

**MINUTES of the Court of Verderers held on Wednesday 18<sup>th</sup> January 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 A Gerrelli	Elected 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 P Frost	Countryside Agency Appointed Verderer
	Cllr Mrs K Heron	Hampshire County Council Appointed Verderer

**IN COMMITTEE**

The Head Agister was present for the first three items.

2006/2035 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 21<sup>st</sup> December 2005 were approved and signed.

2006/2036 ANNOUNCEMENTS & DECISIONS RESUME

The Announcements and Decisions were approved.

2006/2037 CONDITION OF STOCK RESUME

Report by the Head Agister

The Head Agister reported that some ponies are now losing condition although on the whole conditions do not give cause for concern. Some stock definitely needs watching and the Agisters are starting to remove animals whose condition is deteriorating. Commoners are helping and one owner asked for assistance to remove some young cattle, which although in good condition, were becoming hungry.

As usual it is mares with foals and young ponies which are losing condition. In reply to a comment that a lot of foals appear to have been left on the mares, the Head Agister commented that on the drifts, the mares were absolutely fine and there was no reason to ask owners to remove the foals. Some of the drifts are too early in this respect and in October there was no cause for concern. Commoners accept that if animals lose condition they must be removed.

The observation was made that stock always loses condition after Christmas and can do so very quickly. There is nothing unusual this year.

The Head Agister left the meeting.

Report by Mr John Adams – Chairman of the Staff Committee

Mr Adams agreed with the Head Agister's summary of conditions on the Forest. He added that provided the Agisters keep checking their areas and remove any animals which are losing condition, he is happy with the situation. He commented that whilst there are a lot of foals on the Forest, some mares look fine.

2006/2038 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.

2006/2039 FINANCIAL STATEMENT RESUME

The Financial Statement for December was approved.

2006/2040 MARKING FEES RESUME

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

Ponies	4309
Cattle	2745
Donkeys	97
Pigs	196
Total	7347

Total stock excluding pigs 7151.

2006/2041 BYELAW ENFORCEMENT DISCHARGE

A commoner in the West of the Forest is still refusing to pay marking fees. The Court agreed that if he continues to refuse to pay, he should be prosecuted.

2006/2042 BRANDS RESUME

The draft letter and declaration was approved. They will be sent out at the end of January and the Official Verderer will remind commoners in Open Court in March and April that they need to respond as quickly as possible.

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

IN ATTENDANCE: Mr Mike Seddon Deputy Surveyor of the New Forest  
Mr Will Parke Area Land Agent (New Forest)

**ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER**

2006/2043 COUNTRYSIDE STEWARDSHIP SCHEME

We are now in the third year of the Scheme which, despite some perfectly understandable early doubts and suspicions about its purpose, is now recognised as being a popular and successful means of supporting commoning. Its rules and motives are perfectly open and straightforward, and it has proved to be a unifying factor in terms of the proper regulation of the depasturing of animals, and their long-term welfare. Application forms for year 3 are now in the post to all eligible practising commoners whose names appear on the marking fee register.

Proof of this is the fact that over the first two full years of the scheme's operation there has only been one instance where we have had to take action due to its rules being broken, and that case itself was extreme, since it involved a flagrant breach of the byelaws concerning the illegal depasturing of a stallion. Regrettably, in that particular case, we had no option but to refuse to make a payment of over £2,000 to the participants.

2006/2044 BRANDS

As mentioned in our November Court, all those who currently hold a registered brand will soon be receiving a letter setting out details of our revised system. It is very important that all those who receive this letter read it carefully, and respond to it as soon as they can. The deadline for responding will be April 30<sup>th</sup>, and we will presume that those who do not respond no longer wish to retain their brands, which will be placed on the list of brands available for re-allocation.

2006/2045 FOREST TRACKS

As a result of an unpleasant recent confrontation between car and horse riders on a popular forest track, both ourselves and the Forestry Commission wish to remind those who use such gravelled tracks that they all have equal and identical rights, whether their use is recreational or for residential access.

2006/2046 NATIONAL PARK

The National Park Authority organised a meeting on December 7<sup>th</sup> 2005, held at the Domus in Beaulieu, to which a wide ranging cross section of people were invited, including representatives from tourism, conservation, and New Forest organisations as well as local businesses and Government agencies. Those who attended found the meeting it to be an extremely well organised and enjoyable experience. It was very thorough in its purpose, which was to find out what people whose lives or work involve the Forest in some way believe the new National Park Authority's priorities should be.

At the meeting the need to develop strategies and support schemes to help sustain commoning was put right at the top of the list of immediate priorities. Other proposals gaining wide support were proper plans for recreation and visitor management, conservation of the New Forest's unique landscape and protection and help in increasing the affordable housing stock. Obviously this now gives the members of the

Authority a very clear and unequivocal indication of what the people of the Forest think they should be doing, and we as Verderers intend to give them every help and support in deciding how best to go about pursuing that particular purpose.

## **ANIMAL ACCIDENT REPORT**

### 2006/2047 ACCIDENT REPORTS FOR NOVEMBER & DECEMBER 2005 AND THE FULL YEAR REPORT FOR 2005

In November 2005 the Agisters attended 16 accidents which compares with 32 in November 2004.

7 ponies and 1 donkey were killed, and 4 ponies were injured.

In December 2005 there were 20 accidents compared with 17 in December 2004..

8 ponies and 2 cattle were killed and 2 ponies and 1 cow were injured.

In the full year 2005, the Agisters attended 155 accidents which compares with 167 in 2004.

64 ponies, 8 cattle and 7 donkeys were killed, and 28 ponies, 4 cattle and 3 donkeys were injured. Of the 92 ponies killed or injured, 3 were wearing reflective collars.

The total animals killed or injured in 2005 is 114 compared with 118 in 2004.

114 accidents occurred during the hours of darkness, 132 involved private cars and light commercials, and 3 involved heavy vehicles.

84 accidents involved local motorists.

20 accidents were not reported compared with 42 in 2004.

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

2006/2048 There were no Presentments by the Deputy Surveyor

## **PRESENTMENTS**

2006/2049 **FALLEN TIMBER IN OPEN FOREST WOODLAND**  
Presentment by Mr Richard Stride, Practising Commoner

“Since the 1980’s a policy of non-intervention has evolved within the ancient woods of the Open Forest, windblown trees from the two great storms and fallen timber left to rot has made the old woods resemble battlefields, rather than the beautiful places they once were.

Drifting ponies has become very hazardous and in some places nigh on impossible, as the wilder and more cunning woodland ponies have learnt to use this wilderness to their advantage, as your Agisters will verify.

Recently all Commoners were warned that unbranded stock is in breach of the Verderers byelaws. As most of the offending ponies run within these old woods, I ask the Verderers to use their powers to reverse this impractical policy, to make it possible

for these areas to be drifted successfully and safely.

I accept that a quota of fallen trees should be left to satisfy the needs of the deadwood lobby, but a blanket ban on all removal is totally unacceptable, a policy the Commoners' Defence Association was never consulted on. A compromise must be found to allow the Commoner his right to manage his stock".

2006/2050 **FALLEN TIMBER IN OPEN FOREST WOODLAND**

Presentment by Mr Michael Cooper, Practising Commoner, on behalf of The New Forest Commoners' Defence Association

"The Commoners' Defence Association wishes to support the presentment made by Mr Richard Stride. We are concerned at the amount of fallen timber that is currently allowed to remain on the Forest floor, some of which is still present from the two great storms. Much of this debris restricts movement along many of the Forest tracks and excludes stock from areas of lawn essential to their winter grazing.

Conservation policies for some time now have restricted the removal of fallen timber to such a degree, that it makes the management of our stock extremely difficult and in some areas quite hazardous to achieve. Having regard to the line that the Verderers are currently taking in respect of unbranded stock on the Forest, we feel that now is a pertinent time for a re-evaluation of this ongoing problem.

Our Committee seeks your help and would respectfully ask that the Verderers enter into talks with the various agencies concerned, with a view to establishing some common ground as to how this situation can be overcome, and the matter resolved to the satisfaction of both commoner and conservationist".

**IN COMMITTEE in the Library**

**CONSIDERATION OF PRESENTMENTS**

2006/2051 **FALLEN TIMBER IN OPEN FOREST WOODLAND**

**RESUME**

The Deputy Surveyor said the SAC management plan produced in 2001 identified that there was insufficient deadwood to the detriment of certain species and the natural regeneration of the woodland. As a result the plan dictates that deadwood should not be removed. He went on to say that the Forestry Commission maintains a policy of removing to one-side, timber which falls onto and blocks principal tracks. The Presentment seems to be about the extent of deadwood as a whole and the Deputy Surveyor said he needs to know if a full scale change to the policy is being requested or a modification. The extent of the problem needs to be identified – whether it involves the whole of the A&O woodland or just specific areas. He added that it is quite possible the deadwood could be moved to make drifting easier.

Mr Kitcher commented that ponies do not stay on the tracks. He said much of the deadwood has been on the ground since the storms. Some spikes are extremely dangerous. One commoner tried to sue when a pony was staked and had to be destroyed.

Miss Macnair said that a lot of the ancient minor tracks have been left uncleared. A map of 1909 shows hundreds of tracks which are now covered up.

It was suggested more of the deadwood could be pulled to one side to facilitate drifting whilst leaving the wood for the bugs and beetles.

The Deputy Surveyor suggested Mr Stride and the Commoners' Defence Association should be asked to identify the worst places. Proposals for resolving the problem could then be put to English Nature. A solution is needed that will ensure the two apparently sometimes conflicting ideals, of sustaining commoning whilst adhering to environmental legislation, are satisfied.

The Official Verderer will write to Mr Stride and the Chairman of the Commoners' Defence Association asking for clarification.

Mr Pasmore however felt that the problem is Forest wide and that clearing a few areas won't make a lot of difference.

The Deputy Surveyor said that consent would have to be obtained from English Nature and someone, presumably the Forestry Commission, will have to cover the cost. He added he will have an "in principle" conversation with English Nature.

Mr Montagu remarked that the time may come when the policy needs reviewing because there is simply too much deadwood.

## **SUBMISSIONS BY THE FORESTRY COMMISSION**

2006/2052 EAST BOLDRE FOOTBALL CLUB FENCE

DISCHARGE

Mr Parke reported that the Football Club has renewed the fence around the pitch at East Boldre, near the Village Hall.

Unfortunately, however, the new fence has been found to be some 2 feet outside the line of the old fence around all 4 sides of the pitch. The area now enclosed is 2.29 acres whereas previously it was 2.24 acres. The formal consent of the Verderers is requested to this additional enclosure of the Open Forest. The Club has adhered to an earlier condition that the pitch should be open to stock in May, June and July plus an additional 2 weeks in August.

In addition, Mr Parke said that the Club has operated for a great many years on an annual permission and the Forestry Commission is considering entering into discussions with the Club about the possible grant of a 25 year licence broadly on the same lines as the other sports clubs on the Open Forest. He asked for the Court's preliminary thoughts on this and explained that a new lease would be more specific in setting out the terms and conditions of the Club's operation. It could also include a requirement to rectify the fence.

After careful consideration of both requests, the Court decided to accept the re-alignment of the fence on the condition that next time it is replaced, the new fence should be put back to the original position.

However, with respect to the possible grant of a 25 year licence the Court felt that it would be unlikely to approve such a request. The reason being that experience indicates that clubs with long licences

tend not to adhere to the conditions of their licences quite as well as those on a shorter lease. The Court also felt it had been a bad mistake in the past to grant 25 years. It was felt this club's lease should remain on an annual basis.

2006/2053 EYEWORTH POND

DISCHARGE

The Forestry Commission sought consent for the installation of 2 seats and possibly an information point at Eyeworth Pond. It was proposed that a roughly semi-circular area, some 15 metres long and extending up to 3 metres from the bank into a shallow part of the pond, should be constructed to provide a safe seating and viewing area, separated from the gravelled access to the car park.

The Court suggested that this proposal is contentious and should therefore be brought by way of a Presentment in Open Court. The Deputy Surveyor, however, disagreed, saying he felt it is small scale and low key and is not sufficiently controversial to warrant a Presentment. He added that Paul Hibberd (FC) has offered to meet Verderers on-site to discuss the proposals if that would help.

Members of the Court, however, remained of the view that the proposals are contentious and amount to increased urbanisation. It was suggested that people should come to the Forest for its quiet beauty and shouldn't expect it to be moulded into an urban park. It was further commented that the Review Group of 1987 recommended the site should be closed and that the car park should be removed and the area made traffic free.

One of the reasons for the proposals was said to be health and safety of visitors and the Official Verderer asked if there have been any recorded incidents to support this argument. He asked if a risk assessment has been carried out which identified the need for the proposals.

In view of the concerns, it was finally decided that the Official Verderer should make an announcement at the next Court. A decision will then be made after any comments have been received and considered.

***Following the meeting, the Forestry Commission withdrew the proposals. The matter is therefore discharged.***

2006/2054 GAS SUPPLY TO CASTLE HILL HOUSE, RINGWOOD ROAD, BURLEY STREET

DISCHARGE

Consent was given, subject to the usual three conditions, for the installation of a gas pipe to this property.

2006/2055 GAS SUPPLY TO NO. 1 NEW FOREST DRIVE, BROCKENHURST

DISCHARGE

Consent was also given, subject to the usual three conditions, for the installation of a gas pipe to this property.

2006/2056 BLACK KNOWL CARAVAN SITE

DISCHARGE

The proposals to replace the BT cabling and a new chamber were approved subject to the usual three conditions.

2006/2057 NEW FOREST RURAL PATHFINDER PROJECT

DISCHARGE

The Deputy Surveyor explained the project....

Rural Pathfinders were announced as part of the Governments Rural Strategy and form a significant element of DEFRA's move to a more devolved and modernised approach to delivery in rural areas.

Pathfinder projects will investigate how to improve the co-ordination of rural delivery at a local level. Eight pilot county areas have been selected, one in each Government region, and Hampshire represents the pilot for the South East. They run for 2 years until August 2007.

The purpose of the Pathfinder project in Hampshire is to test how to make delivery of rural services more effective, efficient and customer focused – i.e. meeting the needs of local communities.

In the New Forest a number of key agencies, English Nature, Forestry Commission, Environment Agency, Rural Development Service and Hampshire County Council, have come together under the banner of the *New Forest Rural Pathfinder* to investigate ways of improving delivery of land management. The New Forest falls within several land designations, e.g. National Park, cSAC, SSSI and SPA which impose regulations on the way in which the land is managed. Several different agencies regulate the legal requirements behind these designations. A landowner, agent or other third party may have to apply to a number of agencies to obtain the necessary consents and some activities may require consultation with local communities and other agencies.

New Forest Rural Pathfinder aims to do two things.

1. Investigate the consenting process. Representatives from the key agencies will meet to review the current processes and make recommendations on how the process can be improved.
2. The second will investigate the processes of stakeholder participation and consultation. Methods and style of consultation will be reviewed and their strengths and weaknesses identified. Recommendations will then be made as to how they may be improved.

In addition, the project will support further land management work to improve the condition of the SSSI. Practical works will act as pilots for testing improved methods of obtaining consent and stakeholder participation.

As one of the environmental bodies with responsibility for issuing consents, the Court was invited to participate in the work to review current processes. The Deputy Surveyor asked that a Verderer be nominated to represent the Court. Mr Pasmore offered to be the



Court's nominee and the Official Verderer said he would like to join the group as well as and when possible.

It was confirmed that the actual powers of the Court are not being reviewed.

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

2006/2058 BEAULIEU RAF TOWER – ROUNDHILL CAMPSITE DISCHARGE

The proposals for a safety fence to prevent unauthorised persons climbing the tower were approved subject to the three usual conditions.

2006/2059 HOLLANDS WOOD & ROUNDHILL CAMPSITE PROPOSALS RESUME

The suggestion that the RSPB be included in the consultation process has been agreed. The Revised Appropriate Assessments are now being carefully considered.

2006/2060 FOREST DESIGN PLAN DISCHARGE

Mr Pasmore wrote a paper which received the full support of the Court subject to minor amendment. A copy will be sent to the Deputy Surveyor who will ensure that Mr Simon Smith and Mr Jonathan Spencer also receive copies.

2006/2061 SPEED INDICATOR DEVICES (SID's) AND WITNESS APPEAL SIGNS DISCHARGE

The Clerk reported that it has now been agreed that contractors will be employed to deploy the SID.

The Agisters will be responsible for deploying the Witness Appeal Signs as and when it is felt they may prove helpful. The Office will provide accident data as requested.

2006/2062 VERDERERS' INCLOSURES DISCHARGE

The Official Verderer reported that he wrote to the Deputy Surveyor confirming that the Court is prepared to accept his proposal that for the next five years, any reduction in payments by way of compensation which would normally have been paid under the existing agreement, will be matched by an equal increase in the amount paid as Administrative Grant. It is understood that the Forestry Commission's commitment to balance any reduction in the Verderers' Inclosure income with an increase in the Administrative Grant will be for five years, namely from 2006/7 until 2010/11, at which time the process will presumably be reviewed. The Official Verderer also stated in his letter that since the Court is effectively agreeing to a temporary variation of the agreement with the Forestry Commission, it is prudent for the Court to specifically state that it wishes to reserve its position in respect of that agreement when the process is reviewed in five year's time.

For avoidance of doubt, the Deputy Surveyor was asked to formally respond to the Official Verderer's letter and this he agreed to do.

2006/2063 HEATHER BURNING – WILDLIFE & COUNTRYSIDE LINK DISCHARGE

The Deputy Surveyor confirmed that the Forestry Commission (Mr Simon Weymouth) has responded to the consultation put out by DEFRA. The Forest's position is therefore being represented. The point has been made that burning is necessary for the management of the Forest. The Deputy Surveyor said that it would do no harm for the Verderers to support the view of the Forestry Commission. He promised to provide the address to which the Court's comments should be sent together with a copy of Mr Weymouth's response.

2006/2064 DITCHING ON THE HIGHWAY VERGE – HATCHET MOOR DISCHARGE

Photographs of the work were provided by the Forestry Commission and it was agreed that banking the spoil from the newly reformed ditch on the side away from the road was the correct way of carrying out the work. The work has been carried out in the manner in which the car free ditches were originally constructed in the early 1970's and the method has stood the test of time.

2006/2065 BARRIER ON BEAULIEU AERODROME DISCHARGE

Mr Parke said the problems of illegal access are ongoing as is repeated damage to the barrier. Mr Oram is currently trying to find a solution to the problem and any ideas would be appreciated. The main concern is to protect the little greens which are being damaged by vehicles.

2006/2066 LAND EXCHANGES RESUME  
April

Mr Parke said he would chase the Solicitors again. The exchange land at Green Lane is still not open but some rent may be payable in this respect for the past 5 years. The land at Ashurst Lodge has been thrown open but tidying up has not yet been completed.

2006/2067 SLIPPERY SURFACES ON RAILWAY BRIDGES RESUME  
March

No response has been received to the request for the slippery bridges to be resurfaced. It was suggested that the CDA might be able to help with financing a new surface if that is the problem. It was further suggested that perhaps the Forestry Commission could do the work. The Deputy Surveyor and Mr Parke were not, however, enthusiastic about this idea because the Commission could well find itself liable, both in case of accident and for future maintenance, if it carried out any work on Railway property.

It was suggested that the County Rights of Way Department should be contacted to see if they can help. Mr Parke said he will write to Hampshire County Council.

2006/2068 BLUE WATER MAIN MARKERS RESUME  
March

Mr Parke said he has nothing to report. In one location there are 6 markers in a row!

2006/2069 ELLINGHAM RUGBY/CRICKET PITCH RESUME  
March

The Club has been written to again with respect to the wicket covers and harrows on the Open Forest. Mr Parke promised to keep pursuing them. He added that he is having problems even getting a meeting with them.

2006/2070 CADNAM CRICKET PITCH DISCHARGE

Mr Parke reported that unlike Ellingham, Cadnam Cricket Club has been much more co-operative. Following a meeting, the Club has undertaken to ensure the wicket covers are gone by the start of the cricket season. This was agreed in order to give the Club time to sell the covers.

2006/2071 NEW PARK ENTRANCE RESUME

The situation is much better with many of the signs having now been removed. A few signs remain and Mrs Heron will be asked if she can put some pressure on the relevant department to see if the remaining signs can be removed from land belonging to the County.

2006/2072 BRAMSHAW TO WINDYEATS ROAD – RUBBISH DISCHARGE

The road was reported to be spotless this morning. However, the A31 is awful although apparently a team of litter pickers are currently at work so it is hoped the situation may improve.

2006/2073 ASHURST CRICKET CLUB DISCHARGE

Mr Parke reported that the Hospital is to re-fence its boundary against the bit of land to be opened to stock. Once this is completed, the Forestry Commission will get on with the remaining fencing and installation of gates. *Following the meeting, the Clerk was advised that the Hospital fence will be done in the next financial year.*

The Forestry Commission will come back to the Court when there is something further to report.

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

2006/2074 LIFE 3 – NEW POUNDS DISCHARGE

The Forestry Commission has offered to build three new pounds on the understanding that once built they will become the responsibility of the Court. Mr Adams said that he has a problem of safety with one of the proposed pounds because of the proximity of a road and car park. The other two are fine and the Commission was thanked for offering to build the pounds. He added he has arranged a site meeting at Bolderwood for this afternoon if anyone would like to attend.

- 2006/2075 STOCK POUNDS DISCHARGE
- Mr Parke advised that he is currently preparing a schedule of the pounds on Crown Lands. Once this is complete, the Court will be expected to take responsibility for them as respects maintenance and liability.
- 2006/2076 SIGN OUTSIDE THE ROYAL OAK, HILL TOP, BEAULIEU RESUME
- Mr Montagu remarked that he raised the question of whether this sign should be on the grass outside the pub sometime ago. It is still there and he asked if it can be removed. Mr Parke will take up the matter.
- 2006/2077 HATCHET POND CAR PARK VERGE DISCHARGE
- The restoration work on the verge has been destroyed by lorry. Mr Parke agreed the site needs revisiting.
- 2006/2078 MILKHAM BRIDGE DISCHARGE
- Mrs Thorne thanked the Forestry Commission for the work they have carried out on the bridge.
- 2006/2079 DAMES SLOUGH DISCHARGE
- Mrs Thorne relayed concerns expressed by Capt Tim Moore (former CDA Chairman) about the works in Dames Slough. He has questioned why the work was done and expressed the view that it is pure experimentation with little justification and no provision to assess the results. Deep clay holes appear to have been created and the stream is virtually still in dry weather resulting in stagnant water and the growth of a possibly poisonous algae.
- The Deputy Surveyor refuted Capt Moore's allegations and said the works are not experiments.
- Concern was expressed, however, that some works carried out in inclosures can result in hazards to stock on the adjacent Open Forest. There was also concern that work carried out in inclosures which are to subsequently be thrown open can again result in hazards to stock. Problems may have been caused and it was felt that it is important that the detail of proposals should be carefully considered and blanket approvals avoided.
- 2006/2080 PERMIT FOR USE OF FIREARMS BY THE AGISTERS ON THE CROWN LANDS DISCHARGE
- The Deputy Surveyor has issued a permission for the Agisters to use humane killers and shotguns on the Crown Lands for the humane despatch of Forest stock. However, the map which was attached to the permission is somewhat confusing and the permission will be amended. A copy will be provided to the Clerk.

2006/2081 BULL HILL BRIDGE DISCHARGE

Mr Gerrelli advised that a new gate has been erected at Bull Hill Bridge.

2006/2082 SUCCESSFUL PROSECUTION UNDER FORESTRY COMMISSION BYELAWS DISCHARGE

The Deputy Surveyor reported that a successful prosecution has been secured of a person caught using a Kite Buggy on the Open Forest at Wilverley. He pleaded guilty and was given a 12 months conditional discharge and ordered to pay £300 costs. The cost of bringing the prosecution, however, was £1,700 in legal fees alone. The offence was committed in June and the case heard in Court in November.

Some other Kite Buggy users were caught on 1<sup>st</sup> January and a decision has yet to be made as to what action will be taken.

2006/2083 COTTAGE TO LET IN DORSET DISCHARGE

Mr Parke advised the Court that the Forestry Commission has a cottage available to let in Dorset as an incentive to someone prepared to graze certain heathland sites. The Commission has had great difficulty in finding graziers and it is hoped the cottage at Plumley Farm may serve as an inducement to graze some stock on several parcels of land. Information has been provided to the CDA and the Clerk.

2006/2084 MILLYFORD DEBRIS DAM – BOLDERWOOD ROAD DISCHARGE

The Environment Agency has complained that a debris dam is impeding fish movements. At a site meeting English Nature and Southampton University stated they do not want the dam removed resulting in an impass! Eventually it has been agreed that some small amounts of debris from the adjacent flood plain will be placed in the stream to provide a fish ladder. The experts say the water will remain in the channel.

The Deputy Surveyor felt the Court should know about the problem as there will be some work carried out on site, by hand, in the next few days.

2006/2085 QUEEN BOWER / FLETCHERS WATER – FLOODING OF SCHEDULED MONUMENT RESUME

Mr Pasmore advised that water is eroding the scheduled monument and flooding is occurring upstream. He requested the problem be looked at.

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

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

2006/2086 MINSTEAD MANOR RESUME

The Official Verderer reported that Mr Cooper sent a letter with a cheque to the office. In the letter Mr Cooper said the cheque was a contribution towards the cost of the Agisters' services, as opposed to a payment for marking fees. As a result, the cheque had to be returned with a letter politely saying that the Court could not accept the cheque unless it was a payment in respect of marking fees.

One animal belonging to Mrs Annie Cooper has been found in the Forest at Brockenhurst. A full report is awaited from the Head Agister.

It was unanimously agreed that the Official Verderer should consult the Court's solicitors if necessary in this matter.

2006/2087 WILVERLEY INCIDENT RESUME

The Clerk reported that nothing further has been heard in this connection.

2006/2088 STALLIONS – NEW PARK GRAZING RESUME

Rent for 15 stallions will be paid to New Park as agreed. The owner of the 3 stallions which were due to graze in New Park is aware that he will not receive payment.

Concern was expressed at the number of deer which are in the fields with the stallions. This appears to be the result of the poor state of the fencing. The Clerk was asked to write to the Chief Executive of the Show Society in this connection.

2006/2089 RTA AT BEAULIEU – POSSIBLE INSURANCE CLAIM DISCHARGE

Nothing further has been heard regarding the letter received in November from a motorist claiming damages as a result of a collision with a pony in Beaulieu. It was agreed the matter should be discharged from the Minutes and the Clerk will come back to the Court if anything further is heard.

2006/2090 HERITAGE LOTTERY FUND DISCHARGE

It was agreed that Mr Pasmore and Mr Montagu will represent the Court at meetings.

The following draft policy, prepared by Mr Pasmore, was adopted as setting out the Court's position in respect of the bid.

*The Verderers welcome the new bid to the Lottery and will participate fully in the application process. They are, however, anxious to ensure that "conservation" work which may be proposed will not result in damage to the grazing of the Forest and wish to be fully consulted on such inclusions in the bid.*

A number of suggestions have been made for projects which the Verderers will seek to get included in the Bid.

2006/2091 FEEDING OF STOCK ON THE NATIONAL TRUST COMMONS DISCHARGE

The Official Verderer reported that he wrote to the National Trust Solicitor as agreed. The matter will be brought back to the Court as and when necessary.

## **NATIONAL PARK**

2006/2092 THE OFFICIAL VERDERERS' MEETING WITH THE NATIONAL PARK AUTHORITY'S CHAIRMAN AND CHIEF EXECUTIVE RESUME

The Official Verderer reported on a recent meeting he attended with the Chairman and Chief Executive of the Park Authority. It was an informal meeting about what the Verderers can do to assist the Authority. In turn, areas where the Verderers would like support were also discussed. The National Park Authority is being asked for money and help from numerous organisations. The Verderers' Court is recognised as being a key partner in the management of the Forest. It has been suggested that the Agisters should receive regular briefings about the work of the Authority in order to help disseminate accurate information to the commoning community.

The Official Verderer raised the problem of the Countryside Agency being unable to continue funding the stallion scheme. The Chief Executive said she will see if DEFRA can help persuade the Agency to continue to help. The application for assistance in providing the Agisters with vehicles has been submitted and is under consideration.

The Authority is currently developing a corporate plan and will move towards a Management Plan to replace the New Forest Committee's Strategy for the New Forest. The Official Verderer reminded the Chairman and Chief Executive of the need for the Verderers to be actively involved in this process.

## **OTHER AGENDA ITEMS**

2006/2093 NUMBER 11 HOLMSLEY GATEHOUSE DISCHARGE

The Clerk has received a request from a firm of solicitors concerning the common rights affecting No. 11 Gatehouse and sought guidance from the Court as to how to respond. She was advised to respond by saying that the Verderers very much regret they are unable to assist in this matter, and they cannot give the confirmation that the solicitor's client seeks. It was suggested the Chairman of the Commoners' Defence Association should be advised of the enquiry.

Whilst the matter was under discussion, it was queried how a satisfactory foul drainage system has been constructed in view of the very limited garden surrounding the property and the absence of any mains drainage. This question will be raised with Mr Parke.

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

2006/2094 MARKING FEES FOR PIGS & SHEEP ON THE ADDED AREAS RESUME

A commoner has asked for confirmation of the legal position regarding the requirement to pay marking fees for pigs and sheep on the added areas. The National Trust's letter of consent to the Verderers' byelaws will be scrutinised but it is believed the Verderers are quite entitled to charge marking fees for these animals.

**TRAINING**

2006/2095 TRAINING FOR THE AGISTERS ON WORKING ON OR NEAR THE HIGHWAY RESUME

The Clerk will liaise with her contact at Forestry Commission to find out when the course is likely to be held.

**HEALTH AND SAFETY AT WORK**

2006/2096 ELECTRONIC EAR DEFENDERS DISCHARGE

New electronic ear defenders have been purchased for the Agisters.

**ANY OTHER BUSINESS**

2006/2097 BUDGET & FIVE YEAR PLAN DISCHARGE

The Official Verderer reported that minor amendments have been made to the Budget and Five Year Plan which are simply mathematical corrections. The Deputy Surveyor has advised there are no problems with the figures and the budget should be approved in early March.

2006/2098 VISITOR TO THE COURT DISCHARGE

The Official Verderer reported that Cllr Jonathan Glenn, Cabinet Member for Hampshire County Council based in Winchester, has asked to attend a meeting of the Court in Committee. Cllr Glenn is responsible for environmental matters and the Official Verderer recommended he should be invited to attend. It was agreed unanimously that he should.

2006/2099 VERDERERS' ELECTION DISCHARGE

The Official Verderer reported that Mr Colin Draper has been asked to help with organising the Election this year. The election will be mentioned on regular occasions in Open Court during the Announcements and Decisions and various other means of raising awareness and increasing participation are being put into place.



2006/2100 NEW FOREST SHOW STAND

DISCHARGE

The Official Verderer suggested that the Show Stand should be updated and asked the Court for approval to spend a reasonable amount of money in this respect. The Court agreed and further details will be provided when available.

2006/2101 LYNDHURST BYPASS

RESUME

Mr Montagu asked if the Court has a view or officially declared position on the provision of a bypass for Lyndhurst. In reply, the Official Verderer said that he did not believe the Court has arrived at any specific view at this stage. The Court felt that a proper transport strategy for the whole Forest is required.

Mrs Heron will be asked to ascertain whether there is a formal Members' committee considering a Lyndhurst bypass and if so when it would be appropriate for the Court to make its views known. The Official Verderer suggested that if it transpires that this issue is being considered by a County Council committee, then a sub-committee should be formed in order to arrive at a view for approval by the Court as a whole.

2006/2102 AGISTERS' USE OF FIREARMS ON THE CROWN LANDS

DISCHARGE

The Forestry Commission has issued a permission for the Agisters to use humane killers and shotguns on Crown Land.

2006/2103 KINGSTON GREAT COMMON

DISCHARGE

The Official Verderer reported that following a case conference the trial date has been postponed. Instead, there will be four days of legal argument. A date for trial is awaited.

There being no further business, the meeting closed at 12.52 p.m.