

**MINUTES of the Court of Verderers held on Wednesday 21<sup>st</sup> October 2015 at 9.30 a.m. in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.**

PRESENT:	Mr Dominic May	Official Verderer
	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	Mr A B Dowsett	Forestry Commission Appointed Verderer
	Mr A Gerrelli	Elected Verderer
	Mr E Heron	National Park Appointed Verderer
	Miss D Macnair MBE	Senior Elected Verderer
	Mr G M H Mills	DEFRA Appointed Verderer
	Mr D Readhead	Elected Verderer
	Mr R Stride	Co-opted Verderer
	Mrs D Westerhoff	Natural England Appointed Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister

**IN COMMITTEE in the Library**

2015/8206 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on 16<sup>th</sup> September were approved and signed.

2015/8207 DECLARATIONS OF INTEREST RESUME

The Official Verderer, the Elected Verderers and Mr Stride all declared an interest in the New Forest Higher Level Stewardship Scheme, the Verderers Grazing Scheme and Single Farm Payment/the new Basic Payment Scheme.

Miss Macnair is a member of the New Forest Pony Breeding and Cattle Society Council.

Mr Deakin, Mr Readhead and Mr Stride are members of the New Forest Commoners' Defence Association committee. Mr Deakin is also Treasurer.

Mr Dowsett is a Forestry Commission Volunteer Ranger.

Mr Deakin, Mr Readhead and Mr Stride are members of the New Forest Stallion Syndicate.

Mr Deakin, Mr Readhead and Mr Stride are Directors of the New Forest Livestock Society.

Mrs Westerhoff and Mr Stride are tenants of the Forestry Commission.

Clr Heron declared his membership of Hampshire County Council, New Forest District Council and the New Forest National Park Authority. He will declare any additional interests that may arise during the course of the meeting at the item.

2015/8208 CONDITION OF STOCK RESUME

The Head Agister reported that the drifts are coming to the end. All have gone well. The weather has been kind and the ponies are in exceptionally good condition. They are going into the winter looking very well.

A lot of cattle have been removed, some doubtless because of the large acorn crop this year. However, the acorns have been falling fairly slowly and many are brown. It is hoped, therefore, that there will be fewer deaths due to acorn poisoning this year. To date, there have been 2 cases so far although it is usual for more to occur over the following months.

The Head Agister wished to record his thanks to the Forestry Commission Keepers and Rangers for their invaluable help during the drifts with putting up notices, acting as marshals and closing car parks. The Police have also been a great help.

Thanks were also given to the Forestry Commission for the recent clearance works. The work carried out at New Park was very helpful and removing the wood made a huge difference. The Head Agister said he hopes the work continues in other parts of the Forest. Ladycross has now been started, and Mr Stride and Mr Bill Howells of the CDA have a list of other areas requiring attention. The Head Agister said a recent incident, suffered by himself, highlights the importance of clearing cut timber. On a recent drift he accidentally rode into some cut timber that had been overgrown by vegetation; the result being a lame horse. The incident could have been far worse and it goes to show how important it is to keep the trackways clear.

**Mr Heron joined the meeting with apologies for being late.**

During the discussion on the condition of stock, it was remarked that at Pondhead cut holly has been shredded. This is felt to be regrettable as the holly is usually left for stock to eat.

There have been no issues with cycle events this season. A few were identified as potentially problematic but some minor adjustments to start times of both cycle events and one or two drifts meant conflict was satisfactorily avoided. Mr Dowsett was thanked for communicating with cycle event organisers.

2015/8209 REPORT ON ANIMALS REMOVED FROM THE FOREST RESUME

This very useful report had been circulated prior to the Court.

2015/8210 STOCK DEATHS - OTHER THAN ROAD TRAFFIC ACCIDENTS RESUME

This very useful report had been circulated prior to the Court.

2015/8211 REPORT ON MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2015</u>	<u>2014</u>
Forest Ponies	4662	4327
Forest Cattle	3135	2674
Forest Donkeys	107	96
Forest Pigs	240	91
Forest Sheep	0	0
Total Forest Stock	8144	7188
Common Ponies	709	723
Common Cattle	1108	1098
Common Donkeys	93	60
Common Pigs	33	23
Common Sheep	232	142
Total Common Stock	2175	2046

Ponies, Cattle & Donkeys on the Forest	7904	7097
Ponies, Cattle & Donkeys on the Commons	1910	1881
Total Ponies, Cattle & Donkeys	9814	8978
Total Stock – Forest & Commons	10319	9234

A discussion took place in respect of the increase in stock numbers and the reasons for it. It was suggested that the new Basic Payment Scheme has a lot to do with the increase and the general view is that the numbers will now level off. BPS entitlements are difficult to come by and when they are available they are expensive. This should deter those commoners who have been seeking to continue to increase the number of stock they keep.

The Official Verderer said that the Head Keeper has expressed concern at the increase in the number of stock and he said he has never seen the Forest hit so hard. The Official Verderer however, disagreed, as did the Court. It was remarked that there will always be areas where there are more animals but overall the Forest is not considered to be overgrazed. The grass is continuing to grow and where the fern has been swiped, grass is coming up well. Cattle are also being removed for the winter.

Mr Stride did offer some words of caution in that he felt that a detrimental effect of the increase in numbers will not be obvious immediately but may be seen in years to come.

Miss Macnair did not entirely agree and felt that overgrazing may be evident over Christmas and into the New Year.

It was agreed, however, that there are places, such as Kingston Great Common, where there is a lack of animals.

Mr Mills felt that it would be helpful to look for and start recording indicators such as how quickly grass returns in the spring, whether other vegetation is eaten down etc.

In reply the Official Verderer pointed out that Condition Assessments of the RLR (Rural Land Register) parcels have been carried out under the HLS by the Land Advice Service. They will be repeated in the second part of the HLS project. In addition Natural England carries out regular assessments of the SSSI units and the RPA also undertakes checks to ensure land management compliance.

2015/8212 BYELAW ENFORCEMENT

RESUME

No byelaw offences have been reported.

**Head Agister Jonathan Gerrelli left the meeting.**

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

IN ATTENDANCE: Mr Bruce Rothnie, Deputy Surveyor  
Mr Paul Grugeon, Land Agent (New Forest)

**ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER**

2015/8213 VISIT BY DARTMOOR YOUNG COMMONERS

The Official Verderer welcomed a group of Young Commoners from Dartmoor who are on a fact finding visit to learn about the management of stock on the Forest. They visited a drift yesterday and will be attending the Beaulieu Road Sales today.

2015/8214 VERDERERS' ELECTION

'There will be an election of three Verderers next month, when the terms of office of elected Verderers Richard Deakin and Tony Gerrelli, and Richard Stride, who was co-opted in place of Anthony Pasmore when he resigned in 2013, come to an end. We hope that some or all will seek a further term of six years, but other candidates are of course also welcome to stand for election.

Nominations for candidates are required by noon on Monday, the 9th November. Nomination papers can be obtained from the Under Sheriff Jim Kennedy at solicitors Blake Morgan LLP in Chandlers Ford. If there are only three candidates, an election will not be necessary. If there are more than three candidates, the election will be held on Friday 27th November, at four polling stations: Lyndhurst, Lymington, Ringwood & Fordingbridge. Unlike previous elections, this year, to make it easier to vote, electors may vote at ANY of the four polling stations. Electors MUST take their polling card with them when they go to vote. Polling Cards will be sent out once we know an election is to take place.

After the polls close at 8pm, counting will take place that evening in the Library here in the Queen's House. When the count is complete, the result will be announced in the Verderers Hall by the High Sheriff of Hampshire, Lady Louisa Portal, who is the Returning Officer for our Election this year.'

2015/8215 FORESTRY COMMISSION LICENSING ENCROACHMENTS OF THE GRAZING

'Thank you to Graham Ferris for his presentment on behalf of the CDA, drawing the court's attention to the latest encroachment of the grazing at Wayfarers, Woods Corner, Burley. Dr Ferris asked whether planning consent was required for such engineering works. I have therefore consulted with the New Forest National Park Authority, which advises "the works do constitute 'development' within the meaning of the Town and Country Planning Act."

So gravel on the New Forest should have planning consent as well as the consent of Natural England. If these consents are not in place, the gravel is illegal.

I am pleased to report that I have obtained the agreement of the Forestry Commission that it will treat a new licence for a new right of way separately from a new licence to make a new way. A Right of Way may be licensed without the imperative to cover over the grazing with a carpet of sterile gravel.

Secondly the Forestry Commission has agreed to consult with the Verderers on all future rights of way licences, and all future making of ways licences.'

2015/8216 PRESENTMENTS AT SEPTEMBER'S COURT

'May I please thank all those who made presentments at September's Court: we had 10, and that was tremendous. I want to assure everyone that whatever the subject, and whatever your position on that subject, either pro or anti, for or against, with or opposed, the Verderers take account of all opinions, and your opinions do influence our decisions. We are not afraid to hear people with a contrary standpoint; in fact we welcome that, because it makes for better decision-making. We are very fortunate to live in a free country, in which your views can be freely aired, and the Verderers' Court is the forum for freedom of speech in the New Forest.'

**ANIMAL ACCIDENT REPORT**

2015/8217 THE ANIMAL ACCIDENT REPORT FOR SEPTEMBER 2015

The Agisters attended 13 accidents in September, compared to 19 in September last year.

1 pony and a donkey were injured and had to be destroyed. 1 donkey was killed outright as was a cow. The pony which died was wearing a reflective collar.

1 pig and 1 cow were injured.

2 animals were uninjured and in 5 instances where animals were reported to have been involved in accidents, nothing was found.

4 accidents occurred in daylight, 4 at twilight and 5 in the dark.

1 accident was not reported.

The total killed and injured in September was 6, compared with 14 in September last year.

The total killed and injured for the year to date is 49 compared with 56 last year.

**CHANGING CLOCKS**

Whilst the accident statistics show a welcome reduction, we are about to enter the time of year when the accident rate always increases. The clocks change at the weekend which means many drivers will suddenly be driving home in the dark.

At the same time, this year there is a heavy acorn crop. Ponies, and pigs, are frequently to be found in the carriageway, or very close to the edge of the road, hoovering up acorns. They may suddenly move across in front of a vehicle to reach more acorns. Pigs in particular can move very quickly indeed. Animals do not have road sense. They may be 'traffic proof' but that is completely different from being 'traffic wise' and it is probably actually their undoing as they have no fear of vehicles.

When drivers see an animal on the road or on the verge they need to slow right down and give the animal plenty of space. From now until the spring, drivers need to be especially aware and drive carefully.

**THE SPEED CAMERA VAN**

The speed camera van has been operating now for a full twelve months.

During that period 9136 motorists were caught exceeding speed limits in and around the Forest.

4536 of those caught were travelling on the unfenced Forest roads.

During the same period, the number of animal accidents decreased from 158 to 137. The numbers killed and injured also fell, from 160 to 140.

Dr Jo Ivey is currently analysing the data for us and we hope to produce a more detailed report on animal accidents in the near future.

Whether the reduction in accidents is a result of the presence of the speed camera van we can't say, but whatever the reason, the reduction is most welcome.

## **PRESENTMENT BY THE DEPUTY SURVEYOR**

2015/8218 NEW FOREST LICENCES  
Presentment by the Deputy Surveyor

'I want to respond to the announcement made by the OV at the September Court where he implied the FC has a policy of selling off the New Forest by licence for its own commercial gain. I welcome this opportunity to put the record straight.

They are many thousands of properties (such as houses or fields) under private ownership in the New Forest that can only be accessed by crossing the Crown Lands. Communities can only function if people are able move to and fro from their property. It is right that the FC, as landowner, ensures that an appropriate agreement (in this case a licence) is in place to facilitate a right of way but also regulate and control that way is established and used. The Minister has powers to do so under Section 18 (1) of the New Forest Act 1949. An agreement also allows us to protect the Forest and meet our obligations to safeguard the plant communities for which all the Crown Lands are designated as a SSSI.

The majority of these agreements have been in place for decades. Agreements for new rights of way where no previous agreements were in place are now very rare. When a property changes hands any existing agreement has to be legally transferred to the new owner. We take these opportunities to replace old agreements with updated versions. We do charge for these revised agreements (currently £4,000) which run for 60 years. The charge is therefore equivalent to £66.66 for each year of the agreement. To say we are selling off the Forest is both misleading and emotive. We are charging a private landowner for a right to cross the Crown Lands to access their property.

The agreements do not permit the laying of material on that right of way without first obtaining appropriate approvals from the relevant Authorities. Unfortunately the recent cases highlighted by the Verderers and CDA have occurred when licence holders have been unclear about these requirements and laid excessive amounts of material on the open forest.

The fault is not with the principle of a licence but how the requirements of the licence are implemented. We need to resolve this quickly and improve communication and understanding with all the parties involved. I am pleased to say that since the last Court we have started to work with the Verderers, CDA, Natural England and the Planning Authority to establish clarity in the principles and process of implementing licence agreements to ensure communities can continue to function and the Forest is protected. This is very positive and will lead to better and more consistent outcomes.

The Verderers are passionate about the New Forest and rightly seek to protect the interests of commoners and the Forest. This commitment is shared by the Forestry Commission and our staff spend every hour of every day doing work to maintain and enhance the special qualities of the New Forest. They are your unsung heroes because without their hard work the New Forest would rapidly deteriorate. Like an iceberg in the sea the bulk our work is not visible to most people. Things get done and potential impacts are intercepted long before most are aware of it, if they are at all. We do it because we care not because we have to. It is healthy that communities challenge us on what we do

because with open dialogue we can all learn from each other and make the Forest an even better place. But truly successful outcomes for the Forest come from inspiring and motivating the people that are its active custodians – the Commoners, the Verderers, the Agisters and the Forestry Commission staff. Some would say that one of the New Forest's special qualities is its heritage of conflict, but perhaps I can leave you with a quote from Maya Angelou, an American civil rights activist as food for thought...

"People will forget what you said, people will forget what you did but people will never forget how you made them feel."

So let's inspire people to do the best for the Forest and you will be surprised how much more we can achieve together.'

## PRESENTMENTS

### 2015/8219 PANNAGE SEASON 2015

Presentment by Dr Graham Ferris on behalf of the New Forest Commoners' Defence Association (CDA)

'The CDA asks the Verderers to support a request to the Forestry Commission to extend the pannage season this year.

The acorn crop this year is very considerable and presents a clear risk to Commoners' livestock.

But the acorns were late in starting to fall and only began to drop in any number part way through the current pannage season. Some of our members delayed turning out their pigs as a result.

We believe there are sufficient acorns carpeting the ground and still falling to justify a significant extension to the pannage season and suggest an extension to a week before Christmas would be appropriate. That gives time for pigs to be off the Forest before people retire for their Christmas Puds!'

### 2015/8220 NEW FOREST MARATHON 2015

Presentment by Dr Graham Ferris on behalf of the New Forest Commoners' Defence Association (CDA)

'The Court will be aware of the concerns of commoners, local residents and businesses, well aired in the local press, about the lack of adequate advanced notice of road closures, intransigent event marshals and consequent inconvenience and loss of business.

The CDA is even more concerned about activities on the Open Forest undertaken by the organisers of the event, apparently without any authorisation, which endanger livestock and are contrary to Byelaws, and possibly in breach of both planning and environmental protection regulations.

A temporary bridge was constructed over the Wootton Stream, between Brownhills and Wilverley, at a ford, presumably to avoid runners getting wet feet!

This bridge was of scaffold poles and planks and occupied a significant part of the width of the ford and was clearly not constructed with any thought for the welfare of livestock. Vertical scaffold poles above the level of the deck, even with plastic caps, were a hazard to animals tempted to cross the bridge, as were the screws sticking far out of the deck board at 45 degrees. And so were the horizontal deck support scaffold poles, sticking out uncapped from the side of the decking to severely injure animals crossing alongside the bridge. The Clerk to the Court has photographs.

This cannot be repeated and there should be sanctions. In future marathon routes beyond the tarmac roads must be restricted to gravel tracks in fenced inclosures.

We would ask the Verderers and the Forestry Commission to ensure this happens.'

2015/8221 SHEEP FATALLY SAVAGED BY DOG

Presentment by Dr Graham Ferris on behalf of the New Forest Commoners' Defence Association (CDA)

'On Wednesday evening last week a local group of Hash Harriers who meet on Wednesday evenings throughout the year, were running on the northern National Trust Commons with bright head torches and a Lurcher type dog off the lead, in the dark.

I should explain that Hash Harrier groups run round a roughly 5 mile trail laid with sawdust or flour from a pub and back. And one local group describes themselves as "Drinkers with a running problem".

Hearing a disturbance around his holding, a CDA member was shocked and angered to find that the Hash Harriers had lost control of the dog in the dark, which had chased and viciously savaged one of his ewes on the Open Forest.

When control of the dog was eventually regained the usual lame and totally unacceptable excuses were offered.

The final straw for the commoner was to see the Hash Harriers repair to the local pub for a celebratory meal, as if nothing had happened, whilst he was left to call the Agister to put the sheep out of its misery.

The matter is now in the hands of the Police.

We would ask the Verderers to join us in urging the National Trust to ban all recreational events on their commons after dark.

What links this incident with the previous presentment is the arrogance, ignorance and lack of concern shown by organisers of recreational activities in the New Forest. If incidents of this kind continue, eventually commoning will become impossible.

Firm and coordinated action is needed by all parties (and there are a lot of them!) with the power and the opportunity, to regulate recreational activities in the New Forest, with clear rules on what is allowed and sanctions if those rules are ignored.

We urge the Verderers, Forestry Commission, National Trust, Hampshire County Council, the Police, the National Park Authority, Natural England and the New Forest Safety Advisory Group to act now, to act together and to act firmly.'

2015/8222 LATCHMOOR STREAM RESTORATION PROJECT

Presentment by Mr Michael Mays

'Official Verderer, members of the Verderers' Court, thank you for this opportunity to speak to you. My name is Michael Mayes. I am a retired land surveyor living in the Parish of Hyde.

I am concerned about the EIA findings announced at the Latchmore Public Exhibition on 6 October. In the time available, I will limit my comments to Thompsons Castle stream as an illustration of wider concerns about the whole proposal.

It is intended to partially infill the stream to a maximum depth of one foot along its whole length. The main justification given for this is to remove nick points along the stream in order to prevent headward erosion into the mire.



This justification is far from clearcut as it is not based on any on-site monitoring of the hydro-geomorphology to assess both the need for and the impact of the proposed works.

For example:

What is the variation in daily water-flow rates from the mire throughout the year?

What are the rates of movement of nick-points on the stream?

What is the rate of movement of the mire itself?

Frequent observation of the stream over the past 12 years leads me to believe that headward erosion is not a major threat to the mire. This is due to its unique shape and the protection afforded by the natural embankment across its path at its downstream edge.

The steep slopes and funnel shape of the main mire result in a natural gravity fed movement and build-up of the vegetation at the embankment. This may from time to time cause a major collapse at this point during exceptional rainfall and run-off as happened in October 2001 recorded in detail by Hampshire Archaeological Group. HAG estimated that during that episode water flow rates were 130 to 150 times normal flows. It is important to note that the restoration works carried out in 2002 at the stock crossing below the mire had failed by the next year.

This is a characteristic of the particular landform at Thompsons Castle, not simply a threat from headward erosion by nick-points. Since 2003 I have observed that the mire has been naturally building up again behind this embankment across its path and is under no threat that can justify the proposed actions along the whole stream.

The question that should have been asked is - In what sort of timescale are these episodes taking place ? Until these are understood, the "Precautionary Principle" should apply.

Partially infilling the whole stream will also have a major negative effect on both existing habitats and the many rare species present. To dismiss the loss of rare species as a "short term significant effect..." as quoted in the Exhibition is unacceptable in terms of the protection that these species should be given.

Some of the species present on Thompsons Castle include:

- Southern Damselfly, a highly protected SAC species found in the stream where existing peaty sediments and mire vegetation have built up over many years.
- Scarce Blue-tailed damselfly, another rare species in the New Forest which is photographed on the stream by visitors on most days during the season.
- Many types of fish including eel which inhabit the stream because it flows throughout the year .
- Macro-invertebrates and reptiles, which are particularly important in the two deep sections below the footpath, as the deeper channels are important refuges and shelter for many species.

It is a sad fact that there are various local individuals who collect information on both rare and common species in these habitats on a regular basis, and none of their data or experience appears to have been taken into account.

Extensive photographic evidence has been collected during the recent works at Harvestslade, Amberslade & Broomy, North Sluffers and Ditchend which clearly show that the methods used have destroyed the existing fragile habitats.

The conclusion is that infilling the stream at Thompsons Castle will destroy its important habitats for reasons that have not been justified.

I hope that you, the Verderers, will make your own assessment of the EIA before considering putting forward the proposals which will be carried out in your name.

2015/8223 FUNGI

Presentment by Mr Brian Tarnoff, New Forest Association (Chair, Habitat and Landscape Committee)

#### National Trust Ban

The NFA hope that the Verderers will join us in thanking the National Trust for implementing a ban on culinary fungi foraging on the Northern Commons, the area that they manage within the New Forest SSSI. This is in keeping with the national guidelines for SSSI and National Nature Reserves.

#### Consistency - Stakeholders

This does make the Forestry Commission's inconsistency in message and action, which I've discussed previously, all the more frustrating. The NFA ask the Verderers to call, with us, for a Forum to bring together Stakeholders to plan a consistent response for next Autumn. This should be convened no later than March 2016 [inclusive], whilst the lessons of this year are still fresh in our minds. We have already approached the statutory organizations, who are positive about the idea, but this sort of meeting has been mooted, time and again for a few years now, only to swiftly hit the backburner in the crush of January. Kudos to everyone for the more pro-active efforts this year. The NFA hope that with the Verderers help, we can make this happen so that next year coordinated solutions may be reached.

#### Enforcement - Fines

The NFA praise the Deputy Surveyor for disrupting commercial pickers, but we do feel that the Forestry Commission are missing a trick in terms of prosecution. There are heavier sticks to wield than the relatively paltry fines for commercial picking under the Theft Act 1968.

As we know, many of the illegal foragers strip areas of all fungi, this means that they are surely inadvertently collecting rare species protected under the Wildlife and Countryside Act 1981, an offense, according to the Crown Prosecution Service website "punishable on summary conviction by six month's imprisonment and/or by a maximum fine of £5,000 (level 5)." Further, even if Schedule 8 species have not been taken, if Natural England determine that a group of pickers have engaged in potentially damaging operations on SSSI, fines of up to £20,000 may be levied.

2015/8224 NEW FOREST STALLIONS

Presentment by Lyndsey Stride

'Good morning Official Verderer, Verderers and members of the public. My name is Lyndsey Stride.

In view of the placing of New Forest Ponies on the endangered species list I would like the Verderers to consider increasing the number of stallions turned out in the Forest in 2016.

I have had no foals for two years with several mares approaching 18 I am concerned that I am unable to breed my own replacements. I have not increased my herd size in recent years because of concerns over the total number of animals turned out on the Forest and because of the restrictions in the previous stewardship scheme.

My young mares have not bred and some are now of an age that they may never breed. I understand the economics of trying to reduce the number of foals going to Beaulieu Road and applaud the efforts of the Verderers in managing the stallion numbers. However, I think the time has come to increase the number of stallions turned out to ensure the longevity of the breed and to ensure the next generation of mares are part of the breeding population.

Thank you for listening and I look forward to your response.'

2015/8225 FLYPOSTING

Presentment by Mr Alan Gilbert of Brockenhurst

Mr Gilbert expressed concern at the proliferation of fly posting and signs that are not removed by event organisers after their events have taken place. Latchmore Corner and the Marpit Oak Crossroads were cited as good examples where such signs have been left long after the event has passed. There is also a sign warning of cyclists in Brockenhurst village itself. They are illegal and if left, become litter. Mr Gilbert asked that these signs be removed.

#### IN COMMITTEE in the Library

#### CONSIDERATION OF PRESENTMENTS

2015/8226 FLYPOSTING

DISCHARGE

The Deputy Surveyor promised to remind all staff to remove illegal signs. Mr Heron said that the District Council has legal powers under the Environment Act to issue fixed penalty notices in respect of fly posting. Mr Colin Reed deals with such matters at the New Forest District Council and Mr Heron will liaise with him in this respect.

Action  
DS & EH

2015/8227 PANNAGE SEASON EXTENSION

RESUME

The Deputy Surveyor will consult with the Keepers and let the Clerk know the date that is agreed. Efforts will then be made to communicate the information to commoners via the Agisters and the general public via a press release from the Verderers' Office. The revised date for the end of pannage will be announced in the next Open Court and commoners will be reminded of the new deadline for removing their pigs from the Forest.

Action  
DS

2015/8228 NEW FOREST MARATHON

DISCHARGE

The Deputy Surveyor said the Forestry Commission is aware of various issues resulting from the running of this year's Marathon and they are in touch with the organisers. Every effort will be made to ensure there is not a repeat of this year's problems.

Action  
FC Staff

2015/8229 SHEEP SAVAGED BY DOG

DISCHARGE

Mr Mills felt that the public should be permitted to walk on the Forest at night. Some members of the Court agreed but felt that gangs of runners or cyclists with lights and making lots of noise is not an appropriate use of the Forest at any time but particularly at night, when grazing stock and wildlife should be allowed to rest.

The Deputy Surveyor said the Forestry Commission will permit certain night-time activities, but that the number of large night-time events in the Forest for which permission is given by the FC is very limited.

The Court was unanimous that night time events such as Hash House runs are not appropriate and dogs which are out of control are unacceptable at any time.

2015/8230 LATCHMOOR STREAM RESTORATION PROJECT – PUBLIC DISCHARGE  
EXHIBITION ON 6<sup>th</sup> OCTOBER 2015

The Deputy Surveyor undertook to respond to Mr Mays.

Action  
DS

2015/8231 FUNGI DISCHARGE

The Deputy Surveyor advised the Court that a group of interested parties will meet before next year's fungi season to agree a way forward. Mrs Westerhoff offered to represent the Verderers at the meeting. Meanwhile it is understood that the Keepers are maintaining a log of the people they are challenging.

2015/8232 STALLIONS DISCHARGE

As this is not a matter for the Forestry Commission, it was decided to discuss this topic later in the meeting.

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

2015/8233 HINCHEBLEA SUB-STATION DISCHARGE

SSE's request to lay an additional earth cable adjacent to the sub-station compound was approved subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions, compensation for loss of grazing etc.

2015/8234 WOODFIDLEY SUB-STATION DISCHARGE

Mr Grugeon advised the Court that the actual land take that was required to site this sub-station extends to 3sq.m. not 9sq.m. as was originally envisaged.

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

2015/8235 STEPS IN WILVERLEY PIT CAR PARK RESUME

The new, second, set of steps is now blending in with the surroundings and the area is gradually restoring. It was agreed, therefore, to allow the steps to remain. However, the Forestry Commission is asked to undertake some additional work to prevent further erosion of the extensively damaged bank midway between the two sets of steps. It was suggested a good ditch be constructed at the bottom of the slope, in the gravel of the car park, to discourage cyclists from riding up and down the bank.

Action  
DS/  
G North (FC)

2015/8236 VERGE EROSION PROJECT INCLUDING VERGE DAMAGE IN THE WESTERN ESCARPMENT CONSERVATION AREA RESUME

A leaflet recently produced by the Western Escarpment Conservation Area Steering Group, supported by the New Forest National Park Authority, the CDA, Natural England, the National Trust and the Forestry Commission was welcomed and it was agreed the Verderers logo should be added. Some suggestions for improving the text in the leaflet were offered. Mr Dowsett, who is involved in the Group will take those comments back for incorporation.

Action  
BD

Mr Dowsett then reported on a recent meeting of the Group where seven sites which have suffered major damage due to over-running, overnight parking and construction works at adjacent properties have been surveyed and maps produced. Work on those areas will commence soon.

It was agreed this approach should be used for the whole of the Forest and added that the HLS will assist with funding.

Mr Grugeon explained that the new Estates Keeper who is being employed as part of the HLF bid will liaise on behalf of the Forestry Commission.

The Beaulieu Estate has recently completed works to protect its verges at Hatchet Gate.

Woodgreen Parish Council has expressed a keenness to take the project forward and in its area a joint approach will include the Crown Lands. A work plan is to be put in place by Mr Gary North (FC). The usual approvals will be needed. Mr Dowsett will attend a site meeting, and the local Agister (Andrew Naphine) will be invited, to ensure that works to protect the verges don't cause problems for stock management.

Action  
GN (FC)  
BD / AN

2015/8237 FORESTRY COMMISSION LICENCING DISCHARGE

It has been agreed that in future, licences for rights of way will be separate from licences for the making of ways.

The Forestry Commission has agreed to consult the Verderers on all new licences for both rights of way and licences for the making of ways. Natural England requires that applications for its consent are made by the Land Owner. The view of the Chief Planning Officer at the New Forest National Park is that all new gravelling needs planning consent. In that respect, householders can apply for planning consent which is to be carried out on someone else's land.

Mr Heron advised that in the case of works on Hampshire County Council owned land, it has decided that it will generally use its contractors to undertake any work and then re-charge whomever wants the work carried out. Or, if someone wishes to use his own contractor, he will have to indemnify the County. Mr Heron suggested that the Forestry Commission could adopt the same principle.

Mr Grugeon reported on the meeting he attended on Monday with Jenny Thomas of Natural England, himself and Ms Louise Godden (who issues licences on behalf of the Forestry Commission) and the Clerk to the Verderers. A consultation form will be designed which will help applicants to provide the information which is needed in order for consents to be sought. A further meeting will be held in December to finalise the details.

Action  
PG



2015/8243	SCALPINGS OUTSIDE PROPERTY IN CHAPEL LANE, EAST BOLDRE	RESUME
	The Official Verderer and Mr Deakin will meet Mr Gary North from the Forestry Commission to agree how to resolve this issue, and discuss the FC's other plans for the restoration of the East Boldre verges.	Action DS
2015/8244	'NO FOREST CYCLING' SIGNS	DISCHARGE
	The signs have still not been erected. <i>After the meeting the Deputy Surveyor advised the Clerk that the signs had been erected.</i>	Action DS
2015/8245	ROADSIDE TREES	RESUME
	Mr Stride will arrange with Mr Pittock to agree an area to meet where there are some fallen trees too close to the road.	Action RS
2015/8246	DEMOLITION OF SWAN GREEN CRICKET PAVILION	RESUME
	The planning application has been filled out. It will be submitted in early November. The Court requested that Mr Grugeon submit it to the NPA before departing on holiday at the end of the week.	Action PG
2015/8247	USE OF BASALT ON THE OPEN FOREST	DISCHARGE
	For the moment basalt cannot be used on the Forest in any areas except the car parks which were resurfaced as a trial in 2009 with the consent of Natural England.	
	It was, however, agreed that the basalt on the track at Home Farm Bartley can remain but only because it appears there is basalt underneath! The contractor who laid the basalt is being told that he must not use the material on the Forest until further notice.	
	Hoggin remains the surface of choice – washed or unwashed.	
2015/8248	NATIONAL GRID PROPOSALS	DISCHARGE
	The request for a walk over survey following the line of the pylons was approved.	
<b>SSSI RESTORATION WORKS</b>		
2015/8249	REPAIR AND MAINTENANCE LIST	RESUME
	The Deputy Surveyor provided an updated list.	
2015/8250	LATCHMORE EIA CONSULTATION	DISCHARGE
	The drop-in event was considered to be very successful. Those attending were able to find out about the project for themselves and were encouraged to write comments while there; additionally there is an opportunity to comment online.	
2015/8251	SSSI RESTORATION PROJECT AT PONDHEAD	RESUME
	The Secretary of State has replied to the calling in notice by the planning inspector, saying that the application won't be called in.	

The need for an EIA is a planning authority decision and it has said one is not required.

Action  
RD / RS

The work is now scheduled for next year, subject to the necessary planning consent now being obtained. Mr Deakin will attend the hearing on behalf of the CDA and Mr Stride will attend on behalf of the Court. Both will support the application.

2015/8252 HOLLY CLEARANCE IN THE PONDHEAD AREA DISCHARGE

Mr Readhead expressed concern that the holly clearance undertaken in the area is being put through the chipper. It would normally be left for stock to eat. The Deputy Surveyor will pass this back to the staff carrying out the work.

Action  
DS

2015/8253 CORBETS HAT MIRE, HARVESTLADE AND OTHER STREAM AND RIVER CROSSINGS RESUME

A site meeting has still to be arranged. A visit to the crossing at Harvestlade will be scheduled for the same meeting.

Action  
DS

Mr Stride had agreed to meet with Miss Sarah Oakley (FC). A date from Miss Oakley is awaited. The Deputy Surveyor will chase this up. The Official Verderer also wishes to attend.

Action  
DS

2015/8254 SSSI RESTORATION PROJECTS – SITE VISITS DISCHARGE

Some site visits proposed by Ms Oakley were unsuitable for Mr Deakin who prefers to avoid meetings on consecutive days. The Clerk was asked to go back to Ms Oakley with a request for some different dates.

Action  
Clerk

## ENCROACHMENTS

2015/8255 ENCROACHMENTS LIST RESUME

An updated encroachments list was circulated.

2015/8256 OLDWELL COTTAGE, NORLEY WOOD DISCHARGE

The problem of the alignment of the fence and hedge remains. The fence is in theory in the wrong place and as a result, unfortunately in the way of a proposed new broadband cabinet. As it was felt that the cabinet will be of great benefit to the householder, the Forestry Commission was requested to find out whether any more can be done to accommodate the cabinet. A step back in the fence line was suggested.

Action  
PG

2015/8257 PILLEY ALLOTMENTS VERGE PARKING RESUME

Mr Grugeon is in touch with Mr Gary North who has a plan for works which should prevent verge parking. Meanwhile, if the No Parking sign is on Crown Land it will be removed.

Action  
PG

2015/8258 SEAT AT BERRY WOOD RESUME

The seat is still there.

Action PG



2015/8259	CAMP HILL, EMERY DOWN	RESUME
	This needs to go on the list of areas where work is required to alleviate the problem of verge parking.	Action PG
2015/8260	MATERIALS ON THE FOREST AT HALLS LANE NEAR BOLTON'S BENCH	RESUME
	Building works has resulted in building materials being stored on the Open Forest. Mr Grugeon will investigate.	Action PG
2015/8261	TENT / BIVOUAC AT BLACK KNOWL	DISCHARGE
	There is a tent/bivouac at Black Knowl which has reportedly been there for some weeks and is regularly visited by students from Brockenhurst College. The Deputy Surveyor said he will ensure it is removed.	Action DS
2015/8262	CONCRETE IN THE VICINITY OF STOCKLEY COTTAGE AND THE NEARBY CAR PARK	DISCHARGE
	It was suggested that lifting the unused concrete in this area would provide some useful mitigation for loss of grazing elsewhere. The Deputy Surveyor said that he will give this careful consideration.	Action DS

**OTHER AGENDA ITEMS OF CONCERN TO THE FORESTRY COMMISSION**

2015/8263	POUND BOTTOM LANDFILL SITE RESTORATION PLAN	DISCHARGE
	As the National Park is involved in this, Mr Heron declared an interest.	
	The suggestion that the restored land could become backup grazing was welcomed, however, the Court's main concern is that the entrance is made secure. At present the gate is left open during the day which has resulted in some Forest animals living on the site. Because the fencing between the site and the adjacent Hamptworth Estate is in such poor repair, animals can work their way through acres of land and have found their way out onto the roads at Redlynch. This is clearly unacceptable and has been a problem for commoners and the Agisters for years. It is hoped that once the landfill site is closed, the problem can be resolved. Mrs Westerhoff will respond to the consultation asking for the tarmac to be removed from the access road leaving a gravel surface and that it be reduced in width and allowed to re-vegetate naturally, thus restoring a small area of grazing.	Action DW
2015/8264	NEW ESTATE FENCING AT HATCHETT MILL	RESUME December
	The Official Verderer explained the problem he has with his fencing, resulting from erosion of the bank between his property and Hatchet Pond. The present fence is in a state of disrepair and needs replacing as soon as possible. The Official Verderer asked for a Verderer and a member of the Forestry Commission staff together with a CDA representative to assist with agreeing where the new fence should go.	
	Mr Grugeon said he also needs to talk to the Official Verderer about the dam.	Action PG
	Mr Readhead agreed to be the Verderer who will attend the meeting. Mr Deakin will ask for a CDA representative at next month's meeting.	Action DR / RD

2015/8265	LINWOOD ROAD REPAIRS	DISCHARGE
	<p>Hampshire County Highways proposals for the repair of the Linwood Road have been scrutinised by Mr Dave Readhead, who has also attended a site meeting. He feels the proposals are acceptable.</p>	
	<p>Excavated materials will be stored off site in a nearby Forestry Commission car park. Mr Grugeon will arrange for the necessary permission to be issued.</p>	Action PG
	<p>The Local Agister, Peter Rix, will be asked to take photographs of the road in advance of the works so that a before and after comparison can be made.</p>	Action PR

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

2015/8266	DRIFTS	DISCHARGE
	<p>Mr Deakin thanked the Forestry Commission for its support which is invaluable in ensuring the drifts are run efficiently and as safe as possible. The Court is very grateful.</p>	
2015/8267	TIMBER CLEARANCE OUTSIDE NEW PARK	DISCHARGE
	<p>Mr Deakin also thanked the Forestry Commission for the excellent timber clearance from the tracks outside New Park. This greatly assisted the drift. He encouraged all FC staff involved in such work to take a look at what has been done as it is exactly what is needed.</p>	
2015/8268	LOCATION OF BRACKEN HEAPS	DISCHARGE
	<p>It was suggested that the siting of some of the bracken heaps could be chosen more carefully. All have to be removed eventually but in the interim, they are turned several times.</p>	
2015/8269	LITTER	DISCHARGE
	<p>Mr Heron felt that Forestry Commission staff could be more pro-active as respects litter. It seems litter is not picked up until someone complains. The Deputy Surveyor undertook to take this point on board.</p>	Action DS
2015/8270	LYNDHURST CRICKET CLUB PAVILION	DISCHARGE
	<p>A quantity of soil and grass has been left behind the pavilion. The Court asked that the Club be advised that it shouldn't be there and that it is removed.</p>	Action PG
2015/8271	BRAMSHAW GOLF CLUB	DISCHARGE
	<p>Work has started on the changes to the golf course. Mr Grugeon and Mr Readhead are monitoring the work.</p>	Action PG / DR
2015/8272	BURLEY CRICKET PAVILION	DISCHARGE
	<p>Equipment and other items have been left behind the pavilion. Mr Grugeon will visit and ensure that the Club is told they must remove it.</p>	Action PG

MINUTES of the Court of Verderers held on Wednesday 21<sup>st</sup> October 2015 in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

2015/8273 HLF PROJECT DISCHARGE

The Deputy Surveyor was pleased to announce that the HLF Bid has been successful. As a result, refurbishment of the Verderers' Hall will be undertaken. Every effort will be made to minimise disruption to the Open Court meetings and to that end, the Clerk undertook to provide the Deputy Surveyor with a list of 2016 Court dates.

2015/8274 2016 COURT DATES RESUME

The Official Verderer has requested that in January, February and December next year, Courts be held on the second Wednesday of the month instead of the usual third Wednesday. The Clerk will circulate the proposed dates.

Action  
Clerk

**The Deputy Surveyor and Land Agent left the meeting.**

2015/8275 SALARY REVIEW DISCHARGE

The Clerk left the meeting whilst the salary review took place. The Court approved an increase in all staff salaries.

Action  
Clerk

**The Court broke for lunch with the Official Verderer giving his apologies for the remainder of the meeting.**

**Upon resumption of the meeting, Mr Richard Deakin, Elected Verderer, took the Chair.**

#### **ENCROACHMENTS NOT INVOLVING THE FORESTRY COMMISSION**

2015/8276 HEATHER COTTAGE, BALMER LAWN ROAD, BROCKENHURST DISCHARGE

The Clerk reported that upon checking the weekly list of planning applications provided by the New Forest National Park Authority, she has found that the occupiers of this property are seeking permission for a second access. The reason for the new access is to avoid the need to park on the verge outside.

The Clerk ascertained that the verge belongs to Brockenhurst Manor. The CDA has therefore been advised of the potential further encroachment on the common grazing. If the CDA decides to pursue this potential encroachment and requires financial support from the Court in order to do so, the matter will be brought back for consideration.

Meanwhile, the Clerk will object to the application on the grounds that grazing will be lost. At the same time, it will be pointed out that damage to the verge caused by parking vehicles on it, also constitutes an illegal encroachment.

Action  
Clerk

2015/8277 CONCRETED ENTRANCE TO PROPERTY NEAR MINSTEAD VILLAGE HALL DISCHARGE

Mrs Westerhoff produced a photograph of a newly concreted entrance. Whilst the verge is not SSSI, it is common grazing. Such construction undoubtedly requires planning permission. The CDA may also wish to object.

Mrs Westerhoff will send an email to Development Control and provide any feedback to Mr Eccles at the CDA.

Action  
DW

## OTHER MATTERS ARISING

2015/8278 STALLIONS

RESUME  
February

Mrs Lyndsey Stride's presentment was discussed.

It was agreed that the Stallion Sub-Committee should discuss Mrs Stride's request for more stallions to be turned out, make a recommendation and bring it back to the Court. The CDA committee will also be asked for input prior to the discussion. It was pointed out that on the Welfare Tours, the Forest receives exceptionally good press because of the control that is maintained over the breeding of foals on the Forest.

A discussion took place in which various views were expressed that may be of help to the Stallion Sub-Committee. Generally it was felt that some increase in stallion numbers and possibly the time period that they are permitted to run out may be appropriate in order to ensure the genetic variety of the pony herd is not lost. Such a loss could be seriously detrimental in the long term.

The problem, however, is always the production of unwanted colt foals and it is therefore essential that very careful consideration is given to any proposal to breed more foals and also to finding a possible outlet for colts.

In addition it is considered that the New Forest Pony Breeding and Cattle Society should look carefully at its criteria for passing stallions, as on occasions it has been considered to be a little too strict, resulting in low numbers of new stallions being available.

## OTHER AGENDA ITEMS

2015/8279 AGISTERS' LAND ROVERS

RESUME

A long discussion took place regarding the problems which are currently being experienced with the Agisters current Land Rovers. To date three vehicles have required new engines and one has also had a new gear box. Fortunately, as an extended warranty has been taken out, the cost of these problems has not been as significant as it might have been.

**At this point Mr Heron and Mr Gerrelli gave their apologies and left the meeting.**

It has, however, been necessary to hire replacement vehicles the cost of which is not covered by the warranty. Taking that into consideration, as well as all the aggravation the breakdowns have caused to the Agisters themselves and the additional work in the office resulting from arranging for hire vehicles and insurance, very careful consideration is being given to replacing the current fleet and moving to contract hire.

Meanwhile Mr Readhead will seek the best possible deal for a fleet of new hire vehicles.

Action  
DR

- 2015/8280 NEW FOREST NATIONAL PARK AUTHORITY LOCAL PLAN DISCHARGE
- Mr Mills commented on the plan and a draft response had been circulated. The Court was grateful for their input.
- An additional paragraph will be added to reflect the need for smaller dwellings, sometimes of very simple design, to be retained for local people who may not be able to afford more sophisticated dwellings in this very expensive part of the country. Action Clerk
- 2015/8281 OPEN FOREST ADVISORY COMMITTEE DISCHARGE
- Mrs Westerhoff will circulate her notes. Action DW
- 2015/8282 BHS BREEDS COMMITTEE DISCHARGE
- Miss Macnair reported that with the proposed new equine passport regime, Breed Societies will lose the income they have enjoyed from issuing passports. As a result of this, the Societies will be forced to increase their fees for registration if they are to survive financially.
- There is a great fear that as horse and pony owners will have to pay not only for a passport but also separately to register their animal, they will not bother to do the latter.
- A possible solution may be to seek a partnership of some description with the Thoroughbred register which is likely to benefit from greater financial resources.
- Miss Macnair will keep the Court informed of future developments.
- 2015/8283 SWAY RESERVOIR DISCHARGE
- Mr Deakin attended a site meeting at which the Water Company explained the works they wish to carry out. The greater part of the discussions related to satisfying the requirements of Natural England.
- 2015/8284 DEFRA VISIT DISCHARGE
- Mr Deakin appraised the Court of a recent visit by Defra personnel who wished to learn about the way the stock in the New Forest is managed, with particular emphasis on the TB Plan. The visit was run in much the same way as the Welfare Tours. The group visited a large holding and a very small one so they could see the different management styles and gain an insight into some of the issues that Commoners face.
- The visit was extremely useful in assisting the Defra staff who attended in acquiring a better understanding of the Forest and its very unique issues.
- 2015/8285 NEW FOREST ACCESS FORUM DISCHARGE
- Mr Mills attends the Access Forum. He will keep a watching brief and advise the Court of any matters where he feels its input would be helpful.

## FINANCIAL MATTERS

- 2015/8286 FINANCIAL STATEMENT FOR SEPTEMBER 2015 RESUME
- The Financial Statement was noted.

**ANY OTHER BUSINESS**

2015/8287 HAMPSHIRE FIRE AND RESCUE PROPOSED REDUCTION IN DISCHARGE SERVICE

Mrs Westerhoff felt the Court should be aware of the issues facing Hampshire's Fire and Rescue service. In particular she felt that the Forest habitat's vulnerability to fire damage does not receive sufficient recognition.

It was agreed to respond to the proposals by reminding HF&R of the important habitats that are found in the Forest.

Action  
DW

2015/8288 BROCKENHURST PINCH POINTS DISCHARGE

The work to the pinch points in Burley Road has been completed. It is disappointing to note that additional signage has been installed.

There was no further business and the meeting closed at 16:15 hrs.

*Dominic May*  
*Official Verderer*  
*18<sup>th</sup> November 2015*