

MINUTES of the Court of Verderers held on Wednesday 19th December 2018 at 9.30 a.m. in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

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

IN COMMITTEE in the Library

2018/10191 MINUTES OF THE LAST MEETING RESUME

The Minutes of the meeting held on Wednesday 21st November 2018 were approved and signed.

2018/10192 DECLARATIONS OF INTEREST RESUME
October
2019

Declarations of interest can be found on the Verderers' website – www.verderers.org.uk. The Declarations of Interest will be reviewed in October 2019.

Mr Mills declared an interest in any discussions regarding the proposed restricted byway from Bisterne Common to Burley.

2018/10193 CONDITION OF STOCK & THE WELFARE TOUR OF THE FOREST RESUME

The Head Agister reported on the Welfare Tour which was held on Friday 7th December. Some animals were eventually located on what was a really wet, miserable day. All the animals had tucked themselves away and as a result fewer animals than usual were seen. However, all those which were located, were seen to be in very good condition and everyone who attended the tour was happy. The conversations which take place on the buses are felt to be very useful as is the discussion in the Verderers' Hall after the Tour.

The Head Agister went on to say that the animals are looking well going into winter although the very dry summer, which led to a reduction in food on the Forest, followed by the recent wet weather and some cold and frosty nights, is having an effect, with a few animals beginning to lose condition. In addition, there appear to be more young ponies - yearlings, two and three year olds - still on the Forest this winter. Together with mares with foals, these animals will need to be watched carefully in the coming months.

It was noted that the animals are eating holly and gorse earlier than usual. The Forestry Commission will be undertaking some pollarding in January but concentrating mainly on tracks and rides so it may not amount to very much.

The Agisters are busy marking cattle whilst assisting commoners with TB testing.

Returning to the subject of the Welfare Tour, the incident on Whitefield Moor where a number of ponies ran to the bus was noted. This is a very good illustration of the negative effect the feeding of ponies by members of the public is having.

In response to a query regarding who is invited to attend the Tours, the Clerk explained that the list is reviewed each year and new people are invited where appropriate. Mr Deakin commented that the interests have widened over the years. In the early days of the Tours, the purpose was directed towards public relations and ensuring the Welfare organisations were content with the condition of the stock. In recent years, more emphasis has been placed on educating attendees on commoning, its effect on the Forest and how stock is managed.

2018/10194 MARKING OF CALVES

DISCHARGE

A detailed discussion took place regarding when marking fees should be payable for young animals. The byelaws state that calves over 4 months of age must be marked and paid for. However, recently some commoners have requested the Agisters to mark calves which are no longer with the cows. In some instances, for welfare reasons the Agisters have declined. The Court supported that decision. Young calves without their dams cannot be turned out on the Forest.

Action
Clerk

2018/10195 THE ADDED AREAS AND CONCESSIONARY RATES OF MARKING FEE

DISCHARGE

A discussion took place on the number of animals for which marking fees at concessionary rates should be accepted. Reference was made to the Commons Agreement which is due to expire in 2025.

The Head Agister left the meeting

2018/10196 NATIONAL GRID'S PROPOSALS FOR UNDERGROUNDING THE HIGH VOLTAGE POWER LINES IN THE NORTH OF THE FOREST

DISCHARGE

National Grid has advised that the tunnelling option, suggested by Hale Parish Council is not an option in the Forest. The environmental impact would be huge and unacceptable in the Forest.

A design for underground junction boxes has now been identified which will be a significant visual improvement on those originally proposed.

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

MATTERS ARISING FROM MINUTES OF PREVIOUS COURTS OF CONCERN TO THE FORESTRY COMMISSION

2018/10197	BT FIBRE OPTIC DUCTING INSTALLATION – HIGH CORNER INN, LINWOOD	DISCHARGE
	<p>This item was resumed from the April Court (2018/9830). Following a site meeting with BT, it was agreed the cables which have to cross the ford will now be placed underground.</p>	
2018/10198	INCIDENT AT ASHURST BETWEEN A MEMBER OF THE PUBLIC AND A HERD OF LEGALLY DEPASTURED CATTLE	DISCHARGE
	<p>Nothing further has been heard following this incident and therefore, it was decided the matter should be discharged from the minutes.</p>	
2018/10199	CONTROL OF DOGS / CONFLICTS BETWEEN LIVESTOCK AND THE PUBLIC	RESUME
	<p>There is little relevant legislation on commercial dog walking. It is felt that dogs being walked by their owners are just as likely to cause problems with stock as those being walked by commercial dog walkers.</p>	
	<p>A discussion took place regarding whether a Public Space Protection Order could be used to manage out of control dogs and other issues. The Deputy Surveyor agreed to review the basis for such Orders.</p>	Action DS
	<p>The CROW Act was not enacted where existing rights of access were in existence. In the Forest, the Law of Property Act 1925 applies. The CROW Act could cause significant difficulties for Forest operations and the Deputy Surveyor felt, therefore, that imposing it in the Forest would be counterproductive. The Deputy Surveyor agreed to consider the suggestion from Mr Pasmore that it would be helpful to have further information on websites to explain this.</p>	Action DS
2018/10200	ANIMAL ACCIDENT / EMERGENCY CARDS	DISCHARGE
	<p>The Court feels that the cards should include a sentence asking people to report any accidents as soon as possible in order to avoid unnecessary suffering. The Clerk will discuss this with the NFNPA which produces the cards.</p>	
		Action Clerk
2018/10201	SSE REPLACEMENT POLES – BANK / ALUM GREEN / HOLIDAYS HILL	RESUME February
	<p>A site meeting with BT will be requested in order to agree which stretches of line can be undergrounded.</p>	
		Action PG
2018/10202	SUGGESTIONS FOR UNDERGROUNDING OF SSE LINES	DISCHARGE
	<p>Mr Pasmore suggested undergrounding the line from Stoney Cross to Blackthorn Copse which is on private land at Canterton. The Clerk will add this to the list she is creating. The Official Verderer asked members of the Court to let the Clerk have details of other lines which might be suitable for undergrounding.</p>	
		Action Clerk All

- 2018/10203 LOCAL PLAN DISCHARGE
- The Official Verderer is working on a suitable response. Action OV
- 2018/10204 EAST BOLDRE VILLAGE HALL – PROPOSED SHOP DISCHARGE
- The Forestry Commission has received the legal advice it was seeking on whether or not it can permit a village shop to operate from the village hall.
- The advice received is that for the Forestry Commission to provide a licence for a shop within the village hall, it would need to be satisfied that the use is consistent with its powers under Section 23 of the Countryside Act 1968. In essence, if the village hall is deemed to be a recreational facility then the Act only allows works that are ancillary to that primary purpose. Whilst the Hall does provide a recreational facility, a shop would not be considered ancillary to that purpose.
- Mr Grugeon asked if the Court can provide an indication of its likely response to an application to improve the village hall by demolishing the present extensions and replacing them with something more in keeping with the original building and the surrounding area. In response the Court confirmed that subject to agreeing the details, its response to such a proposal is likely to be positive.
- 2018/10205 PROPOSED RESTRICTED BYWAY – BISTERNE COMMON BOUNDARY WITH THE FOREST AT DUR HILL TO BURLEY RESUME
March 2019
- Mr Grugeon had nothing further to report at this meeting. He asked for the matter to be resumed in a few months' time.
- 2018/10206 MEDIA TRAINING RESUME
- The Official Verderer will take this forward.
- 2018/10207 FAWLEY WATERSIDE DISCHARGE
- A very good presentation by Mr Aldred Drummond on the development was heard by members of the Court at a meeting convened in Fawley Power Station.
- The proposed new development will provide local recreational facilities for the residents of the new homes.
- The Court very much welcomed that initiative but expressed concern that attempts may be made by other developers in the area to use the declared over provision of Suitable Alternative Natural Greenspace (SANG) in Fawley Waterside, to mitigate the effects of a lack of recreational land in their proposed developments.
- The Court was, however, assured that the SANG land will remain in the ownership of the Manor of Cadland which will enable it to be properly managed.
- The management of the livestock associated with the new development will remain solely the responsibility of Fawley Waterside/Cadland Manor.
- The Official Verderer will write to Mr Drummond thanking him for his presentation and expressing the Verderers' views. Action OV

2018/10208	NEW FOREST GOLF CLUB (LYNDHURST) & BRAMSHAW GOLF CLUB (FOREST COURSE)	RESUME
	<p>Mr Grugeon said he wrote to the three Forest Golf Clubs, Burley, Bramshaw and New Forest (Lyndhurst) advising them to jointly appoint an agronomist to properly assess their needs and advise on the use of chemicals on the Forest golf courses. They declined. Mr Grugeon will go back to the Clubs and repeat the request. He will warn that failure to provide the requested information may result in the use of any chemicals on the courses being banned altogether.</p>	Action PG
2018/10209	BRAMSHAW GOLF COURSE TEMPORARY FENCING AND OVERSPILL CAR PARK	DISCHARGE
	<p>Mr Grugeon was asked to contact the Bramshaw Golf Club to ensure the temporary fences which are currently in place, are only those permitted in its lease. In addition, he will remind the Club that they must keep the barrier on the overspill car park shut and locked. Failure to do so may result in the installation of a different padlock.</p>	
2018/10210	A 31 CATTLE GRID AT CASTLE MALWOOD HILL	RESUME
	<p>The problem with the cattle grid has not been resolved. An unsatisfactory email has been received from the Highways England's contractors. The Clerk has now written a strong letter to the Chief Executive of Highways England and the Official Verderer has forwarded a copy to Dr Julian Lewis MP.</p>	
2018/10211	AVERAGE SPEED CAMERAS ON THE B3078.	RESUME
	<p>The Official Verderer met the Chief Constable, Ms Olivia Pinkney QPM MA and has written to her asking for her help in installing average speed cameras on the B3078.</p>	
2018/10212	VISIT BY JULIAN GLOVER RE THE NATIONAL PARKS' REVIEW	DISCHARGE
	<p>The Official Verderer wrote to Mr Glover in response to the Review Panel's call for views. It is understood the Commoners' Defence Association has also written.</p> <p>The Forestry Commission has made a national response. Mr Mills requested a copy and the Deputy Surveyor will provide him with a copy.</p>	Action DS
2018/10213	REVISION OF THE VERDERERS' BYELAWS	RESUME February
	<p>A summary of the advice was circulated. The Court agreed with Counsel's advice, that an impartial assessment of the impact of the current stock numbers on the grazing, should be commissioned. The Official Verderer agreed to discuss this further with the Forestry Commission and the New Forest National Park Authority.</p>	Action OV
2018/10214	ACCESS TRACK TO THE KEEPERS COTTAGE AT CHURCH PLACE, ASHURST	DISCHARGE
	<p>The Forestry Commission has decided to install a gate where the track narrows. It will consist of a wide vehicle gate with an adjacent pedestrian gate.</p>	

SSSI RESTORATION WORKS

2018/10215 REPAIR AND MAINTENANCE LIST

RESUME

There are currently no issues on the SSSI Repair and Maintenance List

ENCROACHMENTS INVOLVING THE FORESTRY COMMISSION

2018/10216 ENCROACHMENT LIST

RESUME

The Forestry Commission is working to resolve two encroachments.

ACTION LIST

2018/10217 ACTION LIST

RESUME

An updated Action List was provided.

ANY OTHER BUSINESS INVOLVING THE FORESTRY COMMISSION

2018/10218 BT BROADBAND PROVISION IN THE NEW FOREST

RESUME
February

A meeting has been requested by Mr Nigel Marris, Project Manager responsible for the provision of Fibre Cabinets in Hampshire for Super-Fast Broadband. A number of cabinets are due to be installed in the New Forest in the next year and it is hoped that BT and the Verderers can agree a way forward which will avoid previous issues over the siting of the cabinets and the route of the cabling.

Verderers indicating they would like to join the meeting are the Official Verderer, Mr Dowsett, Mr Deakin and Mrs Westerhoff. Mr Grugeon and Mr Marsh, the FCs Estates Officer have also expressed an interest in attending.

The Clerk will arrange the meeting.

Action Clerk

2018/10219 VERGE DAMAGE

DISCHARGE

Mr Dowsett reported further damage has been caused by vehicles at North and South Slufers. The damage has been caused by vehicles being repeatedly and deliberately driven along significant stretches of verge causing ruts and damage to the grazing and SSSI. Similar damage has been noticed at Long Cross on the B3078 and in some car parks. The Deputy Surveyor said that works to reinforce car fee defences will be undertaken in an effort to reduce the problem. Mr Dowsett said he has spoken to some of the Keepers but they have so far been unable to identify the vehicles or their occupants although it is thought that one Keeper may have some useful information. The Deputy Surveyor said that if vehicle registration numbers can be obtained, the Police may be able to assist.

2018/10220	BRIDGE AT CUT WALK, NEAR THE REPTILE CENTRE	RESUME
	<p>Mr Deakin asked the Deputy Surveyor what the plans are for restoring this very old structure which has recently been condemned for use by vehicles because of safety concerns. Mr Deakin said it is an important vehicular access that does need to be restored as soon as possible. It is also a nice historical structure that Mr Deakin and other members of the Court felt should be retained. The Deputy Surveyor undertook to provide an update.</p>	Action DS
2018/10221	OPEN FOREST ADVISORY COMMITTEE (OFAC)	RESUME May 2019
	<p>Concern has been expressed that the commoners' views on Open Forest works are being dismissed. Three commoners who attended a recent meeting felt their views were ignored. One instance is the issue of serious damage to a track at the Nodes, caused by contractors' vehicles. No attempt has been made to repair it. The track is important for access.</p> <p>It was suggested that the OFAC is now heavily weighted in favour of conservation. In response, the Deputy Surveyor said the Verderers are represented at and several members of the Court indicated they will be attending the next meeting which will be held on 23rd April 2019.</p>	
2018/10222	RECREATION MANAGEMENT STRATEGY	DISCHARGE
	<p>Mrs Westerhoff requested a list of Forestry Commission car parks which the Deputy Surveyor undertook to provide.</p> <p>The updated survey should be released early next year.</p>	Action DS
2018/10223	BROOMY PLAIN ROAD PROJECT	DISCHARGE
	<p>Work is due to start early in the New Year. Partial closures will be required but signage will be erected to warn motorists.</p>	
<p>The Deputy Surveyor and the Forestry Commission's Land Agent left the meeting.</p>		
<p>HIGHER LEVEL STEWARDSHIP SCHEME</p>		
2018/10224	THE FUTURE OF THE HLS SCHEME	DISCHARGE
	<p>Mr Greenwood said that as far as he is aware HLS schemes due to end in 2019 are being rolled over for 4 years but at 1 year at a time because Defra is not able to commit to the full 4 years. Schemes expiring this year, 2018, cannot be rolled over.</p>	
2018/10225	VERDERERS' GRAZING SCHEME	DISCHARGE
	<p>Payments to commoners cannot be made until the money has been received from the RPA. So far, that has not happened. A meeting with Defra has been arranged which Mr Greenwood is attending.</p> <p>A number of small grants which have been approved have not yet been claimed by the recipients.</p> <p>Mrs Woodley will be asked to circulate the minutes of the last meeting when they have been approved.</p>	Action Clerk/TW

MATTERS ARISING FROM EXTERNAL COMMITTEES & WORKING GROUPS

2018/10226 ENCROACHMENTS COMMITTEE DISCHARGE

The Official Verderer reported that a useful meeting took place with Mr Steve Avery, Head of Planning at the National Park Authority. There is a new team of planning enforcement officers in place. An invitation will be sent for them to attend an information day where they can be taken out and shown the sort of problems that can arise if insufficient conditions are put in place when planning permissions are granted.

Action
OV/Clerk

2018/10227 BOVINE TB DISCHARGE

Mr Mills reported he had a very helpful on farm visit by Animal Health (APHA). He received advice on a biosecurity designed to help minimise the TB risk.

Mr Greenwood suggested it might be helpful if a presentation could be arranged for commoners and Mr Mills will pass the contact details to Mr Greenwood who will pass them to the CDA.

Action
HM/JG

2018/10228 JOINT LITTER WORKING GROUP DISCHARGE

Mr Dowsett reported that the annual Forest Spring Clean is being held on 22nd to 23rd March this year. The launch is on 19th March at 10.00 a.m. at Balmer Lawn.

2018/10229 LITTERING DISCHARGE

NFDCs Enforcement Officer will investigate littering offences if sufficient evidence is available. He has asked for any dashcam or similar footage to be made available and if there is enough information to identify the culprit he will prosecute.

FINANCIAL MATTERS

2018/10230 FINANCIAL STATEMENTS FOR NOVEMBER 2018 RESUME

The Financial Statement was noted.

STAFF MATTERS / HEALTH & SAFETY

2018/10231 AGISTERS' HORSE EXPENSES RESUME

A response from HMRC is still awaited.

2018/10232 FIRST AID TRAINING DISCHARGE

Refresher first aid training will be arranged for all staff.

Action Clerk

2018/10233 LONE WORKING IN THE VERDERERS' OFFICE DISCHARGE

An audit has been carried out by Mr Deakin to identify risks and hazards, particularly when a member of staff is working alone in the office. A number of actions were agreed which will be stewarded through the Staff Committee.

2018/10234 DRIFT REVIEW DISCHARGE

A few issues were raised at the recent local open CDA meeting. Mr Deakin made it clear that the drifts are under the control of the Verderers but he agreed to take the comments made into account. A drift review meeting will be arranged after the January CDA meeting.

Action
RD

2018/10235 VERDERERS AND STAFF DISCHARGE

Mr Deakin reminded the Court that the Verderers are employers and as such it is important that they recognise this and set appropriate standards.

ANY OTHER BUSINESS

2018/10236 VERDERERS' INCLOSURES RENT REVIEW RESUME

The Official Verderer has had further discussions with Mr Grugeon regarding the rent that the Forestry Commission pays the Verderers in respect of the inclosures.

Action
OV/PG

2018/10237 NEW FOREST ASSOCIATION – TALK BY CHARLIE BURRELL ENTITLED 'REWILDING THE NEW FOREST' DISCHARGE

Mrs Westerhoff said she has agreed to be on a panel discussing Rewilding the New Forest which will follow a talk by Mr Burrell on the subject.

Members of the Court feel it is important that it is pointed out that the situation on Mr Burrell's land in Sussex is completely different to the New Forest. Any suggestions for introducing new animal species into the Forest would have to be considered extremely carefully.

2018/10238 PONY SHOT ON HALE PURLIEU DISCHARGE

Nothing further has been heard regarding the pony which it is thought was accidentally shot. The current view is that the pony died as a result of injuries caused by dispersed shotgun pellets. There is no evidence to date that the pony was shot deliberately.

2018/10239 THE NEW FOREST PONY AND THE RARE BREEDS SURVIVAL TRUST DISCHARGE

Miss Macnair reminded the Court that the New Forest Pony is on the Rare Breeds Survival Trust watch list because of the current low number of breeding mares.

There was no further business and the meeting closed at 13:25 hrs

Julianne
16/1/2019