

**MINUTES of the Court of Verderers held on Wednesday 15<sup>th</sup> December 2010 at 10.00 a.m. in the Library, The Queen's House, Lyndhurst.**

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

**IN COMMITTEE in the Library**

2010/5241 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 17<sup>th</sup> November 2010 were approved.

2010/5242 CONDITION OF STOCK & THE WELFARE TOUR RESUME

The Welfare Tour was judged to be a success by all those who attended, despite the very cold weather which did reduce the number of animals seen compared with previous years.

A press release was issued after the Tour which stated that all those present were happy with the condition of stock. In the meeting following the Tour, the Official Verderer asked if the present twice yearly tours should continue or whether one tour a year would be sufficient. Whilst not all those present felt that two tours a year are necessary, a significant number did. The British Horse Society expressed the view that having the two tours means that the welfare bodies know the condition of the animals going into winter and can then confidently counter any criticisms received later on about the management of the Forest stock.

The Head Agister said he is very pleased at how the Tour went. He added that if stock is not looking good at this time of year there is a problem. All the feedback from the Tour was positive and the Head Agister felt that the opportunity to talk to the representatives of the various welfare organisations and exchange information is as important as what they all see.

The Head Agister repeated he is happy at the condition of stock going into the winter although in the last week or so, one or two ponies do seem to be going back in condition. There is nothing awful but some are losing condition. As usual it is mares with foals and young ponies which are the problem. Some ponies have long tails and have clearly missed the drift. A close eye will be kept on these animals which will be removed as necessary. However, riding in the frosty, hard conditions is very difficult. The Head Agister summed up by saying that there are no major problems at the moment but after Christmas a few ponies may have to come off the

Forest. Fortunately the stallion scheme has been very successful and has resulted in very few foals being left on the Forest.

Returning to the subject of the number of tours which should be held, the Head Agister said he personally would like the present twice yearly tours to continue. He said the spring tour is always most revealing with the welfare representatives visiting the Forest when the stock is at its lowest ebb. If welfare representatives have seen the stock in the autumn they can confidently advise anyone who complains about the condition of stock that they saw the animals a month or so before and that they were all looking good at that time.

Finally, the Court agreed that the present twice yearly tours should continue and December and May are probably about the right times.

The next Welfare Tour will be held on Tuesday, 10<sup>th</sup> May 2011.

Mr Pasmore raised the problem of salt on the roads. Several recent road accidents involving commoners' animals have been attributed to animals being on the road licking the salt. Definitely two cows were recently lost as a result of this behaviour. The suggestion of putting out salt blocks was considered. However, it is felt that blocks might be subject to vandalism. Miss Macnair suggested salt blocks could be put on the feeding areas as they are usually further away from the roads and less accessible to the public. It was reported that a commoner at Hill Top near Beaulieu does put salt out for his animals and it is believed the practise does help keep the animals off the roads in that area. After some further discussion it was finally agreed that whilst the provision of salt blocks is worthy idea, the cost and logistics involved in distributing blocks throughout the Forest prohibits the suggestion being taken forward by the Court. There is, however, nothing to stop commoners putting salt blocks out on their feeding areas if they are minded to do so.

In a further attempt to reduce road traffic accidents, the Clerk will contact Radio Solent to see if they are prepared to broadcast a regular reminder to motorists to be aware of stock on the Forest's roads.

2010/5243 RECENT RTA INVOLVING A PIG

RESUME

Mr Kitcher advised the Court that he has been approached by a commoner concerning a recent RTA. Mr Kitcher asked for further details to enable him to answer any queries which may be raised by the commoner.

The Head Agister reported that in a recent RTA, a lady driver had collided with a pig. Her car was extensively damaged. The next day a pig was found lame in the vicinity of the accident. Three days after the accident a second pig was found dead a few hundred yards away, but there were no obvious injuries on the body.

The pigs are both owned by the same commoner and she asked for an accident report form to be issued in order that she may make a claim on the driver for the loss of the second pig. She says the pigs ran together and therefore she is convinced both pigs were involved in the one RTA.

However, because the second pig was not found for several days, and it was not found at the scene of the accident, it was decided to seek the

advice of the police before providing the driver's details to the owner of the pigs. A further reason for doubt is that a report has been received saying that another car was seen on the same evening being recovered from the roadside on the same stretch of road. The police are following up that report.

The present advice of the police is that the second pig should be recorded as a death possibly due to a separate hit and run RTA, although a police officer has made enquiries of the fallen stock company which collected the dead pig and they have been unable to confirm the cause of death of the animal.

In the meantime the owner of the pigs is unhappy because she has not received an accident report form.

The Clerk expressed concern about providing details of drivers to commoners when there is uncertainty about whether or not a particular driver is responsible for the accident.

Understandably the owner of the dead pig wishes to obtain compensation for the loss of her animal but it is important to ensure that the correct driver has been identified.

The Official Verderer thanked the Head Agister for his report. He said that the evidence currently available suggests that there may have been two separate accidents.

2010/5244 BYELAW ENFORCEMENT DISCHARGE

There are currently no known byelaws infringements.

2010/5245 DECLARATIONS OF INTEREST RESUME

The Elected Verderers, Mrs Thorne and Mr Maton all declared an interest in the Higher Level Stewardship Scheme. Mr Maton declared an interest in National Park planning matters.

2010/5246 FINANCIAL STATEMENT RESUME

The Financial Statement for November 2010 was approved.

2010/5247 EXPENDITURE REVIEW DISCHARGE

The expenditure review has taken place and several areas where savings might be made have been identified. Mr Deakin will meet with the Clerk and Head Agister to agree how to take this forward.

A recent letter addressed to the Official Verderer from the CDA, concerning the increase in marking fees will be circulated to all Verderers.

2010/5248 REPORT ON MARKING FEES RECEIVED AS AT END OF NOVEMBER 2010 RESUME

Ponies	4820	Pigs	552
Cattle	2246	Sheep	153
Donkeys	119		
SUB TOTAL	7185	TOTAL ALL ANIMALS	7770

- 2010/5249      **ANIMALS REMOVED IN NOVEMBER 2010 DUE TO POOR CONDITION**      **RESUME**
- 2 mares with foals
- Total year to date (June to November) – 559
- Total ponies removed November 2009 – May 2010 inclusive - 579
- June 2010 to November inclusive – 16 ponies, 3 cattle
- 2010/5250      **ROAD TRAFFIC ACCIDENTS IN NOVEMBER 2010**      **RESUME**
- The Agisters attended 25 accidents, which equals the number in the same period last year.
- 8 ponies, 2 cattle and 1 pig were killed  
2 ponies and 1 pig were injured  
22 accidents occurred during the hours of darkness  
20 involved private cars or light commercials  
3 accidents were not reported and have been logged as hit and runs  
13 involved local motorists
- The total killed and injured for the year to date is 84 compared with 104 for the same period last year.

#### **ENCROACHMENTS**

- 2010/5251      **ENCROACHMENTS – HOME FARM, BARTLEY**      **RESUME**
- The Official Verderer reported that the Solicitors have been asked to instruct the surveyor and his report is awaited.
- 2010/5252      **ENCROACHMENT – CANTERTON LANE**      **RESUME**
- Nothing has been done to abate this encroachment and the Clerk will approach the land owner one more time, warning him that at their next meeting the Verderers will most likely decide to commence legal action.

#### **MATTERS ARISING FROM PREVIOUS MINUTES**

- 2010/5253      **STALLION BLOODLINE DIVERSITY SCHEME**      **RESUME**
- The Clerk reported that she had presented a proposal for a scheme designed to widen the New Forest Pony gene pool to the HLS Advisory Group. The Group endorsed the proposals wholeheartedly and they will now go forward to the HLS Board for a final decision.
- The Project will need a Manager and the Official Verderer said the Clerk has offered to take on this role, guided and supported by the Stallion Sub-Committee. This met with the Court's approval.
- 2010/5254      **A36 FENCE**      **RESUME**
- The letter seeking support for the suggestion that the Highways Agency be requested to take over responsibility for the fence between the A36 and the Northern Commons has been sent.

- 2010/5255      ADVERTISING BOARDS ON FENCED ROADS      DISCHARGE
- The Clerk reported that the For Sale board on the A35 has been removed, again, and that she has approached the Highway Authority again regarding the Land Rover which is situated in the layby opposite the police station on the A337. The vehicle, which advertises the Waterloo Arms is still in its usual place, despite numerous requests to the Highway Authority to try to get it removed. It was agreed that there seems little point in continuing to pursue this even though its presence is doubtless in breach of planning/highway regulations.
- 2010/5256      ELLINGHAM SPORTS CLUB      RESUME
- The Clerk reported that the Agister for the area believes the sports club area is now tidy. However, she was unsure whether he has looked behind the pavilion where a quantity of old tyres and other materials have been stored in the past. Mrs Westerhoff undertook to inspect the site and report at the next Court.
- NEW SUBMISSIONS FROM THE FORESTRY COMMISSION**
- 2010/5257      ARDAN LODGE, GODSHILL WOOD – WATER PIPE      DISCHARGE
- The proposal from Aqua Care Business Delivery to replace the existing leaking underground water service pipe to this property was approved subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.
- 2010/5258      SETTHORNS CARAVAN SITE, WOOTTON, NEW MILTON – DISCHARGE  
ELECTRICAL WORKS
- The proposal to install a replacement underground cable supply to feed the existing hook up points on The Brow section of the site was approved subject to the usual conditions. The Court was keen to stress however, that no new hook ups may be installed.
- 2010/5259      NETWORK RAIL BEAULIEU ROAD VEGETATION CLEARANCE      DISCHARGE
- Following the recent site meeting, the proposals are agreed. The caveat is that if the prevailing ground conditions result in a risk of damage being caused the work must stop. In the event that damage is caused, it must be rectified to the satisfaction of the Verderers.
- It was noted that Natural England's consent has yet to be obtained.
- 2010/5260      IVY GUTTER BRIDGE REPAIR WORKS      DISCHARGE
- This matter was discussed at the November Court but was missed off of the Minutes. The Court confirmed it is happy with the proposals for the investigative works provided no vehicles are taken on site. There are a number of queries regarding the siting of the works compound and more details are required regarding access for the main works. For this reason, the matter will be resumed following completion of the investigative works.

2010/5261 A31 VEGETATION CLEARANCE

RESUME

Mrs Thorne attended the site meeting where proposals for vegetation clearance works at the Rufus Stone and Stoney Cross junctions were considered in detail.

Mrs Thorne reported that she is generally happy with the proposals which should not result in the loss of all the present screening. Enterprise Mouchel have stated that some of the fencing will be replaced with post and rail and this is welcomed. Enterprise Mouchel will be asked to confirm that the re-fencing will be concurrent with the vegetation clearance.

### SSSI RESTORATION WORKS

2010/5262 CAMEL GREEN, QUEEN'S MEADOW AND DRIVER'S NURSERY AND WARWICKSLADE

RESUME

Reports were produced by Mrs Westerhoff, and by Mr Pasmore and Mr Deakin jointly, following the site visit to these areas on the 20<sup>th</sup> November. Mr Pasmore also produced a photograph of a flooded area of Warwickslade which had been caused by a debris dam and demonstrating the potential consequences of similar obstructions in the area now being considered. A debate then took place about the proposed works around Queen Meadow.

Following these discussions, Mr Pasmore proposed that the Court approve the proposals for the works subject to the following conditions. Mr Deakin seconded the proposal which was approved unanimously.

1. In the engineering to be carried out, the FC must give a firm guarantee that on completion of the works, there will be a free flow of water through and out of the woodland across Queen Meadow, to the Verderers satisfaction, and that the serious blockages downstream in Driver's Nursery will be eliminated to facilitate this. If, in the Verderers' opinion, the work is unsatisfactory, the FC will return and carry out such work as the Court requires to ensure proper drainage. It is accepted that for short periods in times of flood, the water may overspill the banks of the new channel.
2. The Forestry Commission must give unequivocal assurances that the area will be kept free of debris dams on the Open Forest or in Queen Meadow to the extent that the latter impede flows on the Open Forest. Short term assurances and promises to "consider, monitor, review, or look at" future debris dams are not good enough.
3. The west and south flowing drains on Wide Lawn and between there and Queen Meadow must be cleaned out (as discussed at the site meeting) and must drain freely to the new channels.
4. No portable cut timber must be left on the floodplain of any stream to be filled or dug under this scheme.
5. Naturally fallen portable timber should be cleared back 50m from the same.

Condition 2 amended in January 2011. See 2011/5312

6. All waste materials arising from the works (waste heather bales, binder twine, hoggin piles, reject piles etc) must be cleared from the work area on completion and not spread over the Forest land.
7. The present Lymington River south west of Driver's Nursery and Queen Meadow must be left open to the extent and depth necessary to accommodate existing flows from drains to the south west without causing water to back-up in them.

The above conditions were decided upon by the Court in the light of discussions on the site and which are recorded in the numbered items below, and as a result of debate in the meeting as to the issues involved:

1. It was questioned whether the proposed engineering will provide adequate drainage for the woodland here or if, having regard to the minimal fall on the proposed route, the wood will instead become very wet, limiting access, potentially damaging the trees and resulting in a back-up of water into the drains on adjoining lawn.
2. It was noted that the upper sections of Warwickslade have become subject to repeated blockage by debris dams and that the site now under consideration is even more vulnerable to this problem (it is equally flat and in an area where branches fall naturally into the stream and where public use is high, inevitably resulting in more timber being thrown in). The Forestry Commission refuses to give more than a short term assurance on clearance of debris dams and, indeed, appears anxious that they should form in the interests of scientific conservation.
3. For the Commission it was repeatedly said that no grazing is immediately affected and that accordingly there will be no problem if debris dams develop. This was countered for the grazing interests by pointing out that access and animal safety are equally important considerations.
4. There is some growth of young oak trees around the margins of Wide Lawn and these should be cleared back to prevent loss of grazing. Richard Stride is to agree the details with the Forestry Commission.

2010/5263 LATCHMORE BROOK RESTORATION

RESUME

The Verderers had previously agreed the western part of this scheme and refused consent for that part lying near to Alder Hill Inclosure and including the lawn area to the Illuminated Target. Here the Court had been told that the drains on the lawn could not be cleared out or maintained because of conservation constraints and that their outlets would be closed off. That would, because of the levels, have resulted in the loss of the lawn. As a result of a further site meeting, it is now agreed with the Forestry Commission that:

1. The Forestry Commission will clean out the principal drains across the lawn, filling in a few redundant lengths. It will provide in advance plans showing which drains are to be cleared and which filled, for the Verderers' approval.
2. The drains are to be cleaned out and constructed beyond their present

limits so as to discharge water freely to the new stream.

3. All cleaning and construction work will be carried out and maintained thereafter to the satisfaction of the Verderers.
4. The Illuminated Target lawn will be protected in perpetuity by maintenance of its drainage as described above.

2010/5264      WARWICKSLADE – SITE VISIT 19<sup>th</sup> NOVEMBER 2010      DISCHARGE

This site visit followed a meeting in Queen's House. Its objective was to review the works already carried out at Warwickslade.

The report, prepared by Mr Pasmore following the meeting was adopted by the Court and it is appended to these minutes.

It is not always possible to be sure of the end result of restoration works, and therefore the Forestry Commission has said that it will do its best to get things right and will make follow up visits to make sure all is well.

2010/5265      PITTS WOOD      RESUME

Revised proposals are expected in January in respect of works on this site.

2010/5266      SSSI RESTORATION MEETINGS      DISCHARGE

Mr Pasmore expressed concern at the number of site meetings that have been arranged recently. The Court agreed.

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

2010/5267      PAYMENTS      DISCHARGE

The Official Verderer confirmed that the cheques have been sent out.

2010/5268      HISTORIC ENVIRONMENT      DISCHARGE

The meeting was deferred due to the snow.

2010/5269      BIODIVERSITY AND LANDSCAPE      DISCHARGE

This meeting is scheduled to take place tomorrow.

Mr Pasmore asked the Court to clarify its position regarding the proposal to protect ancient monuments with chicken wire. The Court agreed unanimously that chicken wire is not safe for stock and therefore should not be used on the Open Forest.

2010/5270      STATUS OF HLS PROJECTS      DISCHARGE

The Official Verderer explained that until projects are approved by the Board, they are merely proposals. A simpler way of presenting projects was suggested – perhaps by way of a list with a single sheet explaining each proposal, in place of a full PCD.



2010/5271    HLS – OTHER PROPOSALS    DISCHARGE

Mr Pasmore reported that a proposal was submitted for clearing concrete and filling manholes on Beaulieu Aerodrome. The proposals do not include the unbroken areas although it is possible some of those areas may be reduced in size and consideration may be given to whether some of the old airfield roads could be taken up.

#### **NEW FOREST NATIONAL PARK**

2010/5272    REVIEW OF GOVERNANCE    RESUME

The Official Verderer will draft a response for consideration by the Court in January.

2010/5273    ACCESS FORUM    DISCHARGE

The Access Forum has been asked for a list of priorities for the Corporate Plan.

2010/5274    RECREATION MANAGEMENT WORKING GROUP    DISCHARGE

Mr Deakin attended this meeting. He queried whether the Court has signed up to the Recreation Management Strategy Plan as he thought there are a number of things which appear to go against the Verderer' policies. It was confirmed that whilst the Court commented on the Plan, it did not sign up to it.

#### **OTHER AGENDA ITEMS**

2010/5275    COMMONERS' CENSUS    DISCHARGE

The Official Verderer reported that a new census is to be carried out by Dr Jo Ivey. It will hopefully produce very useful information about how the HLS scheme can support commoners. It will also include a section specifically covering Young Commoners.

2010/5276    YOUNG COMMONERS MEETING    DISCHARGE

The meeting was postponed and an alternative date has yet to be arranged.

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

2010/5277    EQUINE FORUM    DISCHARGE

Miss Macnair reported on the recent meeting of the Equine Forum. Items discussed included the issue of buildings or facilities situated outside the immediate cartilage of a property being rated as non-domestic. Stables on commoners holdings will be rated at 40p in the pound if more ponies than cattle are kept.

2010/5278    BRITISH HORSE SOCIETY BREEDS COMMITTEE    DISCHARGE

Miss Macnair reported on this meeting, where discussions included the risk of Olympic Horses in 2012 possibly bringing exotic diseases into the UK.

2010/5279 DEFRA - RESPONSIBILITY AND COST SHARING FOR ANIMAL DISCHARGE  
HEALTH AND WELFARE

Mrs Thorne reported that the group has now presented its report. Defra will consider this and make recommendations to Government in January.

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

RESUME

No staff matters were raised at this meeting.

**TRAINING**

RESUME

No training is currently being undertaken.

**HEALTH AND SAFETY AT WORK**

2010/5280 LONE WORKERS

RESUME

The Clerk will discuss the issue of lone working with the Head Agister.

**ANY OTHER BUSINESS**

2010/5281 JANUARY COURT

DISCHARGE

The Official Verderer advised that Dame Mary Fagan, the Lord Lieutenant of Hampshire, will be attending the January Court.

There was no further business and the meeting closed at 12.45 p.m.