

**MINUTES of the Court of Verderers held on Wednesday 14<sup>th</sup> December 2016 at 9.30 a.m. in the Library, the Queen's House, Lyndhurst.**

PRESENT:	Mr R Deakin Mr A B Dowsett Mr J Greenwood Cllr E Heron Miss D Macnair MBE Mr G M H Mills DL Mr A H Pasmore Mr D Readhead Mrs D Westerhoff	Elected Verderer & Staff Committee Chairman Forestry Commission Appointed Verderer Elected Verderer National Park Appointed Verderer (from Min. 8951) Senior Elected Verderer DEFRA Appointed Verderer Elected Verderer Elected Verderer Natural England Appointed Verderer
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APOLOGIES: Mr Dominic May Official Verderer

IN ATTENDANCE: Miss Sue Westwood Clerk to the Verderers

2016/9008 CHAIRMAN DISCHARGE

In the absence of the Official Verderer, it was agreed that Elected Verderer Mr Deakin should take the chair.

2016/9009 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on Wednesday 16<sup>th</sup> November 2016 were approved and signed.

2016/9010 DECLARATIONS OF INTEREST RESUME

The Elected Verderers Mr Deakin, Mr Greenwood and Mr Readhead all declared an interest in the New Forest Higher Level Stewardship Scheme, the Verderers Grazing Scheme, and the new Basic Payment Scheme. Mr Pasmore declared an interest in the new Basic Payment Scheme.

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

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

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.



Ponies, Cattle & Donkeys on the Forest	9100	8202
Ponies, Cattle & Donkeys on the Commons	2000	1952
Total Ponies, Cattle & Donkeys	11100	10154
Total Stock – Forest & Commons	11769	10821

2016/9016 THE ANIMAL ACCIDENT REPORT FOR NOVEMBER 2016 RESUME

The Agisters attended 22 accidents in November. This compares with 21 in November last year.

3 ponies, 1 cow and 2 donkeys were killed, 6 ponies and 1 cow were injured and had to be destroyed, 5 ponies were injured and in 4 instances nothing was found. 2 of the ponies killed were wearing reflective collars.

15 accidents occurred in the dark, 2 at twilight and 5 in daylight.

All of the accidents were reported.

None of the motorists involved were local.

**Mr Bruce Rothnie, Deputy Surveyor and Mr Paul Grugeon, Land Agent (New Forest) joined the meeting.**

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

2016/9017 CROWN LANDS CYCLE ROUTE DISCHARGE

The Forestry Commission sought the renewal of the Verderers' consent for the existing network of way-marked cycle routes on gravel tracks on the Crown Lands for the three calendar years of 2016, 2017 and 2018. The Deputy Surveyor said the previous consent expired at the end of 2015 and he apologised for omitting to seek further consent before now.

Concern was expressed by two members of the Court who have noticed that several signs advising where cycling is not permitted are missing. The Deputy Surveyor said the Ranger Team will conduct a review of all cycling signage and will ensure that everything is in place. He asked members of the Court to assist by passing details to the Clerk of where signs are missing. The Clerk will then forward the information.

Consent was agreed on the condition that the missing signs are replaced or added where it has been agreed that signs are necessary and that the Forestry Commission will ensure that the way-markers are maintained in position.

In response to an enquiry as respects possible changes to the network, the Deputy Surveyor said that those who are discussing alterations are mindful of the sensitivities surrounding this subject and proposals will be brought to the Court in due course.

2016/9018 SOUTHERN GAS CONNECTION TO BOUNDWAY GATE DISCHARGE

The proposal to lay a new gas connection to Boundway Gate, Boundway Hill, Sway was approved subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing.

It is understood that the method of installation is moleing.

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

- 2016/9019 BT OPENREACH BROADBAND CONNECTION TO RHINEFIELD HOUSE HOTEL RESUME  
February  
2017
- No work has been undertaken yet. It has, however, been ascertained that the duct does not go all the way to Rhinefield House and therefore BT Openreach will submit a formal proposal for the work which will be required to lay a connection in due course.
- Consideration will be given to the best way of crossing the stream. BT has been advised that the cable will have to be buried. A proposal to erect on telegraph poles either side of the stream with the cable strung between them has been dismissed by the Forestry Commission.
- 2016/9020 BT CABLE AT CROCKFORD RESUME  
March 2017
- It transpires the cable has been in situ for 26 years and was previously hidden by a tree which has now been cut down as it was likely to fall into the stream.
- At the site meeting on Monday 12<sup>th</sup> December attended by Mr Richard Deakin, Mr Paul Grugeon, Mr Sean Marsh and Mr Graham Blomfield of BT. There was uncertainty as to whether sufficient cable is available to completely bury it. This is a main supply feed which would be extremely difficult to break and extend. At present the suggested course of action is for an attempt to be made to excavate and lower the height of the cable on the west side of the stream and then try to weigh it down with some of the concrete which is strewn along the stream bed. Mr Blomfield has been tasked with seeking the advice of BT's engineering team.
- 2016/9021 BT OPENREACH BROADBAND DSLAM CABINET BROCKENHURST 1, RHINEFIELD ROAD & NEW HOGGIN GRAVEL FOOTPATH – SOUTH SIDE OF WATERS GREEN – REALIGNMENT OF A377 FENCE DISCHARGE
- The Clerk reported that Mr Tim Lawton at Hampshire County Council Highways has advised that it is hoped the work to realign the A337 fence opposite Brockenhurst College will commence on Monday 19<sup>th</sup> December 2016.
- 2016/9022 CAMPING IN THE FOREST – HOLMSLEY CAMPSITE BARE PATCHES LEFT BY 'GLAMPING' TENTS & PERIMETER FENCE DISCHARGE
- The Deputy Surveyor advised the Court that he has recently met with Camping in the Forest (CITF) management. A number of matters were discussed including the damage caused by 'Glamping' tents which clearly have not been moved in accordance with the agreement and also the condition of the perimeter fence. The Deputy Surveyor said he felt CITF must be given the opportunity to do better next year. It was agreed that if the policy/procedure for moving tents is inadequate and damage is the result, it must be altered and adhered to.
- Mr Deakin said it is essential to keep an eye on what is happening on the campsite in order to ensure compliance with all the conditions. 21 days is the maximum time that a tent may be left in situ and tents must not be moved back onto a previously used site until the grass has had a chance to fully recover.

As respects the perimeter fence, the Deputy Surveyor said that CITF is arranging for a contractor to repair or replace it.

Whilst inspecting the site, Forestry Commission staff found a significant amount of debris and rubbish around the site and CITF has arranged for it to be cleared.

### SSSI RESTORATION WORKS

2016/9023 REPAIR AND MAINTENANCE LIST RESUME

The Deputy Surveyor provided an updated list.

The top two items have been on the list since 2014 and the Court asked that the necessary works be undertaken without further delay. The Deputy Surveyor agreed to ensure the necessary works are completed as soon as possible.

Action  
DS

### ACTION LIST

2016/9024 ACTION LIST RESUME

The Deputy Surveyor provided an updated list.

2016/9025 NEW PARK FENCE DISCHARGE

The Deputy Surveyor undertook to provide the Clerk with information regarding the current situation. The Court hopes that some of the fields can be used for colts belonging to the Bloodline Scheme but the fencing needs to be in good condition.

Action  
DS/ Clerk

2016/9026 WOODGREEN CRICKET CLUB RESUME

It was pointed out that the Cricket Club is still effectively operating without consent as the Licence expired in 2012.

Action  
PG

Cllr Heron said that the Club has been in touch with him to explain its concern that there has been some misunderstanding in respect of the practice wicket and cover. It was suggested that an elected Verderer should meet the Club. The practice wicket consists of Astro turf over gravel and it does require a protective cover. The Club would welcome suggestions as to how this may be acceptably achieved. Other clubs have Astro turf wickets but they lay them on the days of play. In those cases, the base is concrete.

Mr Pasmore and Mr Readhead agreed to meet the Club and Cllr Heron will ask the Club to suggest some dates.

Action  
EH/AHP/DR/  
Clerk

A report has also been received that the Club is mowing its outfield. However, enquiries have revealed that in fact the outfield is being harrowed. It is felt that Natural England would not approve as the land is part of the New Forest SAC and it was questioned whether the practice is permitted in the Club's Management Statement. This will also be discussed at the site visit and meanwhile, the Deputy Surveyor undertook to find the previous Licence for the Club and check on the conditions included therein.

Action  
DS

2016/9027 BRAMSHAW GOLF CLUB DISCHARGE

Mr Readhead told the Court that he has received a report that a herd of cattle stampeded after a very noisy towed leaf blower was used on the course. He questioned whether this is allowed as part of the Club's licence. The use of the towed blower is considered to represent a serious health and safety issue to members of the public. In response, the Deputy Surveyor suggested that the use of the leaf blower may be allowed in the Club's licence and he agreed to check. If it is not permitted, the Club must be informed.

Action  
DS

#### ENCROACHMENTS

2016/9028 ENCROACHMENTS LIST RESUME

The Forestry Commission's Land Agent provided an updated list.

2016/9029 1-2 FOX COTTAGES DISCHARGE

The track is reverting to grazing as a result of cattle movement.

2016/9030 BOUNDARY COTTAGE, BRAMSHAW TELEGRAPH RESUME

Mr Pasmore repeated his concern that the gravelled area outside the cottage has increased. The Land Agent was going to check the extent of the gravel to see if it complies with the licence but the Deputy Surveyor was uncertain whether this has been done. Mr Dowsett said he has noticed that the area of gravel appears to have been extended.

Action  
DS/PG

2016/9031 COMPENSATION AND MITIGATION DISCHARGE

It was suggested that a list be maintained of areas where land has been taken from the Forest as a result of accesses, developments etc., where exchange land has not been available. The importance of differentiating between compensation and mitigation was stressed and Mr Pasmore and the Clerk committed to finishing the paper they have been drafting on the subject.

Action  
AHP/Clerk

The Clerk pointed out that the details of the areas involved must come from the Land Agent as has been the practice in the past, since she does not have the information that is required.

Action  
PG

2016/9032 GRAHAM WILSON – RETIRED FORESTRY COMMISSION ESTATES KEEPER DISCHARGE

The Court wishes to express its appreciation to Mr Wilson for the quiet and efficient way in which he has dealt with various encroachments and other issues during his 52 years of service with the Forestry Commission. The Clerk was requested to write a letter of thanks.

Action  
Clerk

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

2016/9033 CAR FREE DEFENCES - WORKS AT WOODGREEN DISCHARGE

Mr Dowsett wished to thank the Forestry Commission for the verge protection works it has carried out in the Woodgreen area. The promised completion date of Christmas has been met.

Mr Pasmore, however, expressed concern that the works are not yet complete. He felt the works are not comprehensive and some areas which need protection have been left. In particular he felt the area around keepers cottage to be particularly vulnerable from over-running vehicles and a solution is needed.

In response Mr Dowsett and the Deputy Surveyor said that the works that have been completed are those which have been agreed in consultation with the Parish Council. Further consultation will be required before any more work is undertaken. In the meantime it was agreed to keep a watching brief in order to ascertain whether further measures are required. All agreed there is no point in undertaking ditching or putting in dragons teeth if they are not required.

Action  
FC/BD/AHP

2016/9034 HOLLY CUTTERS DISCHARGE

A self-propelled elevated platform is being used by some holly cutters and damage is being caused to the ground. It was questioned whether the Forestry Commission has approved the use of this machine. In addition, a quantity of string was found on the Forest.

The Deputy Surveyor responded saying the holly cutters responsible have been spoken to on both counts. The Forestry Commission feels that as there is gravel under the area where the machine has been used, no lasting damage has been caused.

2016/9035 FALLEN TREES IN PENERLEY WOOD RESUME

The situation in Penerley Wood where fallen trees are blocking rides is considered to be unacceptable. The Forestry Commission was asked to look at removing the trees including some heads of trees in which animals can easily be trapped.

February  
2017

Members of the Court felt there is an increasing issue with the quantity of dead wood left lying in the Forest. Along the Bolderwood Road, wood has simply been pushed back. Whilst it is accepted that a certain amount of wood must be left for ecological reasons it very much depends where it is. If it is on grazing it is unacceptable but trees are often not removed.

In the driftways around New Park some good clearance work has been carried out. Elsewhere, there is once again a gradual accumulation which the Court feels strongly needs to be addressed.

Action  
DS

On a positive note, Mr Readhead commented that at Hawkhill, Furzey Lodge and Rans Wood the process of scrub clearance and tidying of the driftways has been a success.

The Deputy Surveyor undertook to take up the matter with Natural England.

- 2016/9036 UNDERPASSES DISCHARGE
- The Clerk advised that she has been asked to contact Hampshire County Council Highways regarding the underpasses at Whitley Wood and Lyndhurst Racecourse. A quantity of spiny oak has been thrown into the Whitley Wood underpass, probably by members of the public trying to access the underpass without walking through the deep mud that has accumulated. Mr Greenwood said the underpass is dangerous to stock and is now all but impassable on a horse. The Lyndhurst Racecourse underpass drains need clearing.
- The Deputy Surveyor and Cllr Heron agreed to liaise as respects clearing the spiny oak from the underpass at Whitley Wood.
- Action  
Clerk  
DS/JG
- 2016/9037 COMMONERS' DWELLING AT BLACKFIELD DISCHARGE
- Following the recent rain, builders working on the new commoner's dwelling at Blackfield have been obliged to park outside. The owner of the new property has advised the Clerk that he has ordered base material to be delivered to resolve situation inside the holding. As soon as it arrives and has been laid, vehicles will once more park within the property curtilage.
- 2016/9038 BARKING PONIES DISCHARGE
- Ponies have once more been seen stripping bark from trees in Mark Ash and at the top end of Bolderwood. The Deputy Surveyor said he is discussing the issue with Natural England this afternoon and proposals, which may include fencing, will be brought to the Court.
- The Deputy Surveyor and Mr Deakin will liaise.
- The Deputy Surveyor and the Land Agent left the meeting. However, the Deputy Surveyor returned a short time later for the following item only.**
- 2016/9039 ICE CREAM SALES DISCHARGE
- This item was due to be postponed until the January Court, however Mr Readhead proposed it be discussed now. Mrs Westerhoff seconded the proposal. Seven members of the Court voted in favour, one voted against and there was one abstention.
- The request for consent for a further three years (2017-2019) with two exchange sites was approved. Two sites being removed are Wootton Bridge and Longslade Bottom Car Parks. These sites will be replaced by Cadnam Cricket Pitch (in the car park not in the layby outside) and Dibden Inclosure Car Park. All other sites remain unchanged from the previous consent. A full list of sites covered by the renewal request was provided.
- The Court asked for confirmation that the ice cream sales operators are required to keep the Forest in the vicinity of their vans clear of litter. The Deputy Surveyor confirmed this is the case and he undertook to provide details to the Clerk as soon as possible after the meeting.
- Action  
DS
- Details as follows were provided two days after the meeting.
- The wording of the relevant clause in the licences is as follows:*



*"The trader must provide at least two adequate litter receptacles on or in the immediate vicinity of his trade vehicle. These receptacles must be prominently displayed throughout the period of trading. At the close of each day's trading the trader must ensure that the Forest is cleared of all litter waste associated with his trading within a radius of two hundred metres of the trading locations. Used cartons and cases are to be taken away by the trader and not deposited in Forestry Commission litterbins."*

**The Deputy Surveyor left the meeting**

**OTHER MATTERS ARISING**

2016/9040 BYELAW ENFORCEMENT RESUME

The commoner who breached the byelaw by failing to remove a dead cow from the Forest when told to by the Agister and was penalised under the VGS has appealed the decision.

It was agreed that three Verderers with no prior direct involvement in the matter should consider the evidence and confirm whether the byelaw was breached and whether the commoner could have practicably complied with the original request by the Agister to remove the dead animal. A view on the penalty imposed was also invited. The three Verderers are Miss Macnair, Mr Heron and Mr Greenwood. A decision before Christmas was requested.

Action  
DM/EH/JG

2016/9041 BASIC PAYMENT SCHEME RESUME

The draft paper prepared by Mr Pasmore was considered. Mr Greenwood said what is needed is a brief statement to take to the meeting. Mr Heron suggested a derogation should be sought from any national scheme which may be introduced, so that a special scheme can be designed for the New Forest. In other words, a tailor made solution is required. Mrs Westerhoff said that in her opinion any scheme would need to be linked to the nature conservation interest of the Forest. Mr Greenwood, Mr Pasmore and Mrs Westerhoff will continue to consult and produce a final paper.

2016/9042 HYDE COMMUNITY BROADBAND PROJECT DISCHARGE

Consent was sought for four broadband cabinets and associated cabling. The locations are:-

Fordingbridge 17 – Hungerford Crossroads, Hyde  
Fordingbridge 18 – South Gorley Green  
Fordingbridge 19 – Opposite Scots Orchard, Frogham Hill on Stuckton Rd  
Fordingbridge 20 – Outside No.1 The Paddock on Abbotswell Rd

Comprehensive details were provided and had been circulated in respect of all four cabinets prior to today's meeting.

The proposals have been submitted to the New Forest National Park Authority as separate applications to be assessed as either Prior Notifications or Prior Approvals.

Fordingbridge 17 and Fordingbridge 18 both require a Habitats Regulation Assessment as they lie within the New Forest SAC and HRAs are being prepared for Natural England's approval.

All installations will be carried out in accordance with Natural England's Method Statement for pipe and cable laying as a matter of good practice, regardless of whether they are on SSSI.

Subject to all necessary consents being in place, the Court was pleased to give its approval for these four cabinets and associated cabling.

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

2016/9043 NATIONAL GRID PROPOSALS FOR UNDERGROUNDING THE HIGH VOLTAGE PYLONS AND LINES IN THE NORTH OF THE FOREST DISCHARGE

Mr Dowsett attended a meeting arranged by National Grid for local stakeholders. A representative of the New Forest Commoners' Defence Association was also present. All aspects of commoning are being taken into consideration. National Grid had also held a meeting on Hale Purlieu, which was attended by two local commoners.

2016/9044 GREAT BRITISH SPRING CLEAN DISCHARGE

Mr Dowsett reported that arrangements are well underway for this event which will take place from the 3<sup>rd</sup> to the 5<sup>th</sup> March 2017. The event will follow the same format as last year's 'Clean for the Queen'.

2016/9045 ASH DIEBACK DISCHARGE

Miss Macnair attended the New Forest Consultative Panel where an update on Ash dieback was heard. It was reported that the disease is now widespread. There is a theory that unlike Elm, which was bred in only a few nurseries, because Ash is a native species, the genetic variety may offer some protection. Anyone walking through Ash woods is requested to clean their boots before walking elsewhere. Other than that, little can be done to reduce the spread of the disease.

#### **FINANCIAL MATTERS**

2016/9046 FINANCIAL STATEMENT FOR NOVEMBER 2016 RESUME

The Financial Statement was noted.

#### **ANY OTHER BUSINESS**

2016/9047 HAMPSHIRE COUNTY COUNCIL HIGHWAYS MAINTAINED FENCING RESUME

Cllr Heron said the County Council's view is that they will move to two types of fencing; one for high risk routes which will be post and rail and the other for lower risk routes which will be post and wire. Post and rail is budgeted to be some 30% more expensive than post and wire. Cllr Heron said he will be having further discussions. Meanwhile, a risk and repairs programme needs to be agreed with decisions on the type of fencing required based on the number of escapes by stock and the speed of the traffic. A sub-committee consisting of Cllr Heron, Mr Tim Lawton from HCC, the Head Agister and the Clerk will meet to discuss and agree a way forward.

Action  
EH/HA/Clerk

2016/9048 DURMAST COTTAGES

DISCHARGE

Miss Macnair reported that she attended a recent site meeting at Durmast Cottages. No. 2 Durmast Cottages has never benefitted from a vehicular access and a parking area has been created outside the property curtilage which does not have consent. At the site meeting it was felt the way forward is to allow a new vehicular access to be created for No. 2 with the area of gravel outside being allowed to reinstate and car free defences constructed to prevent future parking. The Court considered this proposal which was unanimously approved.

#### HEALTH & SAFETY

2016/9049 DRIFT REVIEW

DISCHARGE

A review meeting was held after the drifts as usual. There was nothing specific to report to the Court. Any changes to car park and cycle route closures will be discussed with the Forestry Commission.

2016/9050 INSURANCE REVIEW

DISCHARGE

The Court's insurers conducted an audit during which they visited the office and discussed risk assessments etc., with Mr Deakin, the Head Agister and the Clerk and they were then taken out to inspect Markway pound. They all went away happy with what they had seen.

There was no further business and the meeting closed at 1.40 p.m.

*Dominic May*  
*Official Verderer*  
*22<sup>nd</sup> February 2017*