

**MINUTES of the Court of Verderers held on Wednesday 15<sup>th</sup> February 2006 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 P Frost	Countryside Agency Appointed Verderer
	Cllr Mrs K Heron	Hampshire County Council Appointed Verderer
	Mr J F Kitcher	Elected Verderer
	Miss D Macnair	Elected Verderer
	The Hon R Montagu	Forestry Commission Appointed Verderer
	Mr A H Pasmore	Elected Verderer
	Mrs P Thorne	DEFRA Appointed Verderer
IN ATTENDANCE:	Mr J R Gerrelli	Head Agister (first three items only)
	Miss S Westwood	Clerk
APOLOGIES:	Mr A Gerrelli	Elected Verderer

**IN COMMITTEE**

The Head Agister was present for the first three items.

2006/2104 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 18<sup>th</sup> January 2006 were approved and signed.

2006/2105 ANNOUNCEMENTS & DECISIONS RESUME

The Announcements and Decisions were approved.

2006/2106 CONDITION OF STOCK RESUME

Report by the Head Agister

The Head Agister reported that stock is still looking alright. A few ponies are losing condition and the Agisters are removing them as necessary. The situation is no worse than usual for the time of year with mares with foals and young ponies changing their teeth being the ones most likely to lose condition. The commoners are co-operating with the Agisters.

Three foals have been born on the Forest at Woodgreen, Blackfield and Acres Down and it was suggested this may be due to some stallions having been turned out in early February last year. However, Mr Kitcher felt it to be unlikely. He went on to question why the Court had not sought the advice of a veterinary surgeon and added that a vet to whom he spoke considered that the majority of mares would not come into season that early. Miss Macnair commented that it is too early to draw any conclusions and felt it would be interesting to see what happens in March and April. She said that personally she would prefer not to see stallions on the Forest until May.

The Official Verderer commented that the Head Agister's report indicates that the situation is similar to earlier in the winter with any

problems which do arise being sorted out.

The Head Agister left the meeting.

Report by Mr John Adams – Chairman of the Staff Committee

Mr Adams said he did not have too much to add. He said ponies are definitely going back in condition and where necessary animals are generally being removed promptly. There remain some concerns in the Ogdens area where some ponies and a few cattle have lost condition. The cattle belong to the same commoner who gave cause for concern a few months ago. Mr Adams said he hoped these cattle have now been taken off the Forest and he has asked the Head Agister to check.

Mr Pasmore expressed concern that there may be problems with animals belonging to a commoner who has unfortunately recently died as he owned a lot of animals running on the Forest. If the animals are sold "in-situ" there may be difficulties regarding re-branding. It was agreed it may be necessary to wait until the drifts to sort out the ponies as finding and catching some 80 ponies depastured throughout the Forest would be a logistical nightmare. The deceased commoner's family is trying to resolve the difficulties with the help of another commoner but there is a question mark over how long their back-up land may remain available as it is believed to be rented and the tenancy may be terminated. The Official Verderer asked that the Court be kept informed.

2006/2107 DECLARATIONS OF INTEREST RESUME

The Elected Verderers and Mrs Thorne declared an interest in the Countryside Stewardship Scheme.

Mr Gerrelli declared an interest in the items concerning Campsites.

Later in the meeting an issue regarding Beaulieu Events was raised and Mr Montagu expressed an interest.

2006/2108 FINANCIAL STATEMENT RESUME

The Financial Statement for January was approved.

2006/2109 MARKING FEES RESUME

The Clerk confirmed that marking fees have been paid to date for the following animals:-

Ponies	3482
Cattle	364
Donkeys	68
Pigs	7
Total	3921

Total stock excluding pigs 3914.

The Clerk reported that unfortunately because the analysis of marking

fees received month by month has only recently been introduced, it is not possible to make a comparison with the position at the same time last year.

2006/2110 BYELAW ENFORCEMENT

DISCHARGE

The Court's solicitor is being instructed to commence proceedings against the commoner in the north-west of the Forest who is continuing to refuse to pay marking fees. The prosecution in the first instance will be in respect of 2005 fees and 2006 if he continues to refuse to pay.

The Official Verderer will meet with the Court's solicitor to discuss Minstead Manor.

2006/2111 WILVERLEY INCIDENT

RESUME

The Clerk reported that the matter is ongoing.

**OPEN COURT - 10.00 a.m. in the Verderers' Hall**

IN ATTENDANCE: Mr Mike Seddon  
Mr Will Parke

Deputy Surveyor of the New Forest  
Area Land Agent (New Forest)

**ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER**

2006/2112 ELECTIONS

Looking ahead to later this year, two out of the five Elected Verderers – Dionis Macnair and Jeff Kitcher – will complete their six year term of office in the autumn. If more than two candidates come forward then there will be an election for these two posts on November 24<sup>th</sup>.

We wish to encourage all those who are eligible to vote to do so, so that the two candidates who are elected are seen to be supported by a majority of the commoners that they represent.

The rules for voting in our unique Forest election are very straightforward. You must be over 21, and occupy at least one acre of land to which a right of common over the New Forest is attached.

You must also be included in the electoral register for the election, which only requires you to complete a simple registration and declaration form, which must then be returned to the Verderers' office by September 1<sup>st</sup>.

A form will automatically be sent to all those whose names appeared on the last Electoral Register in good time for completion and return by the 1<sup>st</sup> September. In addition, copies of the form will also be available here in the hall on the day of our March Open Court and from the office from that day onwards.

In order to assist those who wish to check if they are eligible to vote in the November election, our normal fee for conducting a search of forest rights will be waived where that is the reason for the search. Please call the office to make an appointment if you would like to make an election search.

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2006/2113 LYNDHURST BYPASS

The issue of a by-pass for Lyndhurst has arisen once again and we intend to make a statement on the subject at our March Court.

2006/2114 TWO YEAR OLD COLTS

Two year old colts should have been removed from the Forest by 1<sup>st</sup> February, 2006. Any still remaining should be removed without delay.

**ANIMAL ACCIDENT REPORT**

2006/2115 ACCIDENT REPORTS FOR JANUARY 2006

The agisters attended 19 accidents in January which compares with 9 for the same period last year.

6 ponies, 1 cow and 1 pig were killed, and 3 ponies and 1 sheep were injured.

12 of the accidents occurred during the hours of darkness.

15 involved private cars or light commercials, and two involved motor cycles.

Two accidents were not reported and 9 involved local motorists.

The total killed and injured for the year to date is 12 compared with 9 for the same period last year.

**PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST**

None

**PRESENTMENTS**

2006/2116 LYNDHURST BYPASS  
Presentment by Mrs Sylvia Barton

RESUME

Mrs Barton introduced herself as a Lyndhurst resident born and bred whose family has lived in the village for generations.

Mrs Barton expressed support for the Lyndhurst Parish Council's published proposal for a bypass for the Village. She went on to remind the Court that Mrs Irvine objected in the past because she considered the Forest to be sacrosanct. Mrs Barton agreed that the Forest should be protected but felt that the proposed bypass route is acceptable and it should be treated as an exception which should be allowed for the benefit of the village. Mrs Barton continued by saying that if objections continue to be raised the bypass will never get through and she asked the Court to support the proposal as it stands.

*The Official Verderer responded to Mrs Barton, saying that no formal proposal has yet been received although the Court is aware that the Parish Council is keen to take the matter forward. He added that it is not yet in the Verderers' hands but that the Court hears what she says.*

2006/2117 THE NATIONAL PARK  
Presentment by Mr Bob Cooper, Minstead Manor Commoner

Mr Cooper expressed concern at the announcement made in the January Court by the Official Verderer concerning the Verderers' support for the National Park's stated objective to develop strategies and support schemes to help sustain commoning. Mr Cooper suggested an amendment to the last sentence which he felt reflects what he and the majority of local residents, particularly those in the commoning community, consider to be the correct and proper position of the Court vis á vis the NPA.

Mr Cooper's proposed amendment was as follows:

.... be doing .... "following which we, as Verderers, can confidently expect the Authority's members to support this Court in pursuing that particular purpose. We will of course offer reciprocal assistance should it be required, in accordance with the Court's overall sovereignty in the Forest's affairs."

*The Official Verderer responded, saying that the proposed amendment would be considered in Committee.*

Mr Cooper went on to say that he felt the announcement must be changed to ensure support of commoning remains at the top of the list of the Park Authority's priorities.

2006/2118 AGISTER'S PLANNING APPLICATION  
Presentment by Mr Bob Cooper

Mr Cooper suggested that the Court might support the planning application submitted by one of the Agisters. He added that a local resident has raised a petition against the application.

**IN COMMITTEE in the Library**

**CONSIDERATION OF PRESENTMENTS**

2006/2119 LYNDHURST BYPASS RESUME

The Official Verderer reiterated that at present there are no formal proposals before the Court for consideration.

It was agreed that when such proposals are brought forward, the Court will take Mrs Barton's comments into consideration.

2006/2120 THE NATIONAL PARK DISCHARGE

The Official Verderer commented that the Minutes cannot be amended as requested by Mr Cooper because they are a record of what was actually said. He added that the announcement was meant to reflect that the Court is delighted that at a meeting organised by the Park Authority to decide upon priorities, Commoning came out on top. The Park Authority will take this forward and the Court will help.

After some discussion, members of the Court felt happy with the original announcement and the way in which it was phrased.

2006/2121 AGISTER'S PLANNING APPLICATION

DISCHARGE

It was agreed the Head Agister should be asked to ensure the Agister in question is aware that the Presentment was raised and suggest that if he would like the Court's support he should provide the necessary details.

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

None

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

2006/2122 FALLEN TIMBER

RESUME

Mr Adams reported that he has asked the Agisters for a list of the areas where there are particular problems. He added that he has arranged a meeting for later in the day which will be attended by the Head Agister, Mr Brian Ingram, Chairman of the Commoners' Defence Association and Mr Richard Stride from the Forestry Commission.

The Official Verderer confirmed he had written to Mr Ingram and Mr Mike Cooper following the presentment.

Mr Frost said he has spoken with English Nature which has indicated that it does not object to the wood being moved but not removed.

The Deputy Surveyor said that he will look at the list. He commented that he has no fundamental problem with moving the wood but that it would be best to target those areas where there would be maximum effect. He added that obviously there will be a cost involved which will have to be met.

2006/2123 HOLLANDS WOOD & ROUNDHILL CAMPSITE PROPOSALS

RESUME

The deadline for consultees to give the Appropriate Authorities their opinions has now passed. Hampshire and Isle of Wight Trust has responded and a copy of their its response will be copied to all members of the Court.

For the benefit of continuity, Miss Amanda Craig of English Nature has agreed to continue holding the file although she has now left the Forest to take up another post.

A meeting is scheduled on 17<sup>th</sup> March at English Nature's office which will be attended by the Official Verderer and Mr Alan Betts on behalf of the Forestry commission. At that meeting any fresh conservation issues not already raised will be explained.

No other responses have been received.

If no further issues are raised then the Appropriate Assessment may be approved. Mr Pasmore asked what the Court's position would be if the

Wildlife Trust and English Nature should disagree? In response the Official Verderer said that English Nature is the Government's expert and if English Nature is satisfied it is then up to the Competent Authorities (of which the Court is one) to decide whether to sign.

2006/2124 NEW PARK ENTRANCE DISCHARGE

Many of the sign boards outside New Park have now gone. Mrs Heron said she has asked the Highway Authority to keep an eye on the situation.

2006/2125 SIGN BOARDS IN THE FOREST DISCHARGE

The old Land Rover / Range Rover has now gone from the A337 verge opposite the Police Station at Lyndhurst. It has been replaced by a new plastic sign.

The National Park Authority is allocating time and money to assessing the "clutter" in the whole New Forest area. The Official Verderer commented that such a study may be included in the Heritage Lottery Fund Bid.

Mr Montagu reported that the sign outside the Royal Oak at Hill Top which is situated on Crown Land was still there two days before the Court although Mr Parke said it should have been removed. He added the Keeper for the area has broken his arm and is therefore on sick leave.

2006/2126 QUEEN'S BOWER RESUME

The Deputy Surveyor said he has raised the problem of the flooding of the scheduled monument with the appropriate people.

2006/2127 BEAULIEU EVENTS – ROAD CLOSURE DISCHARGE

Mr Montagu declared an interest.

Mr Adams explained that the concern is that the Agisters' access was restricted last year and if this happens again it could result in an unacceptable delay in attending to a sick or injured animal.

Mr Montagu was happy to respond with information of the current position. He said that a meeting has taken place with the Police present. It has been agreed that one-way traffic only will be permitted on the 2 days of "Motorcycle World" and 1 day in September for the "Auto-Jumble". The restriction will cover the stretch of road between the Leygreen junction to the Museum entrance. In other words it will not be possible to travel from Beaulieu to Lyndhurst on those days. The Police have the prerogative to decide which arrangements are best.

Mr Adams asked that the office be advised of the dates and times of the restrictions. He added that the Drift List has already been drawn up and as much notice as possible is required. He also asked whether Agisters vehicles are classed as emergency vehicles. However, it was

pointed out that with two lanes of traffic entering the Museum entrance it would not be possible for any vehicle to travel in the opposite direction to the queuing vehicles. Mr Parke remarked that he and Mr Harry Oram from the Forestry Commission attended the meeting and everyone present was very conscious of the Agisters' needs.

Mr Montagu undertook to make sure the Verderers' Office is made aware of the dates and times of the traffic restrictions.

#### **ANY OTHER BUSINESS INVOLVING THE FORESTRY COMMISSION**

2006/2128 PARK PALE CAR PARK, LYNDHURST DISCHARGE

Mr Frost reported that four youths were seen digging holes in the sandpit adjacent to this car park which is currently closed. The matter was apparently reported to the Forestry Commission. Mr Parke said he was unaware of the incident but would ensure that any damage that has been done is put right.

2006/2129 BYELAW NOTICE IN APPLESLADE CAR PARK DISCHARGE

It was reported that the Forestry Commission byelaw notice has disappeared from its post in Appleslade Car Park. The Forestry Commission will see that it is replaced.

2006/2130 LITTER ON THE A31 VERGES DISCHARGE

The verges of the A31 are in a disgusting state with litter and general detritus being clearly evident along the whole length of the road. Some places are particularly bad, especially where the gorse has been cleared. It seems that the rubbish might have actually been dug in during the process of clearing the vegetation. Mr Parke explained that the verges are cleared, but that it is a bit like painting the Forth Bridge – no sooner is the end reached than it is necessary to start again at the beginning.

**The Deputy Surveyor and Mr Parke left the meeting.**

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

2006/2131 STALLIONS – NEW PARK GRAZING DISCHARGE

A reply has been received from the Show Society to say that there has been serious problems with vandals cutting the fences in New Park. They will repair the fence and endeavour to keep the deer to a minimum.

The question of insurance was raised and the Court was reminded that stallion owners have been advised that it is their responsibility to ensure they are adequately insured. Mr Kitcher said they are not covered by the CDA's insurance.



2006/2132 EARLY FOALS

RESUME

This subject was re-visited. The situation will be monitored carefully over the next few months. Some members of the Court said they would be surprised if there are not more early foals. Everyone agreed there is not a welfare problem at the moment.

2006/2133 PIGS & SHEEP ON THE ADDED AREAS

RESUME

Mr Pasmore has written a paper which sets out his understanding of the position regarding the Verderers' byelaws and marking fees in respect of pigs and sheep on the Added Areas. A discussion then took place during which it was agreed that there is no doubt that the Court may charge marking fees in respect of such animals. Mr Pasmore's paper is available to any member of the Court who would like to read it.

One practising commoner has queried the Verderers' authority and the person has been sent a letter asking them to confirm that they have the right to depasture pigs and sheep. A letter has also been written to the National Trust asking for clarification and confirmation of which commoners/holdings benefit from rights to turn out pigs and sheep onto its commons. Responses to both letters are awaited.

2006/2134 LYNDHURST BYPASS

RESUME

Enquiries have been made of the County Council as to whether there are any formal discussions taking place regarding a bypass for Lyndhurst. Mrs Heron said that to the best of her knowledge no such discussions are taking place. It is believed, however, that there may be some informal discussions taking place and also that there may be a public meeting sometime in March in the John Montagu Building in Beaulieu.

Members of the Court then discussed the possible content of a statement on the Lyndhurst bypass. It was agreed a draft statement would be prepared and circulated for final agreement prior to the next Open Court.

2006/2135 VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME

RESUME

The Official Verderer reported that applications are coming in steadily. No deadline has been set as yet but will have to be in time.

It has been suggested that a condition of the scheme should be that ponies must be fitted with reflective collars but after careful consideration it was agreed that this would not be practical. A lot of ponies are in areas where roads are not a problem. These animals are often the wildest and can be difficult to catch. There is also a question of cost. It was also felt that motorists may be lulled into a sense of false security. The Official Verderer said he would discuss the suggestion further with the Scheme Manager but it is likely that it will be decided that such a condition would not be practical.

## **NATIONAL PARK**

2006/2136 THE OFFICIAL VERDERERS' MEETING WITH THE DIRECTOR OF CONSERVATION AND ENHANCEMENT AND THE DIRECTOR OF UNDERSTANDING AND ENJOYMENT RESUME

The Official Verderer reported on his recent meeting with the two new Directors, Mr Steve Trotter, Director of Conservation and Enhancement and Mr Jeff Haynes, Director of Understanding and Enjoyment.

Mr Trotter was very quick to say he is completely convinced that commoning is a the fundamental mechanism for the conservation of the Forest. He felt the recent stakeholder meeting produced excellent guidance. Subjects such as housing, planning policy and support for the stallion scheme were discussed. It is intended that a biodiversity plan for the Forest will be drawn up in conjunction with Natural England. It is thought all Government grants will be channelled through the National Park Authority to take advantage of its strength.

Mr Haynes would like a National Park presence in all organisations which provide education, including the 9<sup>th</sup> Centenary Trust, New Forest Tourism etc. He is also suggesting contracts be entered into with outdoor education providers to help them work together and sought to include outreach groups. Mr Haynes wishes to draw up a strategy for recreation in the Forest, working for the whole of the Forest to include accommodation, parking, and signage.

Mr Haynes and Mr Trotter would like to attend a Verderers' Committee meeting and it was agreed that they should be invited to join the April Committee meeting, probably staying up until the Forestry Commission leaves the meeting.

It is also intended that regular quarterly or two monthly meetings will take place between the Official Verderer, Deputy Surveyor and National Park Chief Executive. The National Park would also like to brief the Agisters on what's going on in order that they may answer questions from commoners and the public. The first such briefing is scheduled to take place immediately after the March Staff Committee.

2006/2137 MINERALS AND WASTE DISCHARGE

A meeting is due to be held on 3<sup>rd</sup> March in Trowbridge to discuss the Minerals and Waste Strategy Plan. Pound Bottom was mentioned at the last meeting and it is felt to be important that a representative of the National Park attends.

## **OTHER AGENDA ITEMS**

2006/2138 STALLION SCHEME RESUME

The Clerk reported that funding has been secured from the Countryside Agency until April only. It will cover 50% of this winter's rent of the land at Cadland and New Park. It is understood that the National Park Authority is trying to find a way of funding the stallion scheme. In answer to Mr Frost's enquiry about how long the scheme is expected to

continue, it was generally felt that the scheme will continue for as long as funding can be secured. It is currently in its fourth year.

2006/2139 NATIONAL PARK AUTHORITY ACCESS FORUM DISCHARGE

It was suggested that a representative from the Court should attend the Forum. Mrs Thorne agreed to go.

2006/2140 PROPOSED WIDENING OF THE M3 AND M27 RESUME

Cllr Mrs Heron brought this item to the Court's attention. The proposal is to widen the motorway between Junctions 4 and 3 northbound. This is the Romsey/Nursling Junction (3) along to the Portsmouth/London Junction (4). This is a very busy part of the road on which there are a lot of accidents. It is a Government paid for scheme which is likely to go ahead.

The Court asked if a survey has been carried out to indicate where the bulk of the traffic is going and expressed concern that the widening may encourage even more traffic onto the road. This is likely to cause more problems between Ashley Heath and Cadnam and may result in drivers diverting onto Forest roads. Mrs Heron was asked if she can obtain any information on traffic surveys and to keep the Court apprised of progress with the proposal.

2006/2141 A338 NORTH OF RINGWOOD - ROAD CLOSURE RESUME

The A338 is due to be closed for a short stretch north of Ringwood from September onwards for up to 15 weeks. The closure will be effective only at night. The Clerk reported she has been invited to attend a meeting with the Highway Authority and the Forestry Commission to discuss the possible impact on the Forest's roads. Additional temporary signs warning drivers of animals on the roads may be erected.

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

There were no staff matters to discuss at this meeting.

#### **TRAINING**

2006/2142 TRAINING FOR THE AGISTERS ON WORKING ON OR NEAR THE HIGHWAY RESUME

The Clerk reported she is trying to contact the person in the Forestry Commission who is to arrange the training course.

#### **HEALTH AND SAFETY AT WORK**

There were no health and safety matters to discuss.

#### **ANY OTHER BUSINESS**

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2006/2143 VISIT BY CLLR JONATHAN GLENN DISCHARGE

Cllr Glenn, Hampshire County Council Environment Member will be attending the May Open Court and Committee up until the point at which the Forestry Commission leaves.

2006/2144 FOOT AND MOUTH DISEASE LIAISON GROUP DISCHARGE

It is understood that it is important that the Court's representative(s) attend the next meeting of the FMD Liaison Group which meets on the 28<sup>th</sup> February at 10.00 a.m. in the Queen's House Library. Mr Adams and the Clerk will attend.

2006/2145 BRAND REVIEW LETTER RESUME

The Clerk explained that checking and amending the brand list has taken a lot longer than was originally envisaged. She said that the letters will be sent out at the end of February.

2006/2146 SALLY FEAR – PHOTOGRAPHS DISCHARGE

Sally Fear has asked to photograph the Verderers in the Hall and also the Agisters in their uniforms and on horseback. The Clerk suggested the office may already have some photos that she could use rather than go to the trouble of getting everyone together.

2006/2147 HIGH CORNER INN RESUME

The Clerk reported that an appeal before the Planning Inspector against the enforcement notice requiring the marquee at the High Corner Inn is to be heard on Tuesday, 7<sup>th</sup> March 2006 at 10.00 a.m. in Ringwood. Cllr Mrs Heron said she will attend the hearing on the Court's behalf and a copy of the Court's letters of objection will be provided for her information.

There being no further business, the meeting closed at 11.45 p.m.