

**MINUTES of the Court of Verderers held on Wednesday 18<sup>th</sup> April 2018 at 9.30 a.m. in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.**

<b>PRESENT:</b>	Lord Manners Mr A B Dowsett Mr J Greenwood Miss D Macnair MBE Mr G M H Mills DL Mr A H Pasmore Mr D Readhead Mrs D Westerhoff	Official Verderer Forestry Commission Appointed Verderer Elected Verderer Senior Elected Verderer DEFRA Appointed Verderer Elected Verderer Elected Verderer Natural England Appointed Verderer
<b>APOLOGIES:</b>	Mr Richard Deakin Cllr Edward Heron Miss Sue Westwood	Elected Verderer & Staff Committee Chairman National Park Appointed Verderer Clerk to the Verderers
<b>IN ATTENDANCE:</b>	Mr Jonathan Gerrelli Miss Justine Bayley	Head Agister Assistant Clerk to the Verderers

**IN COMMITTEE in the Library**

2018/9809 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on 21<sup>st</sup> March were approved and signed.

2018/9810 DECLARATIONS OF INTEREST RESUME

The Official Verderer declared an interest in the Verderers' Higher Level Stewardship Agreement as tenants on his Estate benefit from the Verderers Grazing Scheme and his Estate is in Higher Level Stewardship.

Elected Verderers Mr Greenwood, Miss Macnair and Mr Readhead declared an interest in the New Forest Higher Level Stewardship Scheme, Verderers Grazing Scheme and Basic Payment Scheme. Mr Pasmore declared an interest in the Basic Payment Scheme.

Mr Greenwood is a member of the New Forest Commoners' Defence Association committee.

Mr Readhead is a Director of the New Forest Livestock Society. He is also a member of the New Forest Stallion Syndicate.

Mr Dowsett is a Forestry Commission Volunteer Ranger.

Mr Greenwood is employed part-time by Cadland Estate and therefore has an interest in the Stallion Grazing. Mr Greenwood also has a stallion of his own.

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

Mrs Westerhoff is a tenant of the Forestry Commission. Mrs Westerhoff sits on the Board of Trustees of the New Forest Trust.

Members of the Court will declare any additional interests that may arise during the course of the meeting, at the item.

2018/9811    **CONDITION OF STOCK**    **RESUME**

The Head Agister said it is good to see the sun shining and the grass finally starting to grow. The recent cold, wet weather has had a significant impact on stock, especially the ponies. The majority of animals are still looking really well but the recent months have been tough. The Agisters have been busy catching and removing ponies that are losing condition and will continue to do so when required.

The Head Agister raised his concerns that Commoners are turning their cattle out too early again this year before there is sufficient food on the Forest to support them. Mr Mills said the grass is always slower to grow on the Forest than anywhere else and that his grass is not growing properly at home. Miss Macnair agreed saying the grass does not start to grow on the Forest until at least the second week in May.

The Head Agister said the Stallion Inspection had been a very successful day. The weather had been kind and lots of colts were bought forward for inspection. 15 stallions have been selected to run out on the Forest this year.

2018/9812    **BOVINE TB**    **DISCHARGE**

Mr Mills has had an unconfirmed TB reactor on his farm. The Head Agister said the holding at Bramshaw with TB is still under restrictions and waiting for the second clear test. Mr Greenwood said that TB in the North West of the Forest has settled down with no further outbreaks.

2018/9813    **REPORT ON MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR**    **RESUME**

	<u>2018</u>	<u>2017</u>
Forest Ponies	4547	4563
Forest Cattle	2709	3437
Forest Donkeys	111	105
Forest Pigs	0	0
Forest Sheep	0	0
<b>Total Forest Stock</b>	<b>7367</b>	<b>8105</b>
Common Ponies	576	652
Common Cattle	1195	963
Common Donkeys	63	57
Common Pigs	21	36
Common Sheep	89	137
<b>Total Common Stock</b>	<b>1944</b>	<b>1855</b>
Ponies, Cattle & Donkeys on the Forest	7367	8105
Ponies, Cattle & Donkeys on the Commons	1834	1682
<b>Total Ponies, Cattle &amp; Donkeys</b>	<b>9201</b>	<b>9787</b>
<b>Total Stock – Forest &amp; Commons</b>	<b>9311</b>	<b>9960</b>

2018/9814    **BYELAW ENFORCEMENT**    **DISCHARGE**

Nothing to report this month.

2018/9815 POACHING & DAMAGE TO THE FOREST

RESUME

Reports from the sub-committee by Mr Greenwood and Mr Pasmore were circulated and discussed. Everyone agreed that the Forest is too heavily poached in a few places.

The Court agreed that a letter will be written to all Commoners reminding them of their obligations and of the implications if they do not comply with those obligations. The letter will be followed up by an announcement at the next Verderers Court.

Action  
OV

Mrs Westerhoff added that the Forest is not overgrazed and is only poached in a few places, she added we need to get away from looking at the stock numbers and look at the condition of the Forest.

The Head Agister suggested that the VGS payments be revised to reflect the increased number of cattle on the Forest and the rare breed status of New Forest Ponies. This will be discussed at the next VGS Committee meeting in June.

Action  
OV

**The Head Agister left the meeting**

2018/9816 ANNOUNCEMENTS & DECISIONS

RESUME

The Announcements and Decisions were approved.

**OPEN COURT – 10.00 a.m.**

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

**The Head Agister opened the Court with the usual proclamation.**

**ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER**

2018/9817 STALLIONS

The following 15 Stallions will be turned out onto the Forest on Monday 14<sup>th</sup> May

Bakeburn Benny  
Brookshill Brumby  
Bullhill Major  
Cameron Luck of the Irish  
Fidleywood Falconer  
Knavesash Polaris  
Lovelyhill Hendrix  
Lucky Lane Warrior  
Mallards Wood Law & Order  
Portmore Thunder Cloud  
Rushmoor Dalesman  
Skywalker  
Sturtmoor Top Hat  
Sway Scrumpy Jack  
Woodfidley Top Gun

They will run out for six weeks until Monday 25<sup>th</sup> June.

Thank you to all commoners who entered stallions and well done to those chosen.

Members of the public are reminded that it is always best to avoid getting too close to the ponies, particularly during the stallion season when they can get rather frisky.

2018/9818 HLS

By way of reminder and in case any of you present today were not in Court in March, the annual general meeting of the Verderers' Higher Level Stewardship Agreement is due to be held next Wednesday, the 25th April at 5:30 PM. As before, refreshments will be provided afterwards!

The AGM will be preceded by an open day in the grounds of Queen's House starting at 2.00 p.m. It will consist of a series of exhibition stands showing the breadth and depth of the work carried out under the HLS agreement and the benefits that have accrued, and continue to accrue, to the Forest.

I hope that we will see as many of you there as possible and I would ask you to ask your friends and neighbours and colleagues to attend what I think should be an important and informative event.

## **ANIMAL ACCIDENT REPORT**

2018/9819 THE ANIMAL ACCIDENT REPORT FOR MARCH 2018

The Agisters attended 3 accidents in March. This compares with 5 in March last year.

2 cows were killed and in one instance nothing was found injured.

All three of the accidents occurred in the dark.

All of the accidents were reported by the driver involved, and 1 of the motorists is known to have been local.

The total killed and injured so far in 2018 is 17. This compares with 14 in the same period last year.

## **PRESENTMENTS**

2018/9820 ENGLAND COASTAL PATH

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

'I'd hoped that my previous presentment on the England Coast Path would be the last, and thank the court yet again for its inclusion in unusual circumstances.

The complexity of the proposal demands a bit more, the longest of the 31 (of 66) published to date, including a Sensitive Features Appraisal running 222 pages, nearly 5 times larger than the average (excluding itself), and twice the size of the next largest (Burnham-on-Crouch to Maldon). The maps Natural England provide are misleading as they do not adequately reflect the key spatial relationships between the path, protected habitats and coastal margin. At a minimum Natural England should provide useable maps for comment, and extend the consultation proportionately to reflect the scale of the proposal. They should also be at pains to perform a complete Habitat Regulation Assessment and resolve the rife inaccuracies in the features appraisal.

As for issues under the Verderers' remit: fields that may come into or out of management as backup grazing are not excepted land (as it is not arable), but Natural England have not required dogs on leads on the route adjacent or through potential backup land. They

have not followed their own guidance from the Coastal Access Scheme:

Guidance 2.4.6 As on other land with access rights under Part 1 of CROW, a person with a dog must keep it on a short lead in the vicinity of livestock. The purpose of this provision is to prevent dogs from approaching livestock.

We hope the Verderers, in their statutory role on behalf of Commoning, will request that this is applied in all possible instances. The NFA, for our part, will go further asking that dogs be kept on leads for any portion of the route that is adjacent to protected habitat, grazing which may be used by livestock, or spreading room leading to either habitat or grazing.'

2018/9821 VERGE PARKING AND THE OBSTRUCTION OF BARRIERS  
Presentment by Mr Brian Ingram, Practising Commoner and former Head Agister

'On Easter Sunday I had a call from Agister Lovell telling me that one of my cows in Dibden Inclosure was having difficulty calving. I went out straight away and found the cow with the man who had found it. He had moved the cow away from several members of the public whose dogs were worrying her. When I went to leave I found that two cars had parked in front of the barrier blocking its use. If I was in my tractor I may have dragged them out of the way, but I was not. Luckily I knew another way out.

This type of illegal parking happens every day in the Forest, people must be made aware of the problems caused when vehicles block the Forest Barriers. I heard a story of a woman who had broken her leg out walking and the ambulance could not reach her because her own car was blocking the access.

The Forestry Commission has a Verge Protection Officer and she is doing a great job but she cannot do it all alone. She needs help and support from the Rangers and other FC employees.'

Mr Ingram then went on to tell the Court the story of how he nearly towed offending cars belonging to the Land Agent from Exbury and a Natural England representative from the Forest one day. His story was met with laughter and applause.

2018/9822 ANIMAL ACCIDENTS AND 30MPH  
Presentment by Mrs Mary Gray, Practising Commoner from Brook

Further to her presentment in February, Mrs Gray again called for the speed limit on the unfenced Forest roads to be reduced to 30 mph. She expressed concern that when the speed limit is 40 mph, drivers are inclined to drive at nearer 50 mph. She felt that if the speed limit was 30 mph, drivers would not exceed 40 mph. Mrs Gray said that living near the B3078 means she can hear the vehicles speeding.

Mrs Gray went onto say that at the CDA AGM she suggested that obtaining a reduced speed limit would be a lasting tribute and memorial to the much respected late Agister, Raymond Bennett who never exceeded 30 mph in his lorry or Land Rover!

Mrs Gray thanked the Court for listening to her again.  
'I am grateful once again to the Court for listening to me, realising I have brought this forward before.

#### IN COMMITTEE in the Library

2018/9823 POACHING & DAMAGE TO THE FOREST RESUME

The Official Verderer recapped with the Deputy Surveyor, the discussion which had taken place before the Open Court about poaching outside some holdings. The Deputy Surveyor will draft a letter from the Forestry

Commission which will be sent out with the Verderers' letter. He will also speak with Natural England about gaining their support. Action DS

The Court discussed the possibility of creating a new byelaw restricting the number of animals permitted to be depastured.

Mr Greenwood said the responsibilities regarding Cross Compliance lay with the Environment Agency; they would benefit from having set guidelines to work to.

The remote monitoring of vegetation regeneration was discussed; Mr Pasmore hopes to have some photographs from the fixed point photography study available at the next Court.

The Official Verderer asked about the Common Standards Monitoring System. It was agreed that it would have to be adjusted to suit the Forest. Mrs Westerhoff will produce a note for the next Court explaining exactly what CSM is and does. Action DW

### CONSIDERATION OF PRESENTMENTS

2018/9824 ENGLAND COASTAL PATH RESUME

The Official Verderer said the Clerk is drafting a response following Mr Tarnoff's presentment last month. Action Clerk

2018/9825 VERGE PARKING AND THE OBSTRUCTION OF BARRIERS DISCHARGE

The Deputy Surveyor said the Verge Protection Officer is currently meeting with the Forest Keepers on their beats and discussing appropriate action to take against Verge parking. This will include extra ditching and the narrowing of bell mouths with dragons teeth after timber extractions are completed.

2018/9826 ANIMAL ACCIDENTS AND 30MPH DISCHARGE

The Official Verderer will respond at the next Court. Mr Pasmore said the police will not enforce a blanket 30mph speed limit through the Forest. Mr Readhead said the police have stated they cannot enforce 40mph but they do. He agrees with a 30mph limit in the Forest. Action OV

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

2018/9827 GODSHILL CRICKET CLUB LICENCE RENEWAL DISCHARGE

The Land Agent said the licence is being renewed on the same basic details as before for a period of 10 years. Mrs Westerhoff pointed out that there is no site management schedule from Natural England, the Land Agent said it has been applied for. The Court agreed to the renewal for the period of 10 years from 1<sup>st</sup> January 2019.

2018/9828 NEW FOREST GOLF COURSE, LYNDHURST LICENCE RENEWAL DISCHARGE

The Land Agent approached the Court for permission to begin negotiations for the licence renewal with the club. Mr Greenwood circulated a photograph of a large area of Forest which the club has been using to dump dirty bunker sand and waste from the greens. The Court agreed the issues we have with the club result from its poor housekeeping.

	The Land Agent was asked to ensure the Club removes its rubbish from the Forest before he begins negotiations.	Action PG
2018/9829	DENNY WOOD CAMPSITE	DISCHARGE
	The Land Agent requested retrospective permission from the Court for the emergency works carried out following a water leak at the campsite. The Court agreed that an excellent job has been carried out under the supervision of the Forestry Commission Estates Officer, Sean Marsh.	
2018/9830	BT FIBRE OPTIC DUCTING INSTALLATION – HIGH CORNER INN LINWOOD	
	The Court is not happy with the engineering plans provided by BT. The Land Agent said this has been addressed and fewer more concise plans will be provided by BT in the future. Mr Dowsett circulated a much more helpful plan of the proposed area of works, created by Sean Marsh. The Court is not happy with BT's proposal for erecting two poles, one either side of a shallow stream crossing. The Land Agent is asked to go back to BT and suggest they impact mole plough under the watercourse.	Action PG
	The Proposal is rejected by the Court.	
2018/9831	BT REPAIR AND INSTALLATION OF DUCTING – HOLMSLEY ROAD	DISCHARGE
	The works are approved subject to the usual three conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing.	
2018/9832	DE MINIMIS APPROVALS	DISCHARGE
	The Assistant Clerk advised the Court that using the recently agreed de-minimis system, consents have been given in respect of the following:-	
	DM0013 New supply of electricity to The Stable Block, Horseshoe Cottage, Pitmore Lane, Sway.	
	DM0014 New water supply, the field between Sherfield Cottage and Firtree, Main Road, East Boldre.	
	DM0015 BT Brockenhurst 2 fibre cabinet, proposed new casing and additional duct.	
	DM0016 New water connection, Canada Road, Wellow	
<b>SSSI RESTORATION WORKS</b>		
2018/9833	REPAIR AND MAINTENANCE LIST	RESUME
	The SSSI Repair and Maintenance list was circulated to the Court.	
2018/9834	WETLAND RESTORATION DRAFT STRATEGY	RESUME
	Mrs Westerhoff advised the Court that the draft strategy is due and will be discussed at the group meeting in early May. She will report to the Court at the next meeting.	

## ENCROACHMENTS INVOLVING THE FORESTRY COMMISSION

2018/9835 ENCROACHMENT LIST RESUME

An updated encroachment list was provided.

## ACTION LIST

2018/9836 ACTION LIST RESUME

An updated action list was provided.

2018/9837 VERGE PARKING, CHAPEL LANE, EAST BOLDRE DISCHARGE

Mr Readhead said it has been suggested that the land at Chapel Lane is not Crown Land; he told the Land Agent that the land definitely belongs to the Crown and records going back to 1800 are held on the Beaulieu Estate.

## ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2018/9838 NEWLY ERECTED SIGN AT BRAMSHAW GOLF COURSE CAR PARK DISCHARGE

Mr Pasmore again raised his concerns about the signboard opposite Bramshaw Golf Course car park. The Deputy Surveyor said he has spoken to Gary North regarding the sign. It has been in situ for 5 years and has not been made taller, but has recently had an extra ladder board added underneath. Mr Pasmore was not happy and said the sign is huge and could easily hide a 13.2hh pony and potentially cause an accident.

2018/9839 SUNSET YOGA RUNS DISCHARGE

Mr Pasmore showed the Deputy Surveyor a flyer, incorporating the Forestry Commission's logo, advertising evening runs at Bolderwood through May to September, for £28 - £35 per month. The Deputy Surveyor said the Forestry Commission does not permit anyone to use its logo in this way and asked for a copy of the flyer so he can make further enquiries.

2018/9840 VANDALISED NO CYCLING SIGN AT GORLEY BUSHES DISCHARGE

Mr Pasmore said the "No Cycling from this Car Park" sign at Gorley Bushes was vandalised over the Easter weekend. The sign has worked well so far but there is a small group of die-hard cyclists who are ignoring the sign and are continuing to cycle off the permitted network in the area. The Deputy Surveyor said the local Keeper has re-erected the sign and a replacement has been requested. He will speak to the Keeper about intercepting the cyclists.

Action  
DS

2018/9841 CLOSED TRACK SIGNS DISCHARGE

Miss Macnair asked the Deputy Surveyor if contractors could put up better signage after she was unable to bring her ponies in, due to workers clearing a fallen tree across a track. If a sign had been in place at each end of the track, it would have saved her a lot of wasted time.



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- 2018/9842 ENCROACHMENTS WORKING PARTY DISCHARGE
- The Official Verderer advised the Court that the Encroachments Working Party is meeting at Lymington Town Hall on Monday 14<sup>th</sup> May at 2pm. Mr Pasmore will attend with the Official Verderer. Action OV/AHP
- 2018/9843 EAST BOLDRE VILLAGE HALL DISCHARGE
- The Land Agent said he has been approached by representatives of East Boldre Village Hall requesting an informal meeting with the Verderers to discuss their plans for the renovation of the hall. Mr Readhead and Mr Dowsett will meet with them. Action PG

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

#### **OTHER AGENDA ITEMS**

- 2018/9844 VERDERERS EMAIL ADDRESSES RESUME
- The Official Verderer advised the Court that as a result of the new GDPR (General Data Protection Regulations) it will be sensible for the Verderers each to have a separate email for Verderers' business. This will be discussed further at the next Court.
- 2018/9845 PROPOSED COMMONERS DWELLINGS AT ROCKFORD FARM BARN DISCHARGE
- Correspondence between the Official Verderer and William Zeigler of the New Forest Trust was circulated to the Court. It was agreed that the Trust's response satisfactorily addresses the concerns raised. Mrs Westerhoff said there are still surveys to be carried out at the site and plans will be submitted to the Planning Committee in June.

#### **HIGHER LEVEL STEWARDSHIP SCHEME**

- 2018/9846 HLS BOARD MEETING DISCHARGE
- The Official Verderer said the HLS Board visited Dur Hill before its meeting to see where stump extractions have taken place. He said a really good job has been done at the site.

#### **VERDERERS GRAZING SCHEME**

- 2018/9847 VGS PAYMENTS REVIEW DISCHARGE
- The Official Verderer asked the Assistant Clerk to request that the VGS Administrator adds the payments review to the agenda for the next VGS Committee meeting on the 6<sup>th</sup> June. Action Asst Clerk

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

- 2018/9848 RECREATION MANAGEMENT STRATEGY DISCHARGE
- The Official Verderer said he hopes the draft actions will be available for the next Court. Eight weeks consultation will run between June and August. The strategy will be published in January 2019 followed by further consultation.

Action  
OV

The Official Verderer will approach Oliver Crosthwaite Eyre and invite him to go through the document with the Court.

2018/9849 OPEN FOREST ADVISORY COMMITTEE DISCHARGE

Mrs Westerhoff reported back from the recent Open Forest Advisory Committee meeting. Much of this year's burning programme has not been completed due to the wet weather.

Forest Research has discovered a fungus on holly trees which is thought to be Forest wide. The Forestry Commission is monitoring holly closely and has decided that cutting older holly is a mistake and pollarding will only take place on younger trees.

2018/9850 NEW FOREST PONY BREEDERS AND CATTLE SOCIETY DISCHARGE

Miss Macnair told the Court that the Pony Society has received a letter from the Farm Animal Genetic Resources Committee at Defra detailing guidelines that are in place in case of an outbreak of an exotic disease. The New Forest pony is one of the most geographically concentrated breeds in the country and would be at risk should such an outbreak occur.

2018/9851 NATIONAL GRID PROPOSALS FOR UNDERGROUNDING THE HIGH VOLTAGE LINES IN THE NORTH OF THE FOREST DISCHARGE

Mr Pasmore reported to the Court from the recent Hale Parish Assembly where proposals for the undergrounding of the high voltage cables at Hale Purlieu were discussed. The plans have changed slightly, meaning works may now be carried out closer to houses than previously discussed. This has been met with objection from local residents.

The Official Verderer has been invited to a meeting with the NPA Landscape Officer, Sarah Kelly, and National Grid on Wednesday 2nd May.

Action  
OV

## FINANCIAL MATTERS

2018/9852 FINANCIAL STATEMENT FOR MARCH 2018 DISCHARGE

The Financial Statement for March was noted.

At the last Court, Mr Deakin raised a minor query concerning the February Financial Statement which the Clerk undertook to investigate. This she did and circulated an explanation to all members of the Court which was considered satisfactory.

## STAFF MATTERS

2018/9853 PAYMENTS TO DRIFT WRITERS DISCHARGE

The proposed increases in the payments made to the drift writers were approved in recognition of their hard work at the drifts.

2018/9854 AGISTER HORSE EXPENSES RESUME

The Official Verderer said he will seek advice from the Auditors regarding a possible increase in the horse expenses.

Action  
OV

2018/9855 DOG ATTACKS ON STOCK DISCHARGE

Concern was raised following the Head Agister's report of a man with 6-8 loose Golden Retrievers walking through a herd of cattle at Wilverley. Dogs must be kept under close control at all times near livestock.

Mr Dowsett said that Epping Forest has byelaws in place to control dogs. In addition, Epping Forest Rangers are all Special Constables. Mr Pasmore said that in the past all Forest Keepers were Special Constables and were sworn in at the Verderers Court.

**ANY OTHER BUSINESS**

2018/9856 DEFRA CONSULTATION RESPONSE DISCHARGE

The Official Verderer said there has been no progress with the Defra consultation.

2018/9857 FILMING AT THE VERDERERS HALL DISCHARGE

The Official Verderer said that the Clerk has reminded him about a film crew wanting to come to the next Court to film the Verderers walking into the Hall. The Court felt it would be appropriate to let the public who attend Court know that a film crew will be on site. The Assistant Clerk was asked to contact the film company and ask they delay until June to enable the Official Verderer to make an announcement at the May Court.

Action  
OV/  
Asst Clerk

2018/9858 VERDERERS WEBSITE RESUME

The Official Verderer requested an update on the new Verderers' website at the next Court.

Action  
Clerk

There was no further business and the meeting closed at 12.40 p.m.

*Julianne*  
*16 May 2018*