation.

After further detailed discussion of the LIDAR extracts and map, the Official Verderer proposed "That the Court cannot approve the course of part of the intended meanders because the upper third, if put in place, will flood existing grazing permanently". This proposal was seconded by Mr Pasmore and on being put to a vote was approved by six votes to two.

It was agreed that if the Forestry Commission think it helpful, Mr Pasmore should meet Miss Oakley on the site and point out the limits of the area for which the Verderers have refused consent and agree an appropriate method of linking the existing drainage to the more acceptable diversion further west.

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

2010/5135 HLS SUB COMMITTEES – LANDSCAPE AND HISTORIC DISCHARGE  
ENVIRONMENT

Mr Pasmore advised the Court that he has been invited to sit on both these sub committees and he wished the Court to confirm whether he will be attending as a private individual or a Verderer. In reply, the Official Verderer said he should ensure he makes it clear when he is speaking in a personal capacity and when he is speaking on behalf of the Court.

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

2010/5136 DRIFTS - DISCLAIMER DISCHARGE

The Staff Committee suggested a written disclaimer should be handed to all those assisting on drifts, particularly mounted helpers. However, the Court felt that this could be fraught with difficulty. The Court's insurance includes cover for bone-fide commoners assisting on drifts. (*For information - The actual wording in the Schedule is 'The Business of the Insured is Forest Government including Voluntary work by Commoners and Management of Depastured Stock'*).

2010/5137 FOREST BRED CRITERIA DISCHARGE

The Court felt definition of Forest Bred falls outside its remit and is solely a matter for the New Forest Pony Breeding and Cattle Society.

**TRAINING** RESUME

No training is being undertaken at present (with the exception of the Atlas Project).

**HEALTH AND SAFETY AT WORK** RESUME

There are no health and safety issues at present.

## **ANY OTHER BUSINESS**

2010/5138 LORD LIEUTENANT'S VISIT TO THE JANUARY COURT DISCHARGE

The Lord Lieutenant, Dame Mary Fagan, has asked to attend the January Court. It was confirmed that Dame Fagan will be most welcome.

2010/5139 IDENTITY CARDS FOR THE VERDERERS DISCHARGE

The Clerk undertook to produce the cards as soon as possible.

2010/5140 ANNUAL MARKING FEE REVIEW

RESUME

The marking fees will be reviewed at the next Court so that the rate for 2011 can be announced in the November Court.

The Official Verderer reported that the current expectations generally is that Government funded bodies will be required to cut costs, by a minimum of 5% this financial year and possibly the same again for the following two consecutive years.

The Deputy Surveyor has said that he will be writing before the October Court in response to the 2011/2012 Budget and Five Year Plan. He has already indicated that it is almost certain that the Verderers' annual grant from Government, paid via the Forestry Commission will not be increased in 2013/14 as hoped for.

The Official Verderer stated that this will therefore, amount to a freeze in the Court's funding for the foreseeable future.

There was no further business and the meeting closed at 1.30 p.m.