

**MINUTES of the Court of Verderers held on Wednesday, 15<sup>th</sup> December 2004 at 9.30 a.m. in the Library, The Queen's House, Lyndhurst.**

PRESENT:	Mr O Crosthwaite Eyre	Official Verderer
	Mr J Adams	Elected Verderer & Chairman of the Staff Committee
	Mr A Gerrelli	Elected Verderer
	Mrs K Heron	Appointed Hampshire County Council Verderer
	Miss D Macnair	Elected Verderer
	Mr A H Pasmore	Elected Verderer
	Mrs P Thorne	Appointed DEFRA Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk
	Mr J R Gerrelli	Head Agister (first three items only)
APOLOGIES:	Mr P Frost	Countryside Agency Appointed Verderer
	Mr J F Kitcher	Elected Verderer
	The Hon R Montagu	Appointed Forestry Commission Verderer

**IN COMMITTEE**

The Head Agister was present for the first three items.

2004/1315 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 17<sup>th</sup> November 2004 were approved and signed.

2004/1316 ANNOUNCEMENTS & DECISIONS DISCHARGE

The Announcements and Decisions were approved.

2004/1317 CONDITION OF STOCK RESUME

Report by the Head Agister

The Head Agister said he is still very pleased with the condition of stock. He added his opinion was justified by the Welfare Tour which went very well.

One or two young cattle have gone back in condition and the Head Agister remarked that he has been surprised at the number of cattle that have been left on the Forest this autumn, given the heavy crop of acorns.

A significant number of animals have died as a result (it is believed) of acorn poisoning.

The strangles/virus outbreak seems to have died down.

The animals are generally going into the worst months of the winter looking very well. The Agisters will endeavour to keep on top of the situation and any animals that do start to lose condition will be removed as necessary. He added there seem to be a lot of cattle in the North of the Forest.

Mr Pasmore commented that he thinks stock numbers are rising and asked if it is a direct response to the Stewardship Scheme. The Head Agister's view is there have been no more foals branded on the drifts

than usual but it may be that a few older mares are being retained which might in previous years have been sold.

The Official Verderer remarked that it could be said that the Stewardship Scheme is actually preventing a reduction in numbers.

The Head Agister said that a number of commoners have bought animals from other commoners and he added that he wondered if commoners may be keener to pay for absolutely everything they've got with a view to being able to increase the number of animals they will be able to enter into the Stewardship Scheme!

The Official Verderer reiterated the success of the Welfare Tour. He said those attending were very open in expressing their pleasure at the condition of stock. He added that the control exercised by the Agisters should be noted and applauded. They are doing exactly as they should be doing.

The Head Agister thanked the Court and left the meeting.

#### Report by the Chairman of the Staff Committee

Mr Adams said he had little to add. He is also quite happy with conditions on the Forest. Stock looks well and the Welfare Tour was a success.

One pony was lost a couple of weeks ago due to strangles but that has been the only animal lately.

Mr Adams added a note of caution by saying that last winter at this time, stock looked well but then the weather deteriorated and so did some of the animals.

Miss Macnair commented that fewer foals should help and Mr Adams agreed, saying that mares which are not in-foal look exceptionally well.

#### 2004/1318 DECLARATIONS OF INTEREST

RESUME

All the Elected Verderers, and Mrs Pat Thorne declared an interest in the Countryside Stewardship Scheme.

The Official Verderer declared an interest as someone with licensed premises in the Forest.

As members of the Stallion Syndicate, Mr Gerrelli and Mr Kitcher declared an interest in the Colt Scheme.

#### 2004/1319 FINANCIAL STATEMENT

RESUME

The Financial Statement for November was approved.

#### 2004/1320 BYELAW ENFORCEMENT

RESUME

#### Mr T & Mr J Penny – Re: Stallion, Romeo Bear

The Official Verderer confirmed that the Pennys' have pleaded not guilty and their trial has been set for 8<sup>th</sup> February 2005.

2004/1321 PROSECUTIONS FOR NON-PAYMENT OF MARKING FEES RESUME

The Official Verderer reported that the second visit to the Appeal Court in London was again a success. Costs have been awarded and some useful advice given by the Judges which should avoid further visits to the High Court. A copy of the Judgement will be obtained when it is available.

2004/1322 LYBURN ESTATE AND CATTLE GRID RESUME

The Official Verderer reminded the Court that it had been agreed the owner of Lyburn Estate should be offered assistance with the cost of repairing his cattle grid and the necessary groundworks required to make the structure stock proof. The Official Verderer went on to say that the owner of the Estate has replied saying that he would undertake the necessary repairs on the grid but would like financial help towards the more expensive task of repairing his somewhat dilapidated boundary fence. The Official Verderer asked members of the Court if they felt a contribution towards repairing the fence is appropriate.

After careful consideration, the Court felt it should offer to assist with the grid repairs but not the fence and the contribution towards the grid should only be made if the fence is repaired. The Court also wishes to be in control of the tendering process and the payment of invoices. The Estate will have to provide its share of the cost at the commencement of the project.

2004/1323 SUB-STANDARD CATTLE GRIDS AT IBSLEY RESUME

Cllr Heron reported that there are several cattle grids at Ibsley that appear to have been constructed on land belonging to the Parish Council. Apart from the issue of possible encroachment, the grids have been laid across a ditch with nothing underneath them. They are considered to be very hazardous for stock. The Clerk reported that the office has already been dealing with a further grid in the same location but that householder is having their grid reconstructed to a satisfactory standard. Cllr Heron said she will get some further information on exactly which properties are involved.

2004/1324 SCHEME FOR NEW FOREST COLTS RESUME

The draft scheme has been circulated. The Court agreed it is a sensible scheme which should complement the main Stallion Scheme. The paper will now be copied to the Agisters for their comments prior to it being sent to the New Forest Trust and the Show Society.

2004/1325 TWO YEAR OLD COLTS RESUME

The advice on the legal definition of "2 year old" is awaited.

2004/1326 UNRUNG PIGS ON THE NORTHERN COMMONS RESUME

The Official Verderer asked the Agisters to confirm who the pigs belong to. So far, however, no unrunng pigs have been seen. The main problem is in Dazel Wood.

The Clerk spoke to the local Police Officer, PC Ian Hunt. His advice is not to try to prosecute the driver in this instance as he feels there is insufficient evidence to be sure of a successful conviction. The pony which was killed was running down the road. It is believed a major contribution to the cause of the accident was a local resident who insisted on feeding ponies outside his gate despite a number of requests by the Agisters asking him not to. Following the accident, and at the request of Agister Maton, PC Hunt paid the resident a visit and the gentleman has now stopped putting out food for the ponies.

**Mr Will Parke, Forestry Commission Land Agent, Mr Bruce Rothnie, Forestry Commission Recreation Manager and Mr Gary Coulson from Terence O-Rourke, Planning Consultants, joined the meeting.**

2004/1328 FORESTRY COMMISSION PROPOSALS FOR HOLLANDS WOOD AND ROUNDHILL CAMPSITES

RESUME

A presentation was given by the Forestry Commission and its Consultants, showing the latest design of electrical hook-ups which it is proposed will be installed on the Open Forest at Hollands Wood and Roundhill Campsites.

The hook-ups consist of hollowed out wooden posts which allow the cables to be hidden within the post. A flap at the top allows access to the socket into which a caravan mains lead may be plugged. The timber for the posts will be sourced and manufactured locally. Each individual installation will be protected by a circuit breaker in the post itself.

The socket is 2'6" off the ground. This is a legal requirement to ensure the safety of the installation. The cable from the caravan is plugged into the socket and then fed down through a groove in the post and exits at the bottom. It then runs along the ground back to the caravan.

The Verderers expressed the view that the cable must be properly plugged in if accidents are to be prevented. If the cable from the caravan to the post is not of sufficient length, the cable would be suspended between the post and the van. This would be very hazardous to any stock (or persons) who may be passing by. It was suggested the campsite warden or other appropriately trained person should be required to check each connection before the power supply is turned on.

A set of sensible, simple rules, will need to be devised to ensure safety.

Approximately 130 hook-ups are proposed for Hollands Wood with a further 200 plus at Roundhill.

Mr Pasmore raised the issue of timing as respects the planning application and the last date for comments to the Planning Authority. In response the Forestry Commission repeated that any application with an Environmental Statement has a 16 week period before a decision is made. The last date for comments is theoretically 5<sup>th</sup> February, however the Planning Authority should formally consult the Verderers.

Mr Pasmore then commented that English Nature's letter appears to

ask for additional information. The Forestry Commission's response was that it is up to the Planning Authority to decide if it is right for such a request to hold up the decision. The information requested may not have to be given- vexatious, irrelevant, questions cannot be asked. The Forestry Commission confirmed again that it voluntarily submitted the application.

Several further specific questions were then asked of the Forestry Commission, all of which are relevant to the application.

Firstly, the peace and tranquillity question of noise disturbance from electrical equipment such as televisions, hi-fi, "ghetto-blasters" etc., was raised. The Forestry Commission was asked if it has thought about how to restrict noise nuisance which will undoubtedly result if campers have access to a mains electricity supply rather than having to rely on batteries. The Forestry Commission agreed to consider this issue.

Secondly, the Forestry Commission was reminded of the Declaration of Intent signed some years ago. It was asked whether the content of the Declaration has been considered in connection with the current proposals and is it still a valid document. Mr Rothnie undertook to take advice on this point.

Thirdly, confirmation was requested as to the status of the hook-ups at Setthorns. The Official Verderer commented that none of the Verderers can recall giving consent for their installation on the Open Forest at Setthorns. Mr Parke said he will find the permission.

Miss Macnair then returned to the question of the installation of the electrical hook-ups and the question of how best to ensure that the connections to the caravans are done correctly. She suggested that extra staff may be required as it may be better if each connection is carried out by an expert. The Forestry Commission responded by saying that the Site Managers do patrol the sites. It was then suggested that perhaps the supply to the hook-ups should only be turned on once the connection had been inspected and found to be satisfactory. This is clearly a management issue.

Mr Coulson then asked if they should continue to produce a mock-up of the hook-up. The Official Verderer felt that a lot of people will want to see it and that it would be worth while.

Mr Rothnie and Mr Coulson left the meeting. Mr Parke remained.

## **SUBMISSIONS BY THE FORESTRY COMMISSION**

There were no new submissions from the Forestry Commission.

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

2004/1329 HERPETOLOGICAL RESEARCH

RESUME

No further information is available yet. The matter will be resumed at the next Court.

2004/1330 UPRATED UNDERGROUND ELECTRICITY SUPPLY TO FRITHAM NURSING HOME RESUME

A response to the questions posed at the last meeting has been provided by the Electricity Board and circulated. Consideration has been given to putting part of the line underground but difficulties have been encountered with the stays coming off two of the telegraph poles. After scrutinising the drawings, it was suggested that the stays could be placed at a different angle so that they more closely follow the hedge line and are less intrusive.

2004/1331 MARQUEE AND PARKING PROBLEMS AT THE ROYAL OAK PUBLIC HOUSE, FRITHAM DISCHARGE

The Clerk confirmed she has written to the landlord of the Royal Oak in response to his letter to the Court. The New Forest District Council has explained the difference between the marquee at the Royal Oak and that at the High Corner Inn. The marquee at the High Corner Inn remains erected permanently, while a marquee is erected at the Royal Oak on only a few occasions each year. In these circumstances the Council is of the opinion that provided the marquee does not become a semi-permanent structure, there is no breach of planning control.

The Forestry Commission is considering how best to resolve the parking issues and will consult with all interested parties in due course.

2004/1332 DAMAGE TO FRITHAM GREEN RESUME

Mr Parke apologised and said he has not yet had time to pursue this issue.

2004/1333 TRAILERS ON OPEN FOREST AT FRITHAM RESUME

Unfortunately it seems the trailers have returned and a large area has been badly eroded. Mr Parke will take the necessary action.

2004/1334 BROOMY LODGE FENCE RESUME  
February  
2005

The owner of the fence has confirmed in writing that it will be repaired.

2004/1335 ASHURST FENCE RESUME

The Forestry Commission confirmed the fence will be removed. The occupier of the adjacent farm will be advised and as soon as the letter has been sent, work will commence. The old pound in the corner will also go as there is a new one nearby at Sandhole Bridge.

The formalities of the exchange of land will be resurrected. Mr Parke confirmed that the case for exchange has not yet been submitted to the Minister for approval. The Verderers have confirmed they don't object to the exchange, subject to certain qualifications.

This matter will be resumed unless the Clerk is advised that matters are progressing in which case it will be discharged for the time being.

2004/1336 SELLING OF ANIMALS OUTSIDE THE RING AT BEAULIEU ROAD RESUME  
SALE YARD

Mr Parke explained that on sale days, control of the Sale Yard and the associated land leased to the New Forest Livestock Society is the responsibility of that organisation. All the land remains subject to common rights.

The Official Verderer said he will write to the Chairman of the Society.

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

2004/1337 FALLEN STOCK RESUME

Mr Adams said there is great concern at the position regarding the disposal of fallen stock as hunting has now been banned. He asked if the Forestry Commission is intending to try to make provision for an incinerator. Mr Parke said that at the present time the Commission is not considering providing a site or operating an incinerator. He added that to-date no one has asked. Miss Macnair said she thinks someone will!

It was suggested that the Forestry Commission and Verderers should write to DEFRA seeking a derogation for the Hunt's incinerator as the parts required to bring it up to the latest standard are not available from the manufacturer until April at the earliest.

There is general belief that the Government's collection scheme will not work and people will dump dead and living animals in the Forest. Whilst it is hoped the Hunt may be able to continue until the end of 2005, a permanent local collection and disposal facility is essential and someone needs to organise it. The Government Scheme is only scheduled to run for 3 years.

The Official Verderer said he has been speaking to the Deputy Surveyor about the problem and he has promised to give it some careful thought. He also intends to consult with other interested parties such as the District and County Councils.

2004/1338 FOREST MAINTENANCE – DANGEROUS HOLE ON THE EDGE OF RESUME  
PITTS WOOD

Mr Pasmore expressed concern about a very dangerous hole on the track on the edge of Pitts Wood. Part of the area was fenced years ago because the soil is almost quick-sand. A similar very unstable area has now appeared on the track itself and Mr Pasmore asked if the track could be diverted to avoid it. Mr Parke undertook to investigate the problem.

2004/1339 FOREST MAINTENANCE - ERODED CULVERT AT FURZEY LAWN RESUME

A culvert pipe at the back of Furzey Lawn is now exposed and therefore liable to damage. Mr Pasmore asked if a layer of gravel could be put down to reinstate the track and protect the pipe. Mr Parke said he will deal with this matter.

Mr Parke left the meeting.

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

2004/1340 COUNTRYSIDE AGENCY GRANT RESUME

The Official Verderer will write to the Countryside Agency with a formal request for a grant.

2004/1341 BRAMSHAW TO WINDYEATS ROAD RUBBISH RESUME

Conditions on the road verges are variable but on the whole things are not too bad. The lumps of concrete are still there and they need removing. Cllr Heron said she will contact the Site Manager again thanking him for the improvement but saying that things could still be a little better and could they please arrange for the lumps of concrete to be picked up.

2004/1342 SINGLE FARM PAYMENTS RESUME

Nothing further has been heard as respects how single farm payments will apply to areas of common land. Common land is not mentioned in the recent booklet that DEFRA has published.

## **VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME**

2004/1343 PROGRESS REPORT RESUME

A nice article was published in the Lymington Times showing Raymond Bennett receiving his cheque. £192,390 has been paid out to commoners in the first year. £142,023 less administration and salary costs has been held in reserve. This was deemed necessary to allow for a modest increase in stock numbers next year together with the expected increase in the number of commoners who join the scheme. Less money will be available from DEFRA for year 2 because of the slightly disappointing uptake in the first year.

Mr Colin Draper, the Scheme Manager has been asked to decide on the rules for year 2 to present to the Scheme Sub-Committee. Once the sub-committee has agreed the rules, they will be put before the Court for consideration and approval.

Concern was expressed at the grazing pressure on the Northern Commons and it was questioned how payments could be made for grazing on land which is being damaged by too many animals. The final say about the ecological condition of the commons is in the hands of English Nature but careful consideration will have to be given if and when the Commons come into the Scheme.

The Elected Verderers agreed that Mr Draper has made a good impression on the commoners. He attended most of the drifts and seems to get on well with everyone.



## **NATIONAL PARK**

2004/1344 APPOINTMENTS TO THE NATIONAL PARK AUTHORITY

RESUME

The Official Verderer reported that the final response from the Minister, Mr Alun Michael, confirmed that the Verderers will not be involved in the selection process. The Official Verderer wrote back to the Minister expressing disappointment that the Countryside Agency's advice had been ignored. No one will know who the Secretary of State's Appointees are until after they are appointed. Interviews take place in January. Parish Council appointees have been confirmed, two of which are commoners. Julian Lewis MP has also written to the Minister expressing disappointment at the appointments process. He has not yet received a reply.

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

2004/1345 NEW FOREST COMMITTEE

DISCHARGE

### National Park Matters

Miss Dionis Macnair reported that a lot of time was taken up discussing the fallen stock issue. The future of the New Forest Committee was also discussed and it appears the National Park Authority would like to take over the staff.

Forest Friendly Farming and the Consultative Panel will need to be managed in the interim period between the dissolution of the New Forest Committee and the date on which the new Park Authority commences work. A liaison committee may be needed which could include present New Forest Committee members who will not be on the new Park Authority. This could include Local Authorities.

Mrs Susan Carter the Interim Chief Executive and Ms Maddy Jago, New Forest Committee Officer, will be discussing how the change over might take place.

### Forestry Commission proposals for Hollands Wood and Roundhill Campsites

There was a general consensus at the meeting that the Forestry Commission should not undertake any major works on the campsites until after the National Park Authority has carried out a review and drawn up a strategy for the whole area. At that time proposals could be submitted. The New Forest Committee will be objecting to the Forestry Commissions proposals.

2004/1346 LOCAL ACTION GROUP

RESUME  
March 2005

The next meeting is on the 22<sup>nd</sup> February. Proposals for consideration at that meeting need to be in by the end of January. The intention is to submit proposals for some additional pounds together with the new clothing for the Agisters.

The Court agreed the Verderers' logo (or the crown stirrup dependant upon cost) should be used on the new clothing together with the word AGISTER where appropriate.

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

2004/1347 STAFF COMMITTEE MINUTES DISCHARGE

The Chairman of the Staff Committee pointed out a minor error in the minutes which the Clerk noted.

2004/1348 FALLEN STOCK DISCHARGE

The Staff Committee believes it is important that the Court leads in the efforts to resolve the fallen stock issue. The Official Verderer said he appreciated the concerns and will do his utmost to progress the matter.

**HEALTH AND SAFETY AT WORK**

2004/1349 DRIFTS DISCHARGE

The Chairman of the Staff Committee reported that the drifts have been considered carefully and changes made to minimise the need for a police presence.

**TRAINING**

No training is currently taking place or required at the present time.

**ANY OTHER BUSINESS**

2004/1350 STALLION SCHEME – DONATION FROM THE BLUE CROSS DISCHARGE

The Official Verderer reported that the Blue Cross has very generously donated £1,000 towards the Stallion Scheme. The Court expressed its thanks.

2004/1351 POLICY REVIEW RESUME

It was pointed out that the current Verderers' Policies were drawn up approximately 5 years ago and it was suggested that perhaps they should be reviewed.

A sub-committee was set up comprising the Official Verderer (Chairman), Councillor Heron, Mr Gerrelli, Mr Pasmore and Mrs Thorne. The committee will meet on Tuesday, 4<sup>th</sup> January at 10.00 a.m. in the Library at Queen's House.

The whole Court will consider the sub-committee's recommendations.

2004/1352 FORESTRY COMMISSION PROPOSALS FOR HOLLANDS WOOD AND ROUNDHILL CAMPSITES RESUME

Mr Clive Chatters, Hampshire Wildlife Trust, has pointed out that the 1877 New Forest Act states that the Ancient and Ornamental Woodlands must be preserved. No other legislation can over-ride that provision. Later in the Acts the Verderers are required to give their consent for management of the A&O woodlands.

The Court agreed English Nature should be asked for its views on the proposals.

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It has been suggested that perhaps the Planning Authority should be asked to defer the application until the National Park Authority is fully operational. Many people believe a proper strategy for camping is essential.

The Official Verderer said the Verderers will wait for Presentments in the January Court before making any response.

There being no further business, the meeting closed at 12.35 p.m.