

**MINUTES of the Court of Verderers held on Wednesday 17<sup>th</sup> July 2019 at  
9.30 a.m. in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.**

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

**IN COMMITTEE in the Library**

- 2019/10532 MINUTES OF THE LAST MEETING RESUME
- The Minutes of Court held on Wednesday, 19<sup>th</sup> June 2019 were approved and signed.
- 2019/10533 DECLARATIONS OF INTEREST RESUME  
October  
2019
- Declarations of interest can be found on the Verderers' website – [www.verderers.org.uk](http://www.verderers.org.uk). The Declarations of Interest will be reviewed in October 2019.
- 2019/10534 CONDITION OF STOCK RESUME
- The Head Agister reported that overall stock is looking well. There is quite a lot of grass on the Forest now, although where the weather has been dry for a few weeks, some areas are beginning to burn up. There is, however, plenty of food in the bottoms and on the damper heaths.
- Mares with foals are a little leaner and are noticeable when seen amongst the herd but the foals all look fat and well.
- The Forest cattle look exceptionally well. Some, which were turned out early and lost a little condition, have improved significantly.
- 2019/10535 BOVINE TB RESUME
- A meeting with APHA has been arranged at which the Forest TB plan will be reviewed.
- 2019/10536 REPORT ON MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2019</u>	<u>2018</u>
Forest Ponies	4946	4811
Forest Cattle	4304	4028
Forest Donkeys	132	124
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	9382	8963

Common Ponies	758	726
Common Cattle	1636	1535
Common Donkeys	136	122
Common Pigs	41	24
Common Sheep	211	213
Total Common Stock	2782	
Ponies, Cattle & Donkeys on the Forest	9382	8963
Ponies, Cattle & Donkeys on the Commons	2530	2383
Total Ponies, Cattle & Donkeys	11912	11346
Total Stock – Forest & Commons	12164	11583

2019/10537 HIT & RUN REWARD SCHEME

RESUME

An off-duty fireman who provided evidence leading to the driver responsible for hitting a Forest pony and driving off being identified, is likely to be eligible for a payment under the Verderers' Hit & Run Reward Scheme. Further information is being sought from Hampshire Constabulary before a final decision is made.

2019/10538 BYELAW ENFORCEMENT

DISCHARGE

The two-year-old colt has been caught and removed from the Forest. Two Commoners who are in the Verderers' Grazing Scheme and who each had a two-year-old colt out after the 1<sup>st</sup> February will be penalised. They will each lose £400 from their 2019 payment. Letters advising them of the penalty will be sent out shortly.

It was agreed the procedure for dealing with commoners who are late paying their marking fees will be commenced in respect of a commoner who has so far declined to pay for her continuously depastured ponies.

2019/10539 ANNOUNCEMENTS & DECISIONS

RESUME

The Announcements and Decisions were approved.

**OPEN COURT – 10.00 a.m.**

IN ATTENDANCE: Mr Paul Grugeon, Land Agent (New Forest)  
APOLOGY: Mr Bruce Rothnie, Deputy Surveyor of the New Forest

**The Head Agister opened the Court with the usual proclamation.**

**ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER**

2019/10540 APPOINTMENT OF DEFRA VERDERER

I'm pleased to announce that Defra has appointed Mr Rick Manley to join the Court for a four-year term from 28th July 2019.

Mr Manley has had a long and successful business career in the design, manufacture and installation of commercial graphics and sign systems for the automotive and aeronautical industry. He is also a practising commoner and served as chairman of the Commoners' Defence Association from 2000 to 2005.

We look forward to welcoming him onto the Court.

#### 2019/10541 DOGS CHASING LIVESTOCK

I have mentioned before, the worrying increase in incidents of dogs chasing and attacking livestock.

A dog was recently seen by a Forest Keeper chasing a calf at Wilverley. The Keeper was able to speak to the owner and the matter was reported to the Police who have also spoken to the person responsible. I'm glad to say that the dog owner has responded constructively and has agreed to walk less dogs at any one time – up to nine were being walked – in order to have greater control. The police have made it clear that should this happen again, or if livestock is injured, they will consider issuing a dog behaviour order or, in the worst case, seek an order for the destruction of the offending dog.

A second recent incident, where a large dog was seen chasing a foal, this time at Janesmoor, was also reported to the Police and again the owner of the dog has been spoken to.

In a third incident, an Alsatian dog was witnessed chasing a big group of ponies, making some run across a road not far from Fernycrofts. The two women with the dog were trying to call it back. This incident has also been reported to the Police as well as New Forest District Council's Environment Team because in some cases, their different powers mean penalties can be imposed on dog owners quicker and more effectively.

The Verderers are grateful for the assistance and cooperation of the Forest Keepers, the Police and NFDC in these matters.

The importance of dogs being under control cannot be overestimated. Not only is stock being injured and killed by out of control dogs, but the worrying of livestock by dogs can make the livestock behave much more unpredictably around people, with or without dogs. Please keep your distance from stock at all times, especially if you have a dog.

The Forest is a wonderful place to walk dogs and long may it remain so. I urge all dog walkers not only to behave responsibly themselves, but also to do whatever they can to encourage other dog walkers to do likewise, for the benefit of all.

#### 2019/10542 NEW FOREST SHOW

The Verderers invite you to visit their stand in The Heart of The Forest. Learn about the Forest, its traditions and history. Upload your selfie or photograph to our giant photo mosaic wall using #NFPONY to add your pledge to help us look after this special place.

#### ANIMAL ACCIDENT REPORT

##### 2019/10543 THE ANIMAL ACCIDENT REPORT FOR JUNE 2019

The Agisters attended 4 accidents in June. This compares with 11 in the same month last year.

1 pony and 1 cow were injured and had to be humanely destroyed and 1 pony and 1 cow were injured.

3 accidents occurred in daylight and 1 in the dark.

One of the accidents was not reported by the driver involved. 2 motorists are known to have been local.

The total killed and injured so far in 2019 is 40 compared with 36 in the same period last year.

## PRESENTMENT BY THE DEPUTY SURVEYOR

2019/10544 PANNAGE SEASON 2019

In accordance with the provisions of Section 7 of the New Forest Act 1964, the Verderers have been consulted with regard to the dates of the pannage season and I hereby formally notify the Court that the season will commence on Monday 9 September 2019 and that it will end on Sunday 10 November 2019, both dates inclusive.

May I remind Commoners who hold the right of Common of Mast that:-

1. Pigs turned out must be levant and couchant in and upon the land from which the right is derived.
2. Pigs may not be turned out until they have been inspected by an Agister, effectively ringed, marked and the appropriate fee paid. This must take place during normal working hours. 48 hours notice must be given and the time and place where the pigs are to be inspected and marked must be agreed.
3. Pigs must be marked before they are put onto the Forest.
4. Pigs may not be turned out into the Inclosures.
5. Breeding sows, that is female pigs in-pig, may be allowed the privilege of remaining on the Open Forest after the end of the pannage season if so authorised in writing by the Deputy Surveyor for the period specified in the consent.
6. Any breeding sow that is granted the specific written consent of exercising the privilege must be inspected, ringed, marked and paid for during the pannage season.
7. Any breeding sow exercising this privilege must return to the holding at night.
8. Apart from the aforementioned privilege of turning out breeding sows with proper authorisation onto the Open Forest beyond the pannage season, no pig will be allowed to remain on the Forest after the end of the season.
9. No period of grace is allowed for the removal of such unauthorised pigs.
10. Any consent granted for the exercise of the privilege is limited to the period following this particular pannage season and cannot be presumed to apply for future years, for which a separate application must be made.
11. Any unmarked animal running on the Forest does so in contravention of the Verderers' Byelaws and the owner is liable to a fine of up to £200.00.
12. Property owners of land adjacent to the Forest are reminded that it is their responsibility to fence out Forest animals from their land.

## PRESENTMENTS

2019/10545 REPAIR OF THE TRACK FROM CRAB HAT TO THE NOADS  
Presentment by Mr Brian Ingram, Commoner

Mr Ingram reported that the track from Crab Hat to the Noads is in urgent need of repair. Some 18 months ago signs went up saying the track would be repaired but nothing happened. Damage had been caused by Forestry England contractors. Rare plants are now reportedly growing in the area but Mr Ingram said all he can find is dirt! He questioned whether the plants had been imported with materials used for restoration work elsewhere in the area.

Mr Ingram also enquired whether anything is happening to an important track and one that he himself has used on many occasions over the years to get from Furzey Lodge to Dibden Purlieu.

2019/10546 HERAS FENCING AT ASHURST  
Presentment by Mr Brian Ingram, Commoner

Mr Ingram said that some heras fencing remains on the Hill Fort behind Home Farm, Ashurst. In addition, some yellow tape is tied on ferns around the Hill. Mr Ingram asked for an explanation.

2019/10547 NEW FOREST DISTRICT COUNCIL LOCAL PLAN, THE RECREATION MANAGEMENT STRATEGY & THE PARTNERSHIP PLAN  
Presentment by Mr Brian Tarnoff, Chair & Habitat & Landscape Committee, New Forest Association (Friends of the New Forest)

'Earlier this month at the NFDC Local Plan Examination, Matter 8 Protecting the Environment, the Hampshire & Isle of Wight Wildlife Trust, RSPB and others stated categorically that the District Council had neither produced proposals nor evidence to show mitigation adequate to address the damage which would result from their step change increase of development by four fold, targeting 10,500 houses over the plan period. As a very conservative estimate, 10.5k homes locally will add, at least 1.3 million additional day visits per annum to the Forest above the current 15 million estimate (another extrapolation estimates as much as 3.6 million more).

At the examination, developer's interests, not content with four times more allocation on offer, argued for even higher housing figures, and touted the fantasy that throwing mitigation money for piffling efforts of rangers with leaflets and a few alternative spaces consisting of bits of arable with paths, benches and dog poo bins would be problem solved. The inspectors are not being made sufficiently aware that current mitigation has not achieved its goals and that recreational pressure is arguably already headed towards a crisis, as incidents with, and even the potential behaviour changes of, livestock indicate.

In earlier sessions we argued that the District Council should have set aside their target [OAN] number, as Brighton and Hove did – due to their proximity to South Downs National Park. We argued that Green Belt should not be released, but considered for habitat needed for nature recovery networks, back up grazing vital to the practice of Commoning, and potential for landscape scale alternative greenspace for mitigation.

We ask that the Verderers make their case directly to the inspectors, especially concerning current and future mitigation, recreation pressure on the Crown Lands, and the need to preserve opportunities for back up grazing. Whether or not the Inspector construes the illegality of the Local Plan, opening additional points to comment, this should be done as soon as possible, through whatever channels you as a statutory body may use.

We also ask the Verderers, through their partnerships with the National Park to make their plans up to our future challenges.

A Recreation Management Strategy with:

- clearly defined projects, not a list of aspirations,
- priorities set by statutory obligations, not by an insignificant internet poll,
- including a spatial strategy based on habitat evidence not merely tweaks to the 50-year old car park infrastructure
- delivering the prescriptions of the current SAC management plan
- without the presumption that some parts of a SSSI may be less sensitive.

A Partnership Plan that leads to

- the creation of landscape scale, high quality, alternative spaces for recreation which would be the true robust area within a spatial strategy, as we already seen at Moors Valley.
- a mitigation model suited to The Forest's high biodiversity value, and its vulnerability to recreation.
- Personnel and funding for enforcement of laws and byelaws on the Crown Lands.
- A strategic regional development initiative that fully recognizes the value of our habitat, the heritage of commoning, the legal obligations to its designations and the Section 62 Duties to the National Park, and preserves the green buffer which the Forest needs to breathe.

For years we've had reports of habitat loss and species crashes in the UK and the World, culminating in the recent assessment that 1 million species are at risk of extinction. The UN Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) included more than 450 researchers who used 15,000 scientific and government reports. Top of the report's summary of the ways we are reducing biodiversity, is the impact of development:

Turning forests, grasslands and other areas into farms, cities and other developments. The habitat loss leaves plants and animals homeless. About three-quarters of Earth's land, two-thirds of its oceans and 85% of crucial wetlands have been severely altered or lost, making it harder for species to survive.

The time has come for the Forest to take the case for its future protection to the Nation to ask for the necessary resources and commitment. Otherwise central government will continue to shoehorn in damaging development to deliver planning policy, whilst ignoring all the supposed legal protections of the National Park and habitat designations, and inconsistent with its promises within the 25 Environment Plan. We're at a tipping point, the Forest could be reduced to a Country Park with an incidental petting zoo. Please help us fight against that chilling possibility.'

2019/10548 WINDFALL FRUIT & GARDEN WASTE  
Presentment by Mrs Mary Gray, Commoner

Mrs Gray commented we are now past St Swithuns. She asked the Court to remind residents early, of the importance of not dumping garden waste, particularly lawn mowings and unwanted or windfall fruit on the Forest.

2019/10549 TELECOMMUNICATIONS MAST ON HYDE COMMON  
Presentment by Mrs Ailsa Farrand

'I am Ailsa Farrand, commoner. I live in the Parish of Hyde.

It is rather horrifying to find a compound with high metal fencing containing a noisy generator running 24 hours a day has been sited in the highly protected area of Hyde Common apparently to provide a mobile signal for one of the commercial providers.

The common is owned by Hampshire County Council and is part of the National Park and has high ecological value as well as being well grazed by stock.

The presence of this compound would seem to be at odds with the Forest laws. Has Natural England and the Verderers given permission?

It would seem to create a very dangerous precedent that commercial phone companies can erect these compounds wherever they like.

I would love to have a mobile phone signal at home but not at the expense of destroying the peace and beauty of the Forest.

I hope you can prevent more of the same happening.'

2019/10550 DRAGONS TEETH OUTSIDE NORTH LODGE, IPLEY & CONCRETE BLOCKS ALONG A TRACK AT HILL TOP  
Presentment by Mrs Alison Tilbury, Commoner

Mrs Tilbury asked for the dragon's teeth that are lining the gravel track to North Lodge, Ipley to be removed. The dragon's teeth could be a danger to stock and riders on the drifts and are unnecessary. A ditch and bank already delineates the track.

Mrs Tilbury also mentioned some lumps of concrete along a track at Hill Top which she felt are also unnecessary.

Mrs Tilbury asked the Court to encourage Forestry England to resolve these issues.

**The Head Agister closed the Court**

**IN COMMITTEE in the Library**

IN ATTENDANCE: Mr Bruce Rothnie, Deputy Surveyor  
Mr Paul Grugeon, Land Agent (New Forest)

**CONSIDERATION OF PRESENTMENTS**

- |            |   |           |
|------------|---|-----------|
| 2019/10551 | REPAIR OF THE TRACK FROM CRAB HAT TO THE NOADS  | DISCHARGE |
|            | The Deputy Surveyor said he will investigate what is happening about the track repairs.   | Action DS |
| 2019/10552 | HERAS FENCING AT ASHURST  | DISCHARGE |
|            | The Deputy Surveyor will also investigate what is happening at this site but he thinks the work may be connected with re-directing the track. He said he will respond to Mr Ingram direct, sending a copy to the Clerk. | Action DS |

2019/10553	SUNKEN WAY AT ASHURST	DISCHARGE
	<p>There is an ancient sunken way on the railway side of the Hill Fort, which is also in danger of being seriously damaged by the number of cattle in the area. Forestry England will give thought to whether the sunken way can be protected and if so, how.</p>	Action DS
2019/10554	NEW FOREST DISTRICT COUNCIL LOCAL PLAN, THE RECREATION MANAGEMENT STRATEGY & THE PARTNERSHIP PLAN	DISCHARGE
	<p>A letter has already been written expressing the Court's view that all large developments close to the Forest should include areas for recreation. A copy of the letter will be forwarded to Mr Tarnoff.</p>	Action Clerk
2019/10555	WINDFALL FRUIT AND GARDEN WASTE	DISCHARGE
	<p>An announcement will be made in the September Court.</p>	Action OV
2019/10556	TELECOMMUNICATIONS MAST ON HYDE COMMON	DISCHARGE
	<p>Hampshire County Council was served notice by Waldon, the company responsible for erecting the mast, that it was going to be constructed.</p> <p>HCC responded by saying it won't give consent for a permanent mast but would agree a temporary installation for 18 months. Waldon has made it clear it intends to apply for a permanent site which could be on private land if a suitable site can be identified.</p> <p>The Court is adamant this sort of structure is incompatible with and unacceptable on protected land.</p> <p>The National Trust will be asked for its views on such installations as there is a real concern that if Waldon succeeds in erecting a permanent mast on Hyde Common, numerous other telecommunication masts could also be erected in the New Forest.</p> <p>The Official Verderer will respond to Mrs Farrand.</p>	Action OV/Clerk
2019/10557	DRAGONS TEETH OUTSIDE NORTH LODGE, IPLEY & CONCRETE BLOCKS ALONG A TRACK AT HILL TOP	RESUME
	<p>The Forestry Commission has already removed some of the dragon's teeth. The remainder will be taken out later today.</p> <p>The concrete blocks on the track to Fairweathers Nurseries have been in situ for many years. They would not be allowed elsewhere. It is felt that in this particular instance, where large vehicles use the track every day, they are useful because they provide very good protection from the track becoming wider. The Court however, felt the usual method of protecting a track by ditch and bank is preferable. The Deputy Surveyor said he will ask Mr Sean Marsh to consider what can be done. In the meantime, the Official Verderer and several other Verderers will look at the blocks.</p>	Action DS / SM / OV / Verderers



## NEW SUBMISSIONS FROM FORESTRY ENGLAND

2019/10558 PROPOSED TELECOMMUNICATIONS MAST IN STOCKLEY RESUME  
INCLOSURE

Mr Grugeon said he sent the Clerk an email for information, advising that an application has been received for this installation, which is for the use of the emergency services.

Mr Grugeon maintained Forestry England does not have the option to refuse permission for the mast and he has passed the papers to Strutt & Parker, who manage telecoms on behalf of Forestry England. The Court, however, disagreed and felt Forestry England can refuse the application. Mr Grugeon was requested to research the legal position. If, after further investigation, the installation cannot be refused or it is decided it should be permitted, mounting the mast on the water tower at Roundhill Campsite could provide an alternative to new infrastructure being built on the Forest. The latter could set a precedent for future telecommunication mast requests. It is thought that Natural England has not been consulted.

Action PG

## DE-MINIMIS CONSENTS – ITEMS RECORDED AT THIS COURT

2019/10559 DE-MINIMIS CONSENTS DISCHARGE

The Clerk reported the following de-minimis consents had been granted:-

- DM0050 BT Openreach Testing of Duct for Cadnam V35 FTTP – Castle Malwood
- DM0051 Replace 3 valves and a meter box for the water supply to Ashurst CS
- DM0052 BT Openreach FTTP - Coach Hill Lane, Burley
- DM0053 BT Openreach FTTP - Burley V31 opposite Merrileas, Ringwood Road
- DM0054 BT Openreach FTTP o/s Sandy Corner, Ogdens – extend duct
- DM0055 BT Openreach new Broadband Cabinet Burley 3 - Opposite Beeches, Burley Street
- DM0056 BT Openreach clear duct - Holmsley Road, Wootton
- DM0057 BT Openreach new Broadband Cabinet East End 3 - side of Briarwood Cottage, Lymington Rd, East End
- DM0058 BT Openreach - clear duct Brownhill Road, Wootton
- DM0059 BT Openreach - clear duct Tiptoe Road, Wootton

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

2019/10560 NEW FOREST CROWN FREEHOLD PROPERTIES RESUME

The Verderers, Commoners' Defence Association and National Park Authority are invited to join the review meeting to prepare a submission to the Minister. FE is preparing terms of reference.

Action PG

Mr Deakin asked what is happening in the meantime. Some land has been or is being separated from the houses. It is being let, so it is occupied. Mr Grugeon responded, saying that in some cases pensioners occupy houses but don't need the land. The land is let on short-hold tenancies so it can be put back with the houses in future. Forestry England will not dispossess long term tenants.

- 2019/10561 VEGETATION SURVEY RESUME
- Due to staff shortages, the brief has not yet been prepared. It will be ready before the September Verderers' Court. Action DS
- 2019/10562 OUT OF CONTROL DOGS RESUME
- The Official Verderer has written to the Deputy Surveyor and the Chairman of the NPA, expressing the Court's deep concern at the effect out of control dogs are now having on the Forest and its stock. Responses are awaited.
- The National Trust has erected some new signs on its land, warning people to keep their dogs under control and away from livestock. The Deputy Surveyor requested a copy of the signs.
- The Court feels the incidents, which are recorded, are the tip of the iceberg and that many more occur which are not reported.
- Footprint Ecology, an ecological consultancy from Dorset, which has been retained by a number of Local Authorities close to the New Forest to assess the impact of housing developments on the Forest, is aware of the problem. It is hoped that its report, which is due at the end of the year, will highlight the issue with a view to bringing forward some suggestions as to how the problem of dogs chasing stock and wildlife can be addressed.
- Mr Readhead commented that FE's signs about ground nesting birds are very good and suggested more signage could be considered. It was agreed, however, that a more robust method of installing signs is required as many are pulled up and discarded by members of the public. The Deputy Surveyor requested that FE is advised of all incidents occurring on its land. The Clerk said a process has been agreed with FE staff. Action Clerk
- 2019/10563 SSE REPLACEMENT POLES – BANK / ALUM GREEN / HOLIDAYS HILL DISCHARGE
- A further site meeting with SSE took place attended by Mr Dowsett, Mr Greenwood, Mr Grugeon (FE), Mr Pasmore and Mr Marsh (FE).
- Some members of the Court remained of the view that the Court's policy of requiring power lines be buried should apply in this case. SSE's position is that it has a limited amount of money available for undergrounding and this project may not be the best on which to spend that money. Other members of the Court agreed with SSE, expressing the view that there are other power lines where undergrounding would be of much greater landscape benefit. The proposal to replace the existing poles, bringing them nearer to the tree line in order to address Natural England's concerns about potential damage to the mire whilst also reducing visual impact, was put to the vote and approved with 7 Verderers voting in favour and 2 against. The proposal is therefore agreed.
- 2019/10564 CATTLE GRID AT CASTLE MALWOOD DISCHARGE
- Cllr Heron reported that the remedial work to remove the concrete from under the grid has been completed.
- 2019/10565 WINDBLOWN TREES DISCHARGE
- As it is proving difficult at present to move this matter forward, it was agreed it should be discharged from the minutes, at least for the time being.

- 2019/10566 INCLOSURE FENCES RESUME  
October
- Discussions are ongoing.
- 2019/10567 HAMPSHIRE HIGHWAYS ROADSIDE FENCES DISCHARGE
- The Clerk reported that HCC has returned the defect list with comments as to the status of the various issues which had been raised. The list was forwarded by the Clerk to the Agisters and Elected Verderers with the request that they check it and make sure that they are happy with the responses received. In the case of the A326 Applemore Roundabout fence, which was marked as 'complete', the fence is in fact still in extremely poor condition. A cattle grid which had apparently been cleaned out, is considered to still be unsatisfactory. It is evident that sometimes repairs are carried out but the work is not of an acceptable standard. Cllr Heron said HCC does not have the resources to inspect its contractors work after repairs have been carried out and therefore the Agisters do need to check to see that the work is acceptable. Mr Readhead suggested that in view of this, it may be necessary to refer the matter to a higher level, possibly the local MPs, to request increased resources for the essential maintenance of the Forest's roads.
- Cllr Heron said that when defects are reported, sufficient information about the precise location and nature of the problem is not always provided. The Clerk disputed that statement, saying the office is always careful to ensure HCC has all the information it needs to locate and fully understand the defects being reported. Reports are always made via HCC's online Transport & Roads portal as that is the method of reporting required by HCC. Where the defect requires urgent attention, it is clearly noted in the report and if felt to be extremely urgent, an email, including the reference number generated by the online portal is sent to the local Highway Engineer and if felt necessary, the Highways Manager as well.
- 2019/10568 RE-INTRODUCTION OF THE WHITE-TAILED EAGLE ON THE ISLE OF WIGHT DISCHARGE
- Ms Leanne Sargeant, FE Senior Ecologist, will be joining the Court for lunch and will give a presentation on the re-introduction.
- 2019/10569 BROOMY PLAIN ROAD DISCHARGE
- Following a meeting with a number of residents who have expressed concern about the scheme, some alterations to the planned works were agreed. A response to the group of objectors will be drafted by the Official Verderer in conjunction with Nick Wardlaw of FE. An explanation of what will be done to modify the scheme will be included. After those works have been finished, the Court considers that it will be a case of waiting and monitoring the road to assess the success of the scheme..
- 2019/10570 CAMPSITE ISSUES – SETTHORNS & DENNY WOOD RESUME
- Denny Wood – The campsite charges visitors who are not actually staying on the site to park additional vehicles, in order to deter casual parking by other members of the public.
- The Warden's Office is believed to be uninhabitable at present and significant maintenance or a rebuild is required. As a result, an additional

marquee is now acting as a Warden's Office. The marquee has been erected on grazing.

As respects the resurfaced roads on Roundhill Campsite, the Deputy Surveyor said he does not believe they have been widened. He said he will look at the other issues which have been raised.

A Baseline Survey of all the campsites was carried out and recorded some years ago. It was undertaken following complaints at the time that development had taken place for which no consent had been obtained. The Clerk will look in the office files for the survey.

Action  
Clerk

### SSSI RESTORATION WORKS

2019/10571 REPAIR AND MAINTENANCE LIST

RESUME

An updated SSSI Repair and Maintenance List was circulated.

### ACTION LIST

2019/10572 ACTION LIST

RESUME

An updated Action List was provided.

Action DS

2019/10573 VERGE PARKING AT FRITHAM

DISCHARGE

A site meeting was held recently and works to protect the Green and verges will commence soon.

2019/10574 EAST BOLDRE CAR FREE DEFENCES AND THE SCHOOL BUS

RESUME

Following verge protection work in East Boldre, some parents have expressed concern about the safety of their children when getting on and off the school bus. The HLS Verge Restoration Officer, Mrs Jayne Albery, is working with the Parish Council to agree a suitable stop for the school bus at the village hall. The Court is adamant that the village hall car park must not be enlarged to accommodate the bus and ideally the bus should not leave the road. Mr Dowsett said he will speak with Mrs Albery to ascertain exactly what she has in mind as a solution to the problem.

Action BD

### NEW ENCROACHMENTS INVOLVING THE FORESTRY COMMISSION

2019/10575 PIPERS WAIT WATER LEAK

RESUME

A discussion ensued regarding the large area of gravel laid by the water company following a leak which occurred several months ago. It was queried why some of the soil which is in a former gravel pit, very close to the gravelled area, cannot be used to help speed up restoration. Mrs Westerhoff said she will make enquiries of Natural England.

Action DW

### ANY OTHER BUSINESS INVOLVING THE FORESTRY COMMISSION

2019/10576 BURLEY FLAG POLE

DISCHARGE

In July 2018 the Parish Council's request for the Burley flag pole to be moved from outside the Working Men's Club to a site adjacent to the War Memorial was approved subject to the pole being designed such that it can be removed when not in use. It was agreed the Forestry Commission would issue a licence of no longer than 5 years.

Mr Grugeon recently met with the Parish Council which would like to fly a flag continuously, thereby avoiding the need to remove the pole. The Royal British Legion is now responsible for the flag pole.

The Court is disappointed that the Parish Council is not adhering to the spirit of the agreement it made with the Court and the Forestry Commission last year. If the pole is not removed as originally agreed, it is highly unlikely that the Court will agree to a new licence when the current one expires. The Clerk was asked to write to the Parish Council accordingly.

Action  
Clerk

2019/10577 FORESTRY ENGLAND LEASES/LICENCES FOR GOLF CLUBS, CAMPSITES ETC RESUME

Mr Greenwood asked for a summary of the terms under which the various recreational facilities occupy Crown Land. Commercially sensitive information is of course not required but all other details are requested.

Action PG

2019/10578 JAYNE ALBERY – DEFRA CIVIL SERVICE AWARD DISCHARGE

The Deputy Surveyor said that Mrs Jayne Albery, the HLS Verge Restoration Officer, has received the Community Award. The Court asked for its congratulations to be passed on.

2019/10579 WIRE PINS IN BRAMSHAW GOLF CLUB GREENS DISCHARGE

Mr Grugeon advised the Court that Bramshaw Golf Club has reported finding wire pins in several greens. It is thought the pins were designed to damage the mower. However, they would be extremely dangerous to Forest stock as they were left ½" to ¾" proud of the surface of the grass. A person or a Forest pony or cow could have easily trodden on one of the pins with very serious results. It appears someone may have a personal vendetta against the Club. CCTV may be employed if further problems are experienced.

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

#### **OTHER MATTERS ARISING**

2019/10580 LAND & PROPERTY AT LYNDHURST ROAD (ASHURST) RAILWAY STATION RESUME

The suggestion that the reversion clause in the original Act of Parliament has been rescinded by later legislation is disputed. The Crown Estate's Agent has been advised of the Court's view in that respect.

2019/10581 TELECOMMUNICATIONS MAST ON HYDE COMMON RESUME

The mast has been installed. It is considered to be an unacceptable encroachment on the common. At present Natural England has not received a full application.

2019/10582 RHINEFIELD ROAD HAUNCH REPAIRS DISCHARGE

The repairs to the haunches of Rhinefield Road, which were carried out using the Dragon Patcher without the agreed protection for the verges, have not all been corrected. This is despite HCC assuring the Clerk that the problems had been rectified. The Clerk said she is in touch with HCC about the issue and has again been assured that the necessary work will be

MINUTES of the Court of Verderers held on Wednesday 17<sup>th</sup> July 2019 in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

carried out. HCC has also given its assurance that in future, the Dragon Patcher team will follow the agreed methodology for works carried out adjacent to the New Forest SSSI. It was suggested that Mr Tim Lawton, who is now Head of Highways, should be made aware of what happened.

Action Clerk

## HIGHER LEVEL STEWARDSHIP SCHEME & VERDERERS GRAZING SCHEME

2019/10583 THE FUTURE OF THE HLS

DISCHARGE

At present the future is not known and a decision is still awaited. There is, however, cautious optimism that an extension to the current scheme will be forthcoming.

2019/10584 VGS BOARD

DISCHARGE

The VGS Board met last week. It was a routine meeting with a number of small grants being considered and approved. As provided in the VGS Rules it was decided to penalise commoners who allow colts to run out beyond the date specified in the Verderers' Byelaws.

Uncertainty remains around the question of whether a future VGS can be negotiated.

2019/10585 VGS MANAGEMENT COMMITTEE

DISCHARGE

Mr Barry Dowsett agreed to sit on the Management Committee in place of Mr Mills, the outgoing DEFRA Appointed Verderer. This is because it is important to maintain a balance between practising commoners and non-commoners on this committee. The new DEFRA Appointed Verderer is a practising commoner.

## MATTERS ARISING FROM EXTERNAL COMMITTEES & WORKING GROUPS

2019/10586 VERDERERS REPRESENTATION ON SUB-COMMITTEES AND EXTERNAL WORKING GROUPS. DISCHARGE

The new DEFRA Appointed Verderer will be asked to sit on most of the sub-committees and external working groups that Mr Mills has been attending. The exception being the VGS Management Committee on which Mr Dowsett will sit. The Clerk will update the schedule.

2019/10587 FOOTPRINT ECOLOGY

DISCHARGE

Footprint Ecology has been commissioned to undertake a visitor survey and recreation mitigation study in order to assess the impact of housing developments around the boundaries of the National Park on the Forest. The results of the study will, amongst other things, show how the Forest car parks are used, who the visitors are and where they come from.

A full report will be available by the end of the year.

2019/10588 MAP OF RECREATIONAL FACILITIES AND PROPOSALS

RESUME

This document has been promised by Mr Oliver Crosthwaite Eyre, Chairman of the New Forest National Park Authority. The Official Verderer has a meeting with Mr Crosthwaite Eyre next week and he will ask for a copy.

Action OV

## FINANCIAL MATTERS

2019/10589 FINANCIAL STATEMENT

RESUME

The Financial Statement was noted.

## STAFF MATTERS / HEALTH & SAFETY / TRAINING

2019/10590 CONFLICTS BETWEEN STOCK AND PEOPLE

RESUME

A recent incident, where a member of the public was seriously injured by a cow, was brought to the attention of the Health & Safety Executive (HSE).

HSE is questioning whether the incident should have been reported by one of the statutory bodies rather than a member of the public. At present the Court is taking the view that such incidents are not reportable by it under RIDDOR but independent legal advice is being sought.

Action Clerk

Meanwhile a meeting will be arranged with representatives of the Commoners' Defence Association to discuss what more can be done to improve public safety, whilst ensuring commoners' rights to depasture their stock are not compromised.

Cllr Heron said that it is imperative that the correct advice is obtained as getting this wrong could have profound implications for commoning.

## ANY OTHER BUSINESS

2019/10591 APPLICATION TO DEPASTURE PIGS UNDER LICENCE

DISCHARGE

After careful consideration, an application to depasture pigs under licence was approved. The standard marking fee will apply and the permission is for one season.

2019/10592 NEW FOREST CROWN FREEHOLD PROPERTIES

RESUME  
October

The Court has been asked to participate in a review of the Illingworth Report which has been requested by the Minister. A Review Group will be set up to determine how properties and agricultural grazing land, owned by Forestry England in the New Forest, can be used to support commoning and Forestry England staff.

Whilst the CDA has asked the Verderers not to participate in the allocation of housing, the Court agreed it is important that it is represented on the Review Group. After a short discussion, it was agreed that the Court's representatives should be the Official Verderer and Cllr Heron.

Action  
OV/EH

2019/10593 THE LAW OF PRESCRIPTON

RESUME  
October

The Official Verderer advised the Court that the Law Commission is reviewing a draft bill which will, amongst other things, abolish the Prescription Act 1832. The Official Verderer and Mr Pasmore have provided a Note to the Law Commission outlining the adverse effect that this might have on the ability to tackle unlawful encroachments and discussed it with them. Having been alerted to the problem the Commission is considering how to ensure that the ability to rely on prescriptive claims is not compromised.

2019/10594 NEW FOREST SHOW & THE MOSAIC WALL RESUME

It was agreed that in order to help ensure the mosaic wall is a success, a temporary Twitter account may be set up.

2019/10595 SHOBLEY, PART OF HIGHTOWN COMMON, ATTEMPTED ENCROACHMENT DISCHARGE

Mrs Westerhoff advised that some of the illegally planted trees have gone. The local resident, who is attempting to encroach on the common, is once again feeding commoners' animals. Feed bowls have been left out on the common. In addition, it appears that manure and bedding from mucking out stables is being deposited on the common. Natural England is dealing with the issues.

2019/10596 COAT OF ARMS IN THE VERDERERS' HALL DISCHARGE

Mr Dowsett and the Deputy Surveyor have discussed the preservation of the coat of arms which hangs in the Verderers' Hall. The Deputy Surveyor has given Mr Dowsett the go-ahead to arrange the preservation work which should be paid for from the Heritage Lottery Funding.

Action BD

2019/10597 DRONES DISCHARGE

The previous suggestion, that a request be made for the No-Fly Zone website to show the New Forest as an area where drones must not be flown, was repeated. The Clerk was asked to chase up the Deputy Surveyor to see if this is possible.

Action  
Clerk/DS

There being no further business, the meeting closed at 1.14 p.m.

*J. Mann*  
18/7/2019