

**MINUTES of the Court of Verderers held on Wednesday 16<sup>th</sup> July 2008 at 9.30 a.m. in the Verderers' Hall & 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	Natural England Appointed Verderer
	Mrs D Halford	National Park Authority Appointed 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:	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister
APOLOGIES:	Mr A Gerrelli	Elected Verderer
	Mr J F Kitcher	Elected Verderer

**IN COMMITTEE in the Library**

The Head Agister attended the meeting for the first three items.

2008/3834 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 18<sup>th</sup> June 2008 were approved.

2008/3835 CONDITION OF STOCK RESUME

The Head Agister reported that stock is in fairly good condition now. The weather is not ideal for haymaking but good for the Forest as the grass keeps on growing.

**STRANGLES**

Occasional cases of strangles are still being reported in various parts of the Forest. It is mostly affecting foals and young ponies. If it continues, there is a small possibility it may impact on the drifts.

**The Head Agister left the meeting**

**RAGWORT**

Mr Adams commented that there is a huge ragwort problem this year. The Clerk reported that her assistant has been very busy contacting the owners of the private common land within the perambulation asking them to take action to clear ragwort from their land.

2008/3836 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2008/3837 DECLARATIONS OF INTEREST

RESUME

The Elected Verderers, Mrs Halford and Mrs Thorne all declared an interest in the Countryside Stewardship Scheme.  
The Official Verderer declared an interest in all matters concerning golf clubs.

Mrs Halford declared an interest in matters concerning Burley in her capacity as a Burley Parish Councillor.

2008/3838 FINANCIAL STATEMENT

RESUME

The Financial Statement for June was approved.

The Official Verderer advised the Court that he intends to ask for a special variance to the 2008/2009 grant from the Forestry Commission to cover the cost of unrecoverable legal fees in respect of recent byelaw enforcement action.

2008/3839 REPORT ON MARKING FEES RECEIVED AS AT END OF MAY 2008

RESUME

Ponies	4397	Pigs	23
Cattle	2354	Sheep	62
Donkeys	123		
SUB TOTAL	6874	TOTAL ANIMALS	6959

2008/3840 ANIMALS REMOVED IN JUNE 2008

RESUME

	POOR	SICK OR INJURED	WANTED BY OWNER	OTHER	TOTALS
Mares with Foals		2	1		3
Mares with Yearlings					0
Mares		1			1
Fillies		4			4
Colts					0
Geldings					0
Stallions					0
Mule					0
Cattle					0
Calves					0
Donkeys with Foal/Yrlg		2			2
Donkeys		1		1	2
Pigs					0
Piglets					0
Sheep					0
Total	0	10	1	2	13
Total year to date	440	41	90	58	629

Two year old colts

**Summary by Species**

Ponies	9
Mules	0
Cattle	0
Donkeys	4
Pigs	0
Sheep	0
Total	13

2008/3841 BYELAW ENFORCEMENT

RESUME

Earlier in the meeting, the Head Agister confirmed that all Minstead commoners have paid their marking fees.

The Official Verderer reported that this means that apart from two families, all outstanding marking fees have been received.

Mr Barnes' County Court appeal directions hearing is scheduled for 28<sup>th</sup> August.

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

IN ATTENDANCE: Mr Mike Seddon, Deputy Surveyor of the New Forest

APOLOGIES: Mr Mark Street, newly appointed Area Land Agent (New Forest)

**ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER**

2008/3842 LONGSLADE

Last month Colonel Sweet made a presentment expressing his concerns for the future of the re-seeded areas such as Longslade. We have been concerned for some time by the long-term problem of the gradual shrinking of the lawns throughout the Forest, caused by a number of factors such as encroaching heather on the reseeded areas. The whole issue is a complex and perplexing one which could have worrying consequences for the welfare of the Forest's animals in the future.

We must of course recognise that much work has already been done, as part of the Life Project, to try to restore some of the natural lawns such as Dame Slough and Highland Water. Such projects may well help to counterbalance the gradual reversion of some of the re-seeded lawns to heather.

We have written to Natural England in order to canvass their opinion on the subject, asking in particular if restoration of the natural lawns can be expedited. We now await their response.

2008/3843 FENCING ON FOREST ROADS

As with the Forest's lawns, the state of the roadside fencing is a problem with which we continue to wrestle. At our June Court Mr Michael Cooper made a presentment on behalf of the Commoners Defence Association bringing the poor state of repair of the fences alongside the A31 in particular to our attention.

Fortunately in the recent past we have had the vigorous support of the leader of the District Council, Mel Kendal, which resulted in a so far evident programme of repairs and renewals along the A337 and the A35, which are the direct responsibility of the County Council's Highways department. Sadly the same cannot be said for the A31 which comes under central Government's control through the Highways Agency.

We have thus written to the Agency suggesting that they adopt the high fencing specification currently used by the County Council for their stockproof fences, and start repairing the numerous weak and sometimes dilapidated sections of the fence-line along the A31 before there is a serious accident caused by cows or ponies straying on to the dual carriageway.

## **ANIMAL ACCIDENT REPORT**

### **2008/3844 ACCIDENT REPORT FOR JUNE 2008**

The agisters attended 12 accidents, compared with 17 for the same period last year.

5 ponies and 1 donkey were killed and 2 cattle were injured.

7 accidents occurred during the hours of darkness.

9 involved private cars or light commercials.

8 accidents involved local motorists and 3 were not reported.

The total killed and injured for the year to date is 35 compared with 47 for the same period last year.

The Police Country Watch Stay Under 40 campaign carried out a speed enforcement operation on 14<sup>th</sup> July at Vereley near Burley. Thirteen fixed penalty tickets were issued to motorists. The top speed was 56 mph. Advice was given about the Stay Under 40 campaign which was again well received by some embarrassed drivers. More drivers would undoubtedly have been stopped had someone not put up a sign near the A31 warning of a speed "trap" ahead! However, the sign in itself was obviously effective in reducing vehicle speeds.

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

None

## **PRESENTMENTS**

### **2008/3845 ONGOING LOSS OF LAND TO COMMONING Presentment by Ms Pippa Rivers**

Ms Rivers expressed concern at the amount of land benefiting from common rights which is being lost to commoning as a result of development or designation as public amenity land.

Additionally, Ms Rivers felt that council owned land that does benefit from common rights should be let to commoners at preferential rates. At present New Forest District Council does not hold any records indicating what land in its ownership carries such rights. Ms Rivers suggested the Court should request detailed records of the acreage and location of land owned or administered by all the local authorities, to which rights of common attach. The authorities should then be asked to provide details of the planned future use of that land and request that the policy for tendering grazing land to the highest bidder should be reconsidered in the light of their stated commitment to supporting commoning.

2008/3846 FOREST LAWNS AND RESEEDED AREAS (HEATHER ENCROACHMENT)  
Presentment by Ms Rachel Green, Team Leader, Natural England, South Hampshire and Isle of Wight Team

Ms Green read from a letter she has recently written to the Official Verderer in response to his letter to her following Colonel Sweet's Presentment at the last Court.

Ms Green said that the natural "lawns" are accepted as significantly important for the commoners' animals and that the Forestry Commission has commissioned a report on changes in the area of these lawns over the last 150 years. The findings of the report will form the basis of plans for lawn restoration to be agreed in the near future. We would expect this to be more beneficial for improving animal condition if indeed there is a welfare issued to be addressed.

In summary, Ms Green reported that Natural England's view is that in partnership [with the Commoners' Defence Association, the Forestry Commission and the Verderers] we should concentrate on restoring the natural lawns whilst dealing on a site by site basis as part of the annual burning and cutting programme any issues that might give rise to the need for specific management measures on re-seeded lawns where they have merit.

### **IN COMMITTEE in the Library**

PRESENT: Mr Mike Seddon, Deputy Surveyor

APOLOGIES: Mr Mark Street, newly appointed Area Land Agent, New Forest

### **CONSIDERATION OF PRESENTMENTS**

2008/3847 ON GOING LOSS OF LAND TO COMMONING DISCHARGE

It is not necessary for backup land to always benefit from common rights, provided the commoner has rights on some of his land. The Court felt this is an interesting idea for Local Council's or possibly the National Park to consider.

2008/3848 FOREST LAWNS AND RESEEDED AREAS (HEATHER ENCROACHMENT) DISCHARGE

A copy of the Official Verderer's letter to Natural England, together with Ms Rachel Green's reply, will be copied to all Verderers.

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

2008/3849 NEW FOREST GOLF CLUB RESUME

The existing 25-year licence for the New Forest Golf Club expires on 31 December 2008. The Golf Club has approached the Forestry Commission seeking a new licence to enable the continued operation of the Course.

The Forestry Commission is willing to grant a new licence to the New Forest Golf Club, subject to a satisfactory outcome of more detailed negotiations. The management of the club and course appears to have been improving since it became a "members club" and progress has been made on the 4-year improvement plan agreed in 2006.

To progress this matter, it would be usual for the Forestry Commission to draw up a Heads of Terms for the new licence for agreement with the Club, from which solicitors would then be engaged to complete the new licence. At this stage the following items, of interest to the Verderers, are being considered for inclusion in the Heads of Terms:

- Area occupied by the course to remain the same as current.
- General terms to remain similar to those previously used (subject to solicitors advice) – a copy of which are attached, minus financial arrangements.
- Details of infrastructure to be updated to accord with present condition (noting that a significant number of bunkers etc have been filled in or removed).
- Licence period to be 10 years. It would be normal for the Forestry Commission to grant a 25-year term, however in recognition of previous management issues associated with this particular Golf Club, a shortened term is proposed.
- The licence to require the Golf Club to draw up and maintain a SSSI management plan, to be agreed by Natural England, for the area occupied.

Over the past years, the activities at New Forest Golf Club have been the subject of discussions between the Forestry Commission and the Verderers. Certain activities carried out by previous management of the Club have not shown sufficient understanding of the New Forest. The Verderers will therefore have a heightened interest in the proposed renewal of this licence.

The Forestry Commission is therefore seeking from the Verderers comments about a new licence ahead of formal negotiations commencing with the Golf Club. In particular the Verderers comments are sought on the items listed above that could form part of the Heads of Terms, along with any other views, before the Forestry Commission formally seeks the agreement of the Verderers to the grant of a new licence.

The Deputy Surveyor confirmed he has also written to Mr Brian Ingram, Chairman of the New Forest Commoners' Defence Association in this connection.

Mr Pasmore remarked that this is a controversial request which in his view should be subject to a Presentment in Open Court.

A copy of the present conditions and the improvement plan was requested for each Verderer.

The Official Verderer said the submission would be discussed later in the meeting.

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

2008/3850    CONDITION OF FENCING ON FOREST ROADS

RESUME

This matter is in hand.

2008/3851    ROUNDHILL CAMPSITE    DISCHARGE

Nothing further has been heard about the proposed planning application in respect of the gas tanks. The gravel around the toilet blocks has been removed. The electric hook-ups on the toilet blocks must be removed and the staff caravans moved back to the area near the pond. The Verderers reserved their position with respect to the hook-ups in this area as the matter will be discussed later in the meeting.

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

2008/3852    PANNAGE SEASON    DISCHARGE

The Court asked that the date for this year's pannage season be agreed earlier than usual this year. The Deputy Surveyor said he would consult the Keepers but thought that the Saturday following the September Verderers' Court would be acceptable. The Clerk will be advised of the end date as soon as possible.

2008/3853    ILLEGAL HOARDING    DISCHARGE

A large hoarding advertising a jazz festival has appeared at Bramshaw Telegraph. The Deputy Surveyor agreed it should be removed as soon as possible.

2008/3854    RHINEFIELD HOTEL PUMPED SEWER    DISCHARGE

The sewer pipe has been laid but reinstatement work has not been finished. Steel manhole covers have been left projecting from the ground. Top soil been stripped and piles of bricks left lying around. Reinstatement is clearly not completed. The Deputy Surveyor said he will ask Mr Street to pursue the reinstatement.

2008/3855    LARGE TANK AT THE END OF CASTLE HILL LANE    DISCHARGE

The Deputy Surveyor said he will ask Mr Street to deal with this.

**The Deputy Surveyor left the meeting.**

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

2008/3856    ENCROACHMENTS    RESUME

The Clerk will write to the occupier of the property in Minstead concerning the encroachment.

A second encroachment has been identified at Bartley and an inspection is to take place on Monday.

2008/3857    KINGSTON GREAT COMMON    RESUME

Mr Steve Trotter (NPA) is still seeking a resolution to this issue. The fence is considered to be an impediment to public access and access by Forest stock. The Official Verderer will write again to Mr Trotter asking him if there is anything further that can be done.

- 2008/3858 REVISION OF THE VERDERERS' BYELAWS RESUME
- The Statutory Instrument has been drafted and is awaiting signature.
- 2008/3859 OVERGRAZING ON PLAITFORD, CANADA & WEST-WELLOW COMMONS RESUME
- The letter from Natural England setting out why they believe it is in the public interest for the names and addresses of commoners who depasture stock on these commons to be released is awaited. Upon receipt, it will be copied to all members of the Court for consideration as to whether the requested information should be provided.
- 2008/3860 THE ATLAS PROJECT RESUME
- As it was not possible to commence the project before the end of the financial year, the National Park Authority has reduced the amount of funding that it was originally able to offer. This has resulted in a shortfall of approximately £3,000. Mr Pasmore suggested the Christopher Tower Foundation may be able to assist and he was asked to write to the Chairman of the Trustees accordingly.
- 2008/3861 MICROCHIPPING OF PONIES RESUME
- The issues have not yet been satisfactorily resolved and a further meeting is scheduled.
- 2008/3862 STALLION SCHEME RESUME
- Additional grazing at Cadland has been agreed and the stallion owners have been invited to advise their preferences. There may be additional grazing in New Park in future years.
- The 5 year olds will winter out.
- Stallions removed from the Forest early will be paid on a pro-rata basis as in previous years.
- 2008/3863 NEW FOREST GOLF CLUB RESUME
- The Court felt that the application for a new lease should be made by Presentment as the management of the Club has in the past been controversial. In the meantime, members of the Court will visit the course. A copy of the Minutes of a special Court held on 9<sup>th</sup> May 2003 will be provided for all Verderers.
- 2008/3864 ROUNDHILL CAMPSITE RESUME
- It was agreed that the hook-ups on the toilet blocks are not acceptable. The legality of the hook-ups near the pond will be investigated as there is some doubt as to whether consent for them has ever been given.
- The Verderers felt the layout of the facilities blocks should be re-considered and designed so that all entrances are off the campsite road. This would avoid additional gravel or concrete being necessary.



In view of the problems on this and other sites, it was agreed that Verderers should inspect all the campsites at the end of each season. There remains an issue on Ashurst with the large Challenger van and awning that appears to have been on the same pitch since 12<sup>th</sup> July and may be draining water onto the Forest.

## **COUNTRYSIDE STEWARDSHIP SCHEME**

There was nothing to report at this meeting.

## **NATIONAL PARK**

2008/3865 DRAFT NATIONAL PARK MANAGEMENT PLAN AND RECREATION STRATEGY RESUME

The National Park has published drafts of its Management Plan and its Recreation sub-plan. Drafts of the documents are available for public consultation.

The Recreation sub-plan was explained to a meeting of Verderers on the 24<sup>th</sup> June 2008 comprising Mr Frost, Miss Macnair, Mrs Thorne and Mr Pasmore by Mr Trotter for the Park. A draft response to this plan has been prepared and will be circulated to all Verderers for final amendment.

The main Management Plan will also require a response and will be considered by a sub-committee comprising the Official Verderer, Mr Frost, Mr Montagu and Mr Pasmore.

## **OTHER AGENDA ITEMS**

2008/3866 USE OF THE VERDERERS' LOGO DISCHARGE

Following a couple of recent requests by other organisations wishing to append the Verderers' logo to their documentation the Clerk asked for guidance in this respect.

After careful consideration it was decided that as a general rule, use of the logo should only be permitted where the Court is offering financial support to the organisation in question. Other requests will be considered on a case by case basis but it is likely the use of the logo will only be considered appropriate where the Verderers have a significant involvement.

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

There were no reports.

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

2008/3867 AGISTERS' AREAS DISCHARGE

Agister Rix has now moved into his new abode and the Agisters' areas have been changed. Maps will be available very shortly.

## **TRAINING**

No training is currently being undertaken.

## **HEALTH AND SAFETY AT WORK**

2008/3868 STALLIONS/STOCK AND THE HEALTH AND SAFETY EXECUTIVE DISCHARGE

Following a meeting with an inspector from the Health and Safety Executive, advice on the Court's liability was sought from its insurer.

It has been confirmed that the Verderers have no liability in respect of depastured stock whilst the animals are grazing on the Forest. This is because the animals do not belong to the Verderers, nor do the Verderers own the land on which the animals graze. The Verderers must ensure that all reasonable care is taken whilst the animals are being actively managed by the Agisters – for example during a drift. The Verderers' insurance covers the organisation in this.

The Agisters will be instructed to make sure they take every reasonable precaution to ensure the health and safety of all those involved in the drifts, including the general public. The same applies at any other time the Agisters are handling, or in any way actively managing, the stock.

## **ANY OTHER BUSINESS**

2008/3869 FLEECES RESUME

The Clerk reported that she is having considerable difficulty finding suitable fleeces for the Verderers! The fleeces obtained for the Agisters and staff are no longer available in green. The Clerk will continue to search for a good quality alternative.

2008/3870 THE HORSE TRUST DISCHARGE

Mr Paul Jepson of The Horse Trust has asked if he may join the twice yearly Welfare Tours of the Forest. The organisation is involved in a diverse range of activities that benefit the welfare of all horses. It is the leading provider of grant funding for ethical scientific research and projects supported in the past include research into the parasitological and mineral status of Forest ponies. The Court agreed that Mr Jepson will be most welcome to join the Tours.

There being no further business, the meeting closed at 12.11 p.m.