

MINUTES of the Court of Verderers held on Wednesday 18th December 2019 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 R Manley Mr A H Pasmore Mr D Readhead Mrs D Westerhoff	Official Verderer Elected Verderer & Staff Committee Chairman Forestry Commission Appointed Verderer Elected Verderer Senior Elected Verderer DEFRA Appointed Verderer Elected Verderer Elected Verderer from Min. No. 2019/10840 Natural England Appointed Verderer
APOLOGIES:	Cllr Edward Heron	National Park Appointed Verderer
IN ATTENDANCE:	Miss S Westwood Mr J R Gerrelli Mr Bruce Rothnie Mr Paul Grugeon	Clerk to the Verderers Head Agister Deputy Surveyor of the New Forest from Min. No. 2019/10841 Land Agent (New Forest) from Min No. 2019/10849

IN COMMITTEE in the Library

2019/10834 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on Wednesday, 20th November 2019 were approved and signed.

2019/10835 DECLARATIONS OF INTEREST RESUME

Declarations of interest can be found on the Verderers' website – www.verderers.org.uk. The Declarations of Interest were reviewed today.

2019/10836 CONDITION OF STOCK RESUME

The Head Agister reported on the recent Welfare Tour. It was well attended and despite the atrocious weather the day before, quite a lot of stock was seen. A couple of mares with foals at foot were seen and it was noted that their condition, whilst perfectly satisfactory, was not quite as good as mares without foals. Everyone who attended the Tour was happy with the animals they saw. Some useful networking took place amongst the invitees and the 'home team'.

The forecast for the next few days is poor, with more wet, windy and cold weather expected. The condition of stock is always weather dependent, particularly in winter and careful monitoring of stock will continue as usual.

A request has been made for an information/training event to be held in the Spring, for some of the welfare organisations' volunteers.

Action
RD/JRG
April 2020

The Head Agister left the meeting.

2019/10837 REPORT ON MARKING FEES RECEIVED **TO DATE** AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2019</u>	<u>2018</u>
Forest Ponies	5041	4957
Forest Cattle	5813	5063
Forest Donkeys	132	127
Forest Pigs	418	285
Forest Sheep	0	0
Total Forest Stock	11404	10432
Common Ponies	792	776
Common Cattle	2212	1924
Common Donkeys	136	124
Common Pigs	196	128
Common Sheep	212	213
Total Common Stock	3548	3165
Ponies, Cattle & Donkeys on the Forest	10986	10147
Ponies, Cattle & Donkeys on the Commons	3140	2824
Total Ponies, Cattle & Donkeys	14126	12971
Total Stock – Forest & Commons	14952	13597

2019/10838 BYELAW ENFORCEMENT RESUME

No byelaw breaches have been identified.

2019/10839 HIT & RUN REWARD SCHEME – POTENTIAL REWARD RESUME

The Clerk reported that the Police have now submitted the Court file in respect of the accident at Deadman's Hill on Roger Penny Way in June. The hearing is due to be held on 7th January 2020. A final decision on a reward for the informant, will be made when the outcome of the court case is known.

2019/10840 REGULATION OF DEPASTURED STOCK, QC'S OPINION & NEXT STEPS RESUME

The paper prepared by the Official Verderer was discussed and minor amendment agreed. The changes will be made and the paper circulated again. The Official Verderer was authorised to commence discussions with the various Forest Landowners and other parties mentioned in the paper.

Action OV

Mr Readhead joined the meeting during this discussion.

A discussion took place concerning cattle temperament and the Court confirmed its support for the Agisters when they decline to mark an animal because they consider its temperament to be suspect.

Some actions contained in the Next Steps document involve the Commoners' Defence Association but it was pointed out that some commoners are not CDA members. It was agreed, therefore, that the Court should advise commoners that they should consider the temperament of the animals they turn out.

This matter was discussed again later in the meeting. Min. No 2019/10861 refers.

2019/10841 SNAKES IN THE HEATHER

DISCHARGE

A very interesting presentation on the Smooth Snake Project was given by Mr Paul Edgar, Natural England's Senior Environment Specialist (Amphibians & Reptiles) and Mr Ben Limburn from Amphibian & Reptile Conservation (ARC). The presentation was made in support of the request for the Smooth Snake Survey to continue for a further 3 years, until 2023.

The Court was interested to hear that the present survey will help to inform future research and should result in alternative, less intrusive methods of monitoring of amphibians and reptiles. Those methods will avoid the need for placing refugia on the Open Forest in future.

ARC is requesting consent for up to 500 refugia sheets to be laid on 30 sites on the Open Forest from 2020 to 2023. The request is for the refugia to be left in place throughout that period including over winter.

After Mr Edgar and Mr Limburn had left the meeting, the Court agreed to permit the current project to be extended, both in time and in the number of refugia which will be placed on the Forest. It was also agreed they may be left in situ. The project will end in 2023 and consent is given on the understanding that all refugia are removed from the Forest at the end of the project. The Court wished to make clear that it is unlikely a further extension will be approved, although it is accepted that in future some ground truthing will be required, involving the use of a limited number of refugia.

NEW SUBMISSIONS AND OTHER MATTERS RAISED BY FORESTRY ENGLAND

2019/10842 BURLEY GOLF CLUB LICENCE RENEWAL

RESUME
October
2020

Burley Golf Course's licence is due for renewal in 2020. Mr Grugeon is seeking the Court's approval to commence negotiations with the Club and has asked if there is anything he should take into account during those negotiations. No issues have been identified with this Club and it was agreed that Mr Grugeon should commence negotiations.

DE-MINIMIS CONSENTS RECORDED AT THIS COURT

2019/10843 DE-MINIMIS CONSENTS

DISCHARGE

The following de-minimis submissions have been approved:-

DM0072 Hawthorns, Pound Lane, Burley - SGN relocation of governor on customer's land, necessitating a 1m excavation on Forest land to isolate the gas service whilst the work is carried out.

DM0075 Pipers Wait Cottage – create temporary access for heavy vehicles required to shore up land slip on property which is threatening the dwelling and ancillary buildings.

MATTERS ARISING FROM MINUTES OF PREVIOUS COURTS OF CONCERN TO FORESTRY ENGLAND

2019/10844	RECREATIONAL FACILITIES & PROPOSALS	RESUME
	The Official Verderer reported that the RMS is progressing and some information will be available for consideration at the January 2020 Court.	Action OV
2019/10845	SGN PROPOSAL FOR 151 METRES OF GAS MAIN IN PRIVATE AND PUBLIC HIGHWAY AT OAKHURST, LINFORD ROAD, SHOBLEY	RESUME
	This matter will be resumed at the next Court subject to the additional information that has been requested, being made available.	Action PG
2019/10846	SGN AERIAL MARKER POST INSTALLATIONS / REPLACEMENTS FOR THE HIGH-PRESSURE PIPELINE – OCKNELL TO BIGNALL WOOD, NORTH OF THE A31	DISCHARGE
	Revised proposals have been submitted which have reduced the number and size of the markers. These proposals were approved subject to the usual three conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing. The Clerk will advise Mr Alex Orttewell, FE's Consultant Agent.	Action Clerk
2019/10847	BURLEY FLAG POLE	DISCHARGE
	The licence is for five years from July 2018. The licensee is the Royal British Legion and not Burley Parish Council.	
2019/10848	INCIDENTS BETWEEN STOCK AND THE PUBLIC INCLUDING THE CDA'S PROPOSED SIGN	DISCHARGE
	The Deputy Surveyor confirmed Forestry England has issued a permission to the CDA to erect signs on Crown Land. The permission is for a period of 6 months and certain conditions are attached. The CDA has been given leave to decide on the locations for the signs.	

Mr Grugeon joined the meeting.

2019/10849	CROWN FREEHOLD PROPERTIES	RESUME February 2020
	The Deputy Surveyor said there will be a further meeting with the Housing Review Group in late January or early February. The CDA produced a contributory paper for discussion at the previous meeting. The Deputy Surveyor has circulated a list of properties involved to the Review Group.	
2019/10850	NEW TELECOMMUNICATION MASTS	RESUME
	The legal advice is expected in January.	
	Mr Grugeon is in touch with FE's legal team and expects to receive advice in the New Year.	

2019/10851	CAMPSITE ISSUES	RESUME
	FE met with Camping in the Forest to discuss a number of matters. No feedback is available yet on the specific matters raised by the Court. In the meantime, the Deputy Surveyor confirmed future inspections will ensure that CiTF complies with the site management plans.	Action DS
2019/10852	PIPERS WAIT WATER LEAK	RESUME February
	The Court is disappointed that a site meeting with NE and FE has still not been arranged. Mr Grugeon commented that the site is gradually reinstating and that NE is adamant that it won't agree any to further works. The Court would still like the site meeting to take place and asked Mr Grugeon to arrange it.	Action PG
2019/10853	COMMERCIAL DOG WALKERS	RESUME
	The Deputy Surveyor reported that National Park Authority staff met with approximately 30 commercial dog walkers and a list is being compiled. It is thought there are in the region of 90 dog walking businesses operating in and around the Forest. Those who attended the initial meeting support the Charter and potential for an Accreditation Scheme. The Court remains of the view that all commercial dog walkers operating on the Forest should be licenced.	
	The Official Verderer said that representatives of the New Forest Dog Owners Group have asked to meet him. This has been arranged for Friday 10 th January. The Official Verderer invited any member of the Court who would like to attend, to join him. The Clerk will also be present.	Action OV
	Mr Grugeon reported that he received some information from Forestry England's grazier in Wareham Forest concerning his experience of managing the interaction between the public and stock. The details are private, therefore Mr Grugeon will ask if the grazier is willing to share his information with the Official Verderer and the Clerk.	Action PG

SSSI RESTORATION WORKS

2019/10854	REPAIRS AND MAINTENANCE LIST	RESUME
	The current list was circulated.	

ENCROACHMENTS INVOLVING FORESTRY ENGLAND

2019/10855	ENCROACHMENTS LIST	RESUME
	No new encroachments have been reported. It is expected that the current outstanding encroachments will be resolved by January. They will then will be discharged from the list.	

ACTION LIST

2019/10856	ACTION LIST	DISCHARGE
	The Action List was circulated.	

2019/10857 INCLOSURE FENCING DISCHARGE

Defective inclosure fencing has been reported to Forestry England but has not found its way onto the Actions List. In future, defects will be reported via Forestry England's Southern Enquiries email address. This will ensure the reports reach the correct member of FE staff. The Clerk noted this request.

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2019/10858 BALMER LAWN CRICKET CLUB DISCHARGE

Mr Gurgeon advised the Court that SSE has undertaken an emergency repair at this location and has surrounded the area which had to be excavated with barriers to ensure the safety of stock and the public. Once the ground has consolidated, it will be stone picked and the barriers removed. Mr Sean Marsh is monitoring the works.

2019/10859 ROTTEN BRIDGE OVER BARTLEY WATER AT THE BOTTOM OF FURZEY LAWN INCLOSURE DISCHARGE

Mr Greenwood reported this bridge, which he considers to be very dangerous and in need of urgent attention. He asked how often FE inspects its bridges. In response, the Deputy Surveyor said that bridges are inspected regularly but there are a very large number of bridges and it is possible that not all have been recorded on the database.

Action DS

2019/10860 SIGN AT THE ENTRANCE TO FRITHAM CAR PARK DISCHARGE

Mr Pasmore reported a sign on the entrance to Fritham Car Park has been vandalised. It has been broken off with only the corners being left attached to the posts. He asked that the sign be reinstated or the remainder of the sign and the posts removed. The content of the sign is unknown.

Action PG

The Deputy Surveyor and the Land Agent left the meeting.

OTHER MATTERS ARISING

2019/10861 INCIDENTS BETWEEN STOCK AND THE PUBLIC – NEXT STEPS RESUME

See also Minute No. 2019/10840

The Next Steps document can be revised as and when required and is not set in stone. It was agreed it must be reviewed from time to time.

It was agreed the first step is to meet with the Verderers' retained veterinary surgeon to seek his advice on cattle. The Clerk will try to arrange a meeting in early January. Attending will be the Official Verderer, Mr Deakin, Mr Greenwood, Mr Manley and the Head Agister.

Action Clerk

The Official Verderer will also be meeting with the relevant land owners, including the Deputy Surveyor and the Chairman of the National Park Authority. Members of the Court will be advised when the date is known.

Action OV

ENCROACHMENTS NOT INVOLVING THE FORESTRY COMMISSION

- 2019/10862 SHOBLEY, PART OF HIGHTOWN COMMON – ENCROACHMENT RESUME
February
2020
- The CDA has written to the owner of the property where the encroachment has taken place. The Official Verderer commented that whilst the case is strong, it appears likely that it will be necessary to go to law in order to ensure this encroachment is abated.

OTHER AGENDA ITEMS

- 2019/10863 RESPONSE TO THE GLOVER REPORT RESUME
- Several Verderers have provided their comments on the Glover Report. The Official Verderer will collate them and produce a response. Action OV
- 2019/10864 VERDERERS' TWITTER ACCOUNT DISCHARGE
- The Assistant Clerk prepared a useful paper indicating the subjects which she feels can be Tweeted and approved the guidelines prepared by the Official Verderer and the Clerk. The Court was happy to approve the continued use of the Verderers' Twitter Account in order to disseminate factual information. It was agreed it will be reviewed from time to time.

HIGHER LEVEL STEWARDSHIP SCHEME & VERDERERS' GRAZING SCHEME

- 2019/10865 THE FUTURE OF THE HLS / VGS RESUME
- Nothing further has been heard regarding the future of the HLS.
- The last year of funding has not yet been received from the RPA and therefore VGS the payments to commoners cannot be made. It is hoped the money will be received early in the New Year.

MATTERS ARISING FROM EXTERNAL COMMITTEES & WORKING GROUPS

- 2019/10866 SPECIAL BY DESIGN RESUME
- The Official Verderer reported that he has written to Mr Nigel Matthews, Head of Recreation Management and Learning at the NFNPA. Copies of his letter were sent to the NPA's Chairman and Chief Executive. Whilst there are some positives, such as proposals to use digital communications and reduce signage, the Official Verderer said he felt it necessary to express serious reservations about the direction in which other parts of the project appear to be travelling. A preliminary response has been received from Mr Matthews, accepting the thrust of the concerns expressed and confirming the consultants have been asked to put the project on hold for the time being.
- 2019/10867 LITTER WORKING GROUP DISCHARGE
- Mr Dowsett reported that the 2020 Great British Spring Clean will be held from 13th March until 20th April. The New Forest litter pick will take place sometime during that period.

2019/10868 NEW FOREST CONSULTATIVE PANEL

DISCHARGE

Miss Macnair reported that the Deputy Surveyor gave a presentation on how Forestry England authorises works on the Forest.

FINANCIAL MATTERS

2019/10869 FINANCIAL STATEMENT

RESUME

The Financial Statement was noted.

STAFF MATTERS

2019/10870 INCIDENTS BETWEEN STOCK AND THE PUBLIC INCLUDING AGGRESSIVE PONY AT NOMANSLAND

DISCHARGE

Mr Deakin, Chairman of the Staff Committee, advised the Court that several complaints have been received from members of the public, claiming a pony which runs at Nomansland is aggressive. The Local Agister has witnessed the pony's behaviour, as has another local commoner. As a result, it was reluctantly decided by the Chairman of the Staff Committee, the Agister for the Area and the Clerk, that the owner of the pony should be asked to remove it from the Forest as soon as possible. This was done on Wednesday 10th December. Unfortunately, the request was not heeded and the pony is still out.

Emails from two neighbours, suggesting the pony should be allowed to remain on the Forest have been received. The Clerk has responded explaining why aggressive animals have to be removed from the Forest. In addition, the owner of the pony has written a letter of appeal. The submissions and the appeal were given due consideration by the Court, but it was felt that unfortunately, the pony has to be removed. It was also confirmed that the removal should be permanent. This will be communicated to the pony's owner as a matter of urgency. If the animal's owner does not comply with a further verbal request, a formal notice under the byelaws will be issued.

Action Clerk

Mr Deakin went on to say that in the past, some animals which have shown aggression, but have not actually caused physical injury to a person, have been given a second chance and have been allowed to remain on the Forest. Sometimes an owner has been asked to move their animal to a different part of the Forest in order to avoid further problems. However, in view of the recent cattle incidents, it has been felt necessary to take a harder stance and as a result, animals which show aggression towards people have to be permanently removed.

HEALTH & SAFETY and TRAINING are both permanent items on the Court's Agenda.

There was nothing to report at this meeting.

ANY OTHER BUSINESS

2019/10871 VERDERERS' HALL

DISCHARGE

The refurbishment of the Verderers' Hall is nearly complete. The deer shoulder mounts have been cleaned and preserved and, are now back on the wall. A few items remain outstanding including the Coat of Arms which has been beautifully and sympathetically restored and conserved. The work has really brought the painting back to life. A significant amount of wood smoke and nicotine had to be cleaned off the picture which now looks very good.

Mr Andrew Norris, Forestry England's Heritage Officer, secured Heritage Lottery Funding for the works, for which the Court expressed its gratitude.

2019/10872 PYLEWELL ESTATE FORESHORE FENCE

DISCHARGE

The fence on the foreshore is in a dreadful condition. The Assistant Clerk contacted the Estate's Agent, requesting urgent repair as the fence is a significant hazard to stock. So far, the response has not been as positive as was hoped. The Official Verderer said he will write to the Land Agent, to try to obtain some hopefully prompt action.

Action OV

2019/10873 CHANGE IN PONY BEHAVIOUR

DISCHARGE

Mr Readhead remarked that when the stallions are taken in after their period on the Forest, the mares become very restless and are inclined to chase about. It was agreed this is one of the drawbacks of what is otherwise a very good scheme which has the support of many well-respected equine welfare organisations and a significant number of commoners.

There being no further business, the meeting closed at 12.50 p.m.