

MINUTES of the Court of Verderers held on Wednesday 18th December 2013 at 9.30 a.m. in the Library, the Queen's House, Lyndhurst.

PRESENT:	Mr Dominic May	Official Verderer
	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	Mr B Dowsett	Forestry Commission Appointed Verderer
	Mr A Gerrelli	Elected Verderer
	Miss D Macnair MBE	Senior Elected Verderer
	Mr C Maton	National Park Appointed Verderer
	Mr D Readhead	Elected Verderer
	Mr G M H Mills	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 (to 2013/7003)
APOLOGIES:	Mr R Stride	Co-opted Verderer

IN COMMITTEE in the Library

2013/6997 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 20th November 2013 were agreed and signed.

2013/6998 DECLARATIONS OF INTEREST RESUME

The Official Verderer and the Elected Verderers all declared an interest in the New Forest Higher Level Stewardship Scheme and the Verderers Grazing Scheme.

Mr Hallam Mills declared an interest in HLS Schemes as his Estate is in Higher Level Stewardship. The Estate is also involved in the Better Boundaries Project, run by the New Forest Land Advice Service with support from Natural England. Mr Mills is also a Patron of the New Forest Trust.

Mr Gerrelli declared an interest in campsites.

Mr Dowsett advised the Court that he is a Forestry Commission Voluntary Ranger.

2013/6999 CONDITION OF STOCK & THE WELFARE TOUR RESUME

The Head Agister said that stock looks very well going into the winter. The weather over the past few weeks has been mild and dry although it has now changed and more rain is forecast.

The Welfare Tour followed a different format this year with attendees visiting the Stallions in their field in Cadland and then watching a demonstration of hot branding at Pilley Pound. This change in format was originally suggested by some of those who regularly attend the welfare tours.

General comments on the branding demonstration were pleasing. Several attendees were individually surprised and felt it was much less of an issue for the animals than they anticipated it would be. However, one welfare

charity representative said his organisation will find it a difficult to support hot branding because the public perception is that it is cruel and the charity cannot afford to alienate its supporters.

2013/7000 ACORN POISONING & EXTENSION TO THE PANNAGE SEASON DISCHARGE

Up to the end of November, 58 ponies and 21 cattle have died from suspected acorn poisoning. There have been quite a few more in December and the number is expected to continue to increase in the coming weeks.

The Head Agister asked that it be recorded that the New Forest Hunt staff have done a really great job, under difficult circumstances, removing dead animals which have succumbed to acorn poisoning. The number of animals which have died in a short period of time, combined with the often challenging locality of animals needing collection has meant the job has been far from easy.

The Pannage Season has been extended until Sunday, 29th December to give the pigs time to clear up more acorns.

2013/7001 STOCK LOSING CONDITION AND REMOVED FROM THE FOREST RESUME

1 donkey mare with a foal was removed in November due to poor condition.

The total removed for the year is 344 compared with 215 to the end of November last year.

2013/7002 MARKING FEES RECEIVED THIS YEAR TO DATE RESUME

	Forest	Common	Total
Ponies	4387	729	5116
Cattle	2518	968	3486
Donkeys	94	71	165
Pigs	329	35	364
Sheep	0	113	113
Total	7328	1916	9244

Ponies, cattle and donkeys on the Forest – 6999
 Ponies, cattle and donkeys on the Common – 1768
 Total Ponies, Cattle and Donkeys – 8767

MARKING FEES RECEIVED IN 2012 TO THIS DATE

	Forest	Common	Total
Ponies	4123	801	4924
Cattle	2280	879	3159
Donkeys	89	68	157
Pigs	181	105	286
Sheep	0	136	136
Total	6673	1989	8662

Ponies, cattle and donkeys on the Forest – 6492
 Ponies, cattle and donkeys on the Common – 1748
 Total, Ponies, Cattle and Donkeys - 8240

2013/7003 BYELAW ENFORCEMENT

RESUME

There were no byelaw issues.

The Head Agister left the meeting

The Deputy Surveyor and Mr Mark Street joined the meeting

NEW SUBMISSIONS AND OTHER MATTERS RAISED BY THE FORESTRY COMMISSION

2013/7004 CADNAM CRICKET PITCH – RENEWAL OF LICENCE

DISCHARGE

The licence is due for renewal. The Court had been provided with a copy of the proposed Heads of Terms. A number of concerns were raised including the size of the fenced square, currently stated as 0.6Ha (1.25ac), which it was agreed must be reduced significantly to ¼ acre similar to the Woodgreen licence.

The Licence should ensure that all non-cricket clutter (chairs etc.,) is removed from the Open Forest between games and at the close of the season. This is not presently happening. Mr Street remarked that he had also found a harrow left out which is not permitted by the present licence. The Court also queried whether dates for when the outfield is open/closed to stock should be included in the licence. After some discussion, it was suggested that the licence should specify that the field must be open to stock for a minimum of 3 months each year but actually specifying dates was not felt to be helpful in case weather conditions dictate that different dates are more appropriate.

Mr Street said he will incorporate conditions into the new licence which will cover all the matters raised, plus any others that are included in the licences which have been issued in recent years. Specific reference should be made in the new licence to require the club to comply with all relevant conditions imposed on the management of the land by Natural England or their successor and that the Club should also comply with the relevant cross compliance conditions that may apply to the licensed area. With that assurance, the Court was happy to grant consent for a new 25 year licence.

Action
MSt

2013/7005 WOODGREEN CRICKET PITCH – RENEWAL OF LICENCE

DISCHARGE

The licence conditions for Woodgreen were felt to be generally acceptable.

The Licence should ensure that all non-cricket clutter (chairs etc.,) is removed from the Open Forest between games and at the close of the season.

Action
MSt

Specific reference should be made in the new licence to require the club to comply with all relevant conditions imposed on the management of the land by Natural England or their successor and that the Club should also comply with the relevant cross compliance conditions that may apply to the licensed area.

MINUTES of the Court of Verderers held on Wednesday 18th December 2013 in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

2013/7006 STORAGE OF CALOR GAS BOTTLES AND CAGES ON OPEN FOREST AT BRAMSHAW POST OFFICE DISCHARGE

The request for Calor Gas bottle storage cages to be placed flat against the hedge between the corner of the shop and the parish notice board was agreed. Locating them in this position will cause the least inconvenience and intrusion and should provide a safe secure location whilst maintaining the shop's viability.

MATTERS ARISING FROM THE MINUTES OF THE LAST COURT AND PREVIOUS COURTS OF CONCERN TO THE FORESTRY COMMISSION

2013/7007 DRIFTS AND THE DRIFT WASH-UP MEETING RESUME
March 2014

Mr Deakin chaired the recent drift wash-up meeting at which everyone agreed that generally all the drifts went well this year.

Mr Deakin subsequently produced a table of actions and he has asked the Head Agister to read through the paper before it is circulated.

Mr Deakin's paper will be copied to the Forestry Commission as soon as possible.

Action
RD/SW

2013/7008 ROAD SIGNAGE AND RTA REDUCTION INITIATIVES DISCHARGE

The Clerk confirmed a letter has been sent to Councillor Seán D T Woodward Executive Member for Economy, Transport and Environment Hampshire County Council calling for the large yellow and black animals on road warning signs to be retained and requesting that the signs which were removed from the B3055 be reinstated.

The letter goes on to say that...

'Those signs warn motorists in the clearest possible manner that animals may be found on the highway at any time. They are also considered to be vitally important in defending any suggestion by a motorist that he or she should not be required to compensate an owner of an animal injured or killed in a collision with their vehicle because he or she did not know animals were likely to be on the highway.

The Verderers wish to see animal warning signs in place at every cattle grid where the public highway enters the Open Forest. Such signs were previously in place, but over time some have fallen into disrepair, and in some cases they have been removed but not replaced.

The Verderers support changing animal warning signs from time to time on the Open Forest, but not at the entrances to the forest. Changing animal warning signs on the Open Forest can be helpful to locals who may become over-familiar with the signs on a regular commute. However the Verderers do not want to see a reduction in the number of animal warning signs'.

An acknowledgement to the letter has been received stating that a full response will follow in due course.

Mr Mills reported that he has been in touch with the Police concerning ways in which they can help reduce animal accidents in the Forest. He

said he understands that all road accidents are recorded and a template is produced for each accident in order to ensure the correct details are obtained. The template is then sent to the Verderers' Office.

In addition, the Police are currently reviewing the questionnaire they send to motorists involved in road traffic accidents with stock and there will be an opportunity for the Court to have a further input into the questions which are asked.

2013/7009 FALLEN TIMBER DISCHARGE

Following the meeting between Natural England, the New Forest Commoner's Defence Association and the Forestry Commission the Deputy Surveyor agreed the Forestry Commission will look at what can be done to reduce fallen timber where the level is more than meets the environmental need and where it creates an issue with the drifts.

Mrs Westerhoff asked for it to be minuted that she doesn't think representatives of these organisations are in a position to make such a judgement. Mrs Westerhoff said it should be done via Natural England Monitoring.

SSSI RESTORATION WORKS

2013/7010 SNAGGING LIST RESUME

The Deputy Surveyor said he has nothing new to report.

2013/7011 NORTH SLUFTERS DISCHARGE

A further meeting is to be arranged to discuss proposals. The matter will be discharged for the time being.

2013/7012 COWLEY'S HEATH DISCHARGE

The updated proposals drawn up following the site meeting on the 4th December were agreed. A separate project to cover the removal of seedling pine will be discussed later. Measures will be taken to alleviate the problem of water by the roadside.

2013/7013 WOOTTON EAST DISCHARGE

The proposals for stream restoration on this stretch of water were agreed.

Mr Mills asked how environmental factors such as fish are considered within the design of this and other water restoration proposals. In reply, the Deputy Surveyor assured the Court that these factors are considered within scheme designs, including within the environmental impact assessment process which may be required where a scheme is subject to a planning application.

Mrs Westerhoff said that habitat, as well as other individual species such as invertebrates and dragon flies are also always taken into account.

The papers which the Court consider generally relate more to commoning issues as that is the remit of the Verderers.

ENCROACHMENTS

2013/7014	PONDHEAD FARM LANE	RESUME
	No progress has been made on this yet.	Action MSt
2013/7015	BURLEY BUS TURNING AREA	RESUME
	Mr Street confirmed Natural England's consent is being sought for the relocation of the sign.	MSt
2013/7016	OLD SIR WALTER TYRRELL COTTAGE	DISCHARGE
	Following purchase, this semi-derelict property is being restored. However, the developer chose to use the Open Forest for storage. He has been advised that this is not acceptable and Mr Street said the matter is being dealt with.	MSt

ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2013/7017	INCIDENT ON WEIRS DRIFT 2012 – CLAIM FOR DAMAGE TO PERSONAL PROPERTY	DISCHARGE
	The Official Verderer advised the Court that the couple who wish to claim compensation have written again asking for £217 for damage to personal property. It was agreed that the claim should be rejected.	
2013/7018	SEMBORP BOURNEMOUTH WATER – WORKS AT SETLEY CONNECTED WITH THE ROUNDHILL WATER TOWER REPLACEMENT	DISCHARGE
	The fence has been cut by the contractor, and is now loose. It is being dealt with by Hampshire County Highways. There have been problems with the temporary barriers blowing over but the problem has been resolved by the use of sandbags. Mr Street said he is in touch with the Water Company to ensure it follows agreed protocols for the works and that the work being carried out is in accordance with the consent.	
2013/7019	AUTUMN LEAVES CYCLE EVENT	DISCHARGE
	Mrs Westerhoff reported she went out on Sunday to watch participants in the Autumn Leaves cycle event. She said that on the whole the participants she saw at Burbush and later at Standing Hat were well behaved and adhered to the conditions of the consent that had been issued by the Forestry Commission. In Mrs Westerhoff's opinion the early riders could have been racing, however those who followed later were proceeding at a much more leisurely pace. There was one near incident at Burbush where the track slopes down steeply to the disused railway line. The sight lines at that point were poor and there was nearly a collision between cyclists going up the slope and those travelling downwards. Mrs Westerhoff suggested the bracken could be cut which would improve visibility and also benefit	

grazing.

Miss Macnair agreed that the cyclists were much more polite than on past occasions but commented that they were lucky that Castle Hill Lane was dry!

Mr Deakin commented that the early riders left some gates open.

The Deputy Surveyor said he also went out to watch and felt it was a well run event. He agreed some gates were left open but he felt the organisers themselves were not to blame. There were some large signs saying Close the Gate which a few individuals clearly chose to ignore.

2013/7020 ASHURST DISCHARGE

During a recent visit with the Rural Payments Agency to a farm in the Ashurst area, Mrs Westerhoff said she felt some scrub in the area could benefit from being tidied up. The Deputy Surveyor agreed to pass Mrs Westerhoff's comment to Mr Dave Morris.

Action
DS

2013/7021 DITCH AT KINGS COPSE DISCHARGE

Mr Street assured the Court that he is dealing with the illegally dug ditch at Kings Copse. The ditch is dangerous to stock, being at least 2'6" deep with vertical sides. The occupier of a nearby property is being dealt with by way of a Police Community Resolution Order following a charge of Criminal Damage. Natural England is also involved due to the damage to the New Forest SSSI. The ditch will be made safe as a matter of urgency.

Action
MSt

2013/7022 SEAT AT BEAULIEU ROAD SALE YARD DISCHARGE

Mr Readhead explained that the Livestock Society has received a request for a seat to be placed within the curtilage of the Sale Yard in memory of Charlotte Smith (Commoner Anita Smith's daughter). Mr Street explained that the Forestry Commission, and the Court, has a policy of no more seats on the Forest. However, if this seat can be situated within the area of the site which is leased to the New Forest Trust/New Forest Livestock Society, no objection will be raised. The seat must remain wholly the responsibility of those two organisations.

The Deputy Surveyor and Mr Street left the meeting

OTHER MATTERS ARISING & AGENDA ITEMS

2013/7023 SUSTAINABLE TRANSPORT FUND DISCHARGE

Mr Dowsett reported that the Department for Transport has awarded £3.8m to Hampshire County Council, the New Forest National Park and South Downs National Park - together with the neighboring highways authorities of Brighton & Hove City Council, East Sussex County Council, West Sussex County Council, Surrey County Council and Wiltshire Council – for initiatives to reduce the impact of traffic within the two national parks.

£180,000 is allocated for a New Forest Community Routes Project

Most of the proposed routes are on existing roads, Forestry Commission tracks and/or other Rights of Way and are intended for use mainly by cyclists. However, seven new routes have been identified on the Open Forest specifically for walkers and horse-riders as follows....

1. Matley Heath to Deerleap, over Sandhole Bridge.
2. Beaulieu Road Car Park across Yew Tree Heath to Ipley Bridge.
3. Moonhills, across Cowley's Heath to join the Kings Copse cycle route.
4. Kings Copse (cycle route) to Gatewood Bridge.
5. The gravel road from Fritham to Holly Hatch.
6. Moyles Court to Appleslade over Rockford Common Appleslade to Linford.
7. Burbush Car Park, parallel with the disused railway line to Dur Hill and then off the Forest across Bisterne Common. Mr Mills declared an interest in this route in view of his ownership of Bisterne Common.

The Verderers are against the promotion of routes for walking and riding across the Open Forest, as they will lead to local erosion, overuse and encourage even more cyclists to stray from the approved off-road cycle network.

Any proposed additional signage for these routes is also unwelcome on the grounds of increased urbanisation and the fact that the proposed routes are already used by horse riders and walkers.

Mr Chatters at the Hampshire & Isle of Wight Wildlife Trust has written expressing his objection to the scheme.

Mr Dowsett was requested by the Court to go back to the National Park Authority, advising that the Court will not consent to the additional signage and that the Court is overwhelmingly against encouraging greater use of Forest tracks.

2013/7024

RTI INFORMATION SHARING AGREEMENT PROTOCOL

DISCHARGE

The Official Verderer explained that the Clerk is about to sign an Information Sharing Agreement with the Police in order that the office and Agisters can continue to receive details of drivers involved in road traffic incidents with commoners' animals. The ISA is, however, very strict as respects Data Protection, and by signing the agreement the Court is agreeing to ensure that information shared is safe and accurate.

The Clerk, her assistant and the Agisters are keen to ensure that there is an internal system in place for ensuring compliance with the stringent conditions stipulated in the ISA, and that it is understood and fully supported by the Court.

To this end, the Clerk and Head Agister prepared an internal 'Protocol' document which was circulated to all members of the Court.

Mr Gerrelli proposed that the Court accept and agree to be bound by the conditions contained in the ISA and the Protocol. Mr Maton seconded the motion which was carried unanimously. The Clerk thanked the Court for its support.

2013/7025 DEFRA PROPOSALS FOR NEW BOVINE TUBERCULOSIS CONTROL MEASURES RESUME

A consultation document has recently been issued by Defra. The deadline for response is 11th January and so there is no opportunity for the Court to meet again prior to that date.

The Court asked Mr Gerrelli and Mr Mills to consider the proposals contained in the consultation and respond to Defra. The Head Agister will also be asked to give his input. The response will stress the difficulties the Forest will face in complying with some of the proposals put forward so far. A tailor-made solution for the Forest will be sought, together with an extension of the deadline for compliance.

Action
AG & HM

Mr Gerrelli will speak with his contacts in Dartmoor who will be facing similar issues and Mr Mills said he will be in touch with the CLA (Country Landowners Association). It was suggested that Mr Sam Dovey at the NFU should also be asked for his views.

It was also pointed out that Natural England is very keen to retain cattle in the Forest and it was suggested that the response to Defra should contain reference to the international importance of the New Forest for nature conservation and its dependence on grazing animals which must include cattle.

The Court delegated the responsibility for preparing and sending a response to the consultation to Defra to Mr Gerrelli and Mr Mills. A copy of the response will be sent to Mr Simon Waterfield at Defra.

2013/7026 NATIONAL PARK AUTHORITY MANAGEMENT PLAN REVIEW DISCHARGE

The Official Verderer is on the committee set up to consider the review of the management plan. Papers were circulated to all members of the Court with a request for comments.

Action
All

2013/7027 NEW FOREST WILDLIFE FORUM DISCHARGE

Mrs Westerhoff offered to attend the Wildlife Forum which is meeting on Saturday 8th February 2014.

HIGHER LEVEL STEWARDSHIP SCHEME (HLS)

2013/7028 INSPECTION BY THE RURAL PAYMENTS AGENCY RESUME

As a result of problems with the use of chemicals on a Forest golf course, plus issues with areas of poached ground at Bramshaw, the HLS is likely to be subject to a fine of 5%. This equates to a deduction of £100,000 from the coming year's HLS payment. If any problems occur next year, the fine will be 15%. The Official Verderer said he cannot stress strongly enough the importance of ensuring that all the sports clubs comply with the rules covering the storage, record of use and actual use of chemicals. Poaching must also be carefully monitored. Poaching by stock at

Bramshaw was regarded by the RPA as a serious breach. Ogdens needs to be carefully monitored. Ashurst was acceptable at the time of the inspection.

Mrs Westerhoff was thanked for helping from an ecological point of view during the recent RPA inspection.

A meeting is to be held on Monday 23rd December which will be attended by Mr Richard Pye of the RPA, the Official Verderer, the Deputy Surveyor and Mrs Westerhoff at which the findings of the recent inspection will be discussed.

Action
OV

VERDERERS GRAZING SCHEME (VGS)

2013/7029 JACK DONKEYS

RESUME
February
2014
Action
RD

Mr Deakin said he is going to arrange a meeting of Jack donkey owners in the new year. Following that meeting, a recommendation will be made as to how to manage Jack donkeys in future.

2013/7030 PAYMENTS FOR GELDINGS

DISCHARGE

The management committee considered Susan Mitchell's presentment very carefully. The Official Verderer explained the background to the decision to exclude geldings from the VGS; the number of geldings has increased and, although there is no immediate concern over grazing pressure, higher stock numbers could be a problem in the future. Geldings make no contribution to the New Forest breed and interfere with the stallions. It was noted that consideration may be given in future to a removal programme for geldings, similar to the Pony Welfare Programme. There was sympathy for the arguments put forward by Susan Mitchell but the Committee did not think that it was practical to introduce an added layer of complication to administer payments to geldings only until a certain age.

On balance, the Court therefore agreed that the original decision should stand. The Official Verderer will respond to Susan Mitchell's Presentment at the January Court.

Action
OV

2013/7031 LIVESTOCK UNIT VALUE FOR 2013/2014

DISCHARGE

The LU on the Forest is £92.30. On the Commons it is £48.00.

There are approximately 8% more animals on the Forest and therefore the payment has been reduced by 8%.

2013/7032 LONG MEADOW FENCING

RESUME

The future use of Long Meadow remains uncertain and therefore a decision on the fencing was deferred. The Official Verderer said that if Long Meadow is required in the long term then it will be fenced, but a plan for use over the next 6 years is required. The matter is being referred to the Staff Committee.

Action
RD

MATTERS ARISING FROM EXTERNAL COMMITTEES & WORKING GROUPS

2013/7033 NATIONAL PARK AUTHORITY MEETING ON THURSDAY 14th DECEMBER DISCHARGE

The Official Verderer reported that at the recent meeting, all members of the NPA present bar one spoke against mass cycling events being held in the Forest.

2013/7034 STALLION SUB-COMMITTEE RESUME
February 2014

The stallion sub-committee met recently. Mr Deakin reported that the stallion scheme in 2014 will be similar to the previous few years.

A meeting with the New Forest Pony Breeding and Cattle Society is being arranged to discuss the shortage of young colts coming forward and how the problem can be addressed. Action RD/SW

2013/7035 CYCLING LIAISON GROUP DISCHARGE

Mr Dowsett reported that the group had met in December. All those present agreed that the drift dates should take precedence over other potential events.

FINANCIAL MATTERS

2013/7036 FINANCIAL STATEMENT FOR NOVEMBER RESUME

The financial statement was noted.

STAFF MATTERS

2013/7037 DECEMBER STAFF COMMITTEE DISCHARGE

Mr Deakin advised the Court that the December Staff Committee meeting had to be cancelled because so many of the usual attendees were tied up with TB testing.

2013/7038 NEW VGS ADMINISTRATOR DISCHARGE

The new Grazing Scheme Administrator joins the Court on 2nd January. An induction plan has been drafted. The Court looks forward to Ms Leanne Sargeant joining the team.

HEALTH & SAFETY & TRAINING

2013/7039 MONTHLY VEHICLE CHECKS RESUME

Mr Deakin reported that the trial system for vehicle checks could not be implemented in December because the Staff Committee meeting did not take place. It will now be undertaken in January. Action RD

ANY OTHER BUSINESS

2013/7040 INDEX OF THE COURT MINUTES

RESUME
April 2014

The Clerk reported that Mr Pasmore is making good progress with the index of the minutes which, once complete, will prove invaluable when it is necessary to undertake historical research.

Action
SW

There was no further business and the meeting closed at 13.15 hrs.