

MINUTES of the Court of Verderers held on Wednesday 19th March 2008 at 9.30 a.m. in the Verderers' Hall, 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
	Mr A Gerrelli	Elected Verderer
	Mr J F Kitcher	Elected Verderer
	Miss D Macnair	Elected 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:	Mrs D Halford	National Park Authority Appointed Verderer
	The Hon R Montagu	Forestry Commission Appointed Verderer

IN COMMITTEE

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

2008/3629 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 20th February 2008 were approved.

2008/3630 CONDITION OF STOCK RESUME

The Head Agister said conditions are similar to last month. A lot of stock looks good but at the same time quite a few animals have lost condition. The Agisters are very busy and at the moment are just about keeping pace. Lice are now also affecting some stock as is usual at this time of year.

The Agisters are a lot busier than they have been in the last two or three years at this stage. Sale prices for ponies have improved and that always results in commoners keeping more foals. As a result there has been an increase in the number of young ponies on the Forest and it is these who tend to lose condition in winter.

The Head Agister went on to say that April is always a difficult month as commoners are inclined to think the weather is improving and may turn out animals too early.

After the Head Agister left the meeting, the Chairman of the Staff Committee, Mr Adams, said he had little to add except to say that the number of animals removed due to poor condition is up on last year.

STRANGLES

Strangles continues to rumble around. The situation in Pilley is improving but cases have now been found in Ogdens and around Holly Hatch. It is also back at Woodgreen. The Agisters are monitoring the stock very carefully.

2008/3631 AGISTER ANDREW NAPHTHINE RESUME

The Agister team is now virtually back to full strength. Agister Naphthine is riding again but not rounding-up stock at the moment. It is expected he will soon be able to undertake his full range of duties.

The Head Agister left the meeting.

2008/3632 BLUE TONGUE RESUME

Mr Adams advised the Court of the current position regarding Blue Tongue Disease. The vector free period has now come to an end and cattle cannot now be moved out of a Blue Tongue area.

2008/3633 WELFARE TOUR OF THE FOREST DISCHARGE

It was agreed the next Welfare Tour should take place on Tuesday, 13th May 2008.

2008/3634 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2008/3635 DECLARATIONS OF INTEREST RESUME

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

Mr Gerrelli declared an interest in any items concerning Campsites and the Official Verderer declared an interest in any matters concerning golf clubs.

2008/3636 FINANCIAL STATEMENT RESUME

The Financial Statement for February was approved.

2008/3637 REPORT ON MARKING FEES RECEIVED AS AT END OF JANUARY 2008 RESUME

Ponies	4224	Pigs	0
Cattle	541	Sheep	40
Donkeys	105		
SUB TOTAL	4870	TOTAL ALL ANIMALS	4910

2008/3638 ANIMALS REMOVED FROM THE FOREST FEBRUARY 2008 RESUME

	POOR	SICK OR INJURED	WANTED BY OWNER	OTHER	TOTAL
MARES WITH FOALS					
MARES WITH YEARLINGS	23		1		24
MARES	2		4		17
FILLIES	37	4	6	1	48
COLTS	2		3	5	10
GELDINGS	1				1
STALLIONS					

CATTLE	2		5		7
CALVES			2		2
DONKEYS WITH FOALS					
DONKEYS	3				3
PIGS					
PIGLET					
SHEEP					
TOTAL	81	4	21	6	112
TOTAL YEAR TO DATE	197	7	31		244
TWO YEAR OLD COLTS	5				

SUMMARY BY SPECIES	
PONIES	100
CATTLE	9
DONKEYS	3
PIGS	
SHEEP	
TOTAL	112

2008/3639 BYELAW ENFORCEMENT

RESUME

There is nothing further to report. Mr Barnes trial will take place on the 7th April, and Mr Cooper's appeal will be heard on 30th April.

2008/3640 LYNDHURST TRAFFIC IMPROVEMENTS

DISCHARGE

The Official Verderer has written to the Chief Executive's Department at Hampshire County Council advising that any new road that is constructed across Crown Land in the New Forest will require primary legislation if it is to be fenced. There is no mention of this fact in the report, and yet it is a major consideration in its own right which will contribute significantly to the cost of any project.

2008/3641 OVERGRAZING REPORT BY NATURAL ENGLAND – PLAITFORD, WEST WELLOW AND CANADA COMMONS

RESUME

A letter was sent to Natural England requesting they set out in writing, why they feel it is in the over-riding public interest for the Court to release details of commoners who depasture stock on these commons. Such a letter has now been received, but it is felt that Natural England's reasons have not been fully explained.

Mr Pasmore and Mr Frost are both of the opinion that protection of the SSSI is a substantive reason, however, it is understood the local office of Natural England also has reservations about how the problem should be managed. As a result they are trying to arrange a meeting with representatives of the Taunton office, together with DEFRA, the National Trust and the Court.

The Clerk was asked to request this meeting be held as soon as possible

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

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

ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER

2008/3642 CARAVANS ON CAMPSITES

Further to the presentment made by Mr Michael Cooper on behalf of the Commoners' Defence Association we raised the matter of caravans being left on the various campsites within the Forest with the Deputy Surveyor.

It is true to say that our approval was sought, and given, for the placing of one caravan at Hollands Wood and another at Roundhill, to be occupied by a Forest Holidays employee for the winter months for security reasons, due to the refurbishment works that were planned for that campsite. However in the autumn it became apparent that more than one caravan had been left and was being occupied on the site, and we have raised this matter before with Forest Holidays.

We are as unhappy as the CDA is with the way this agreement seems to have been disregarded, and we discussed this state of affairs once again in committee last month with a senior representative of the company. We accept that it is too late to seek the removal of all but one of the caravans, but more importantly we have been given a firm and, we hope, sincere undertaking by Mr Richard Palmer of Forest Holidays that this will not happen again. Mr Palmer agreed with us that it is essential for trust to exist between the Verderers and his company in order for a sound working relationship to be established in the years ahead.

2008/3643 STALLIONS

The annual stallion selection will be taking place at Beaulieu Road sale-yard at 10.00 a.m. on 29th March, and all those wishing to present their stallions for inspection must advise our office – tomorrow lunchtime being the absolute deadline.

Anyone wishing to come along to watch the inspections is welcome to do so.

2008/3644 FEEDING OF ANIMALS

You may recall that last month we put out a plea to the misguided person who is placing hay on the side of a busy road to stop immediately before there is an accident, and we would like to thank the press for giving this some publicity.

This has actually helped to highlight the fact that throughout the Forest people are putting food outside their gates for the animals to eat, presumably under the misapprehension that what they are doing is helpful and kind.

In fact it is definitely not helpful; indeed in many instances the type of feed that is being put out is no more than household scraps and is positively harmful to the animals. Even if such feed comprises proper animal feedstuff such as hay, it is rare that a sufficient quantity is fed. The result is animals hang around waiting for more instead of foraging as they should and they actually get thinner than they would if left to find food naturally.

The practice is also an offence under the Verderers byelaws. Feed can only lawfully be put out, by the owners of the animals, in places that are specifically approved of by the Court.

The other problem is people who tip their garden waste onto the Forest. We are approaching the time of year when people will be pruning shrubs and cutting lawns. Please remember many garden plants are toxic to animals and grass cuttings can and do kill ponies. In short, dumping garden waste on the Forest constitutes fly-tipping and is illegal.

I would therefore ask all members of the public who are currently putting edible material out on the open Forest without permission to stop doing so. Our Agisters know of numerous sites where this is taking place on a regular basis, and hopefully they will be reporting that this practice has ceased as a result of this plea to the good sense of those who are doing it to desist.

2008/3645 APPOINTMENT OF OFFICIAL VERDERER

Interviews for the post of Official Verderer have now taken place, and it is hoped that a decision will be announced very soon.

ANIMAL ACCIDENT REPORT

2008/3646 ACCIDENT REPORT FOR FEBRUAR 2008

The agisters attended 11 accidents, compared with 6 for the same period last year.

3 ponies and 2 cattle were killed and 1 pony was injured.

10 accidents occurred during the hours of darkness.

10 involved private cars or light commercials and 1 was not reported.

9 accidents involved local motorists.

The total killed and injured for the year to date is 15 compared with 18 for the same period last year.

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

None

PRESENTMENTS

2008/3647 BOVINE TB
Presentment by Mr Ken James, President, New Forest Badger Group

Mr James explained the Badger Group is very concerned at the lack of control over cattle coming into the Forest from other parts of the Country.

He suggested checks for infectious diseases should be carried out and a quarantine period being mandatory, prior to cattle being depastured on the Forest.

2008/3648 DISPOSAL OF HOUSEHOLD/GARDEN WASTE
Presentment by Mr Derek Bennett, resident of Sway

Mr Bennett is concerned that the County Council's new rules on the size of trailers which can use the waste recycling centres will lead to an increase in fly-tipping on the Forest. He asked the Verderers to request the County Council reconsider its rules before the Forest becomes a rubbish dump.

IN COMMITTEE IN THE VERDERERS' HALL

PRESENT: Mr Mike Seddon, Deputy Surveyor
Mr Will Parke, Area Land Agent, New Forest
Mr Richard Palmer of Forest Holidays

CONSIDERATION OF PRESENTMENTS

2008/3649 BOVINE TB RESUME

Mr Adams pointed out that there are strict rules all over the country regarding movement of cattle and testing for TB. Quarantine is not felt to be helpful. Mr Adams will check to see if the DEFRA rules cover cattle in the same ownership which are moved around the country.

The Deputy Surveyor confirmed that culled deer are inspected and if there is any sign of disease, laboratory tests are carried out.

The Official Verderer will raise this matter at the forthcoming Animal Diseases meeting being arranged by the Forestry Commission.

The Deputy Surveyor will also make enquires as to whether Blue Tongue affects deer.

2008/3650 DISPOSAL OF HOUSEHOLD/GARDEN WASTE DISCHARGE

The new rules covering the size of trailers were introduced on the 1st March. The Deputy Surveyor said the Forestry Commission is monitoring the situation to see if there is an increase in fly-tipping. If in three or four months time it appears the new rules have had a deleterious affect, representations will be made to the County Council.

SUBMISSIONS BY THE FORESTRY COMMISSION

2008/3651 UNDERGROUND BT DUCT – OBER CORNER, BROCKENHURST DISCHARGE

The proposal to put underground a length of existing overhead telephone wire serving Ober Lodge was approved subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

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

2008/3652 ROAD SIGNING AT BRAMSHAW TELEGRAPH RESUME

Mr Parke confirmed nothing further has been received from the Highway Authority.

2008/3653 GAS REGULATOR BUILDING AT KNAVES ASH RESUME

Nothing has been heard regarding an improved building design.

2008/3654 RHODODENDRON AT SANDFORD WAY, BURLEY RESUME

In response to Mr Parke's suggestion that there is no longer a problem, Miss Macnair assured the Court that there is, and offered to show Mr Parke.

2008/3655 ILLEGAL FENCE AT ROSE COTTAGE, BEECHWOOD LANE, BURLEY RESUME

Mr Parke reported that he has received another letter from the occupiers of Rose Cottage who continue to argue against removing the fence.

2008/3656 WATER MAIN MARKERS DISCHARGE

Unfortunately this matter has not yet been dealt with. Mr Parke will provide the Clerk with details of his contact at the Water Board and she will contact the National Park Authority as agreed.

2008/3657 DRAIN AT HILLTOP – B3054 DISCHARGE

Mr Parke confirmed the work is in hand.

2008/3658 SPEEDING VEHICLES ON THE TRACK TO OLD HOUSE DISCHARGE

Mr Parke has received confirmation from the owner of Old House that he has spoken to all residents and contractors about speeding. It is hoped this has resolved the problem.

2008/3659 LITTER ON THE FOREST DISCHARGE

The Deputy Surveyor explained that the Forestry Commission contracts a litter collector from New Forest District Council. He will respond to reports of littering and fly-tipping. If a general sweep is required, Volunteers will carry it out. Such a sweep has been arranged for Ramnor.

The NFDC is responsible for the roadside verges and the Deputy Surveyor said he has passed on a couple of problem areas which have been reported.

The Deputy Surveyor told the Court that the cost of the litter collecting contract has risen by 50% and the FC is now paying £25,000 per annum extra! Increased fuel, labour and waste disposal costs are to blame.

Mr Frost commented that the National Park Authority has taken up the issue and is endeavouring to educate the public. It was agreed the NPA and NFDC should be advised that littering is on the increase.

ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2008/3660 FOREST HOLIDAYS – EARLY OPENING OF CAMPSITES DISCHARGE

The Deputy Surveyor apologised and admitted that it is his fault that the campsites have opened a week early. He agreed the dates with Forest Holidays and subsequently discovered his mistake.

In future the campsites will open on the Thursday of the week before the Easter Bank Holiday.

2008/3661 HOLLANDS WOOD CAMPSITE DISCHARGE

Concern was expressed at the safety felling in Hollands Wood Campsite. A very large, heavy crane is being used.

The Deputy Surveyor explained that a tree collapsed last year and as a result a detailed inspection of the trees on the site was undertaken.

It was found that some work was required to ensure safety of campers. Although camping has been excluded from one area, 5 trees will regrettably look like monoliths once the work is completed.

2008/3662 LAND AT BEAULIEU ROAD STATION DISCHARGE

Mr Parke reported that the dilapidated fencing surrounding the small paddock between Beaulieu Road Station and the Hotel has been removed. The corner and straining posts have been left in situ to denote the legal boundary of the land which is subject to a Lease to British Rail/Railtrack which has 886 left to run.

Grazing is by consent of the Forestry Commission.

2008/3663 SSSI CONSULTATION DISCHARGE

Two site meetings have been arranged to consider habitat restoration proposals which the Forestry Commission hopes to deliver later this year.

The meetings are on Friday 11th April and Friday 18th April.

Verderers were asked to let Mr Simon Weymouth know if they will be attending and to this end the Deputy Surveyor noted those who felt they would be able to go along.

2008/3664 THE MINISTER'S MANDATE RESUME

The Deputy Surveyor said he would prefer to wait until the National Park Authority's Management Plan has been determined before reviewing the Minister's Mandate. He understands, however, that other Forest organisations may not agree and he asked that the Court let him have its views. He added that he genuinely wishes to find out what the Forest organisations think and all comments will be collated and sent to the Minister for a decision as to when the review should take place.

The Deputy Surveyor and Mr Parke left the meeting.

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

2008/3665 ROAD/GRIT BOXES DISCHARGE

Mr Kevin Fuller of Hampshire Highways has explained that the grit boxes have usually been provided at the request of Parish Councils on roads which regularly ice up but are not on the salt route.

Although they are rather unsightly, they are by necessity fairly conspicuous so that the public can see them.

Mr Fuller has offered to see if anything can be done to improve their appearance.

2008/3666 ENCROACHMENT AT MINSTEAD

RESUME

The Official Verderer reported that an encroachment has been identified at Minstead that is likely to be worth pursuing. Witnesses are available who have agreed to provide statements. Once the solicitors have seen the statements and a plan which is to be provided by the CDA, a decision will be made as to the best way forward. In the first instance a letter should be written to the householder requesting the fence be re-aligned. If he does not co-operate, consideration will be given to pursuing a legal remedy under the new 2006 Commons Act.

COUNTRYSIDE STEWARDSHIP SCHEME

2008/3667 ANIMAL NUMBERS

RESUME

The Sub Committee meets on the 9th April at 11.00 a.m. in Colin Draper's office. The Committee will be looking at ways to reduce the number of animals currently depastured on the Forest. A small reduction is sought, to bring the number down to a few hundred below 7,000. The Advisory Group will then consider recommendations.

NATIONAL PARK

2008/3668 LIVING & WORKING, RECREATION AND CONSERVATION WORKSHOPS DISCHARGE

The last of the workshops has been held. Targets and priorities are being set and were the subject of the workshop. The NPA will decide in due course what policies are to be included in the draft plan which will then be sent out for public consultation.

Mr Pasmore prepared a paper on cycling on the Forest which he sent to Mr Nick Evans and Mr John Sorrell at the National Park Authority.

Having considered the paper, the Court agreed it should be adopted as the view of the Court and Mr Evans and Mr Sorrell will be advised accordingly.

Mr Kitcher commented that he feels not enough is made of the Welfare of Stock.

OTHER AGENDA ITEMS

2008/3669 THE ATLAS PROJECT

RESUME
June

The Clerk reported that the National Park Authority has offered to assist with the cost of this project. The Verderers will contribute £12,000, with the NPA making up the balance of £5,500. The NPA has offered to enter into a Partnership Agreement with the Verderers

which will enable the Authority to take responsibility for financial management, payment of invoices and VAT recovery. The NPA should be entitled to retain a copy of the Atlas. The Court agreed with this course of action.

MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2008/3670 NEW FOREST CONSULTATIVE PANEL DISCHARGE

Mr Frost reported that the withdrawal of the CDA from the Heritage Lottery Fund bid was discussed at the Panel. Emma Rigglesworth gave a very good presentation on the Commoning Review.

2008/3671 BRITISH HORSE SOCIETY BREEDS COMMITTEE DISCHARGE

Miss Macnair reported on this meeting where DEFRA gave a presentation on exotic diseases.

The birds at Abbotsbury which were found to be suffering from Bird Flu were also found to be carrying antibodies to West Nile Fever. DEFRA, however, has stated it does not have the resources to license the vaccine which is currently used in the USA and because it is from outside the EU, the vaccine cannot legally be used in Great Britain without such approval.

Equine Viral Anaemia and African Horse Sickness were also discussed. In the case of the latter, a vaccine is being developed at Purbright. Compensation payable in respect of horses in Ireland lost as a result of contracting EVA was £1.00 per head. DEFRA has confirmed no compensation would be payable in respect of horses lost due to West Nile Fever or African Horse Sickness. The standstill time for AHS is 2 years!

The Court agreed that this state of affairs is unacceptable but there is little if anything that can be done about it.

It was also commented that as mosquitoes are the cause of spread of these diseases, it is imperative that where possible river realignment in the Forest must not result in stagnant pools such as those in Dames Slough. This will be mentioned to Simon Weymouth. The Official Verderer said he will also raise the issues at the next Animal Diseases meeting.

2008/3672 THE LOCAL ACTION GROUP AND SUSTAINABLE DEVELOPMENT FUND DISCHARGE

Mrs Thorne reported that the SDF group is reforming and looking for representation. She felt it is unlikely she will be able to sit on both the LAG and the SDF and asked if any member of the Court would be interested. The Official Verderer said that if Mrs Thorne cannot represent the Court on both Groups, he will put his name forward.

STAFF MATTERS (including the Staff Committee)

2008/3673 PIGS ON THE FOREST AND COMMONS RESUME

The Official Verderer confirmed a meeting is to be held with a commoning family from Bramshaw concerning pigs. It is thought the same family also wishes to discuss the rate of marking fee they are required to pay for their animals.

TRAINING

2008/3674 ANIMAL TRANSPORT CERTIFICATES DISCHARGE

Mr Adams confirmed all the Agisters have attained the necessary certification.

HEALTH AND SAFETY AT WORK

Nothing to report.

ANY OTHER BUSINESS

2008/3675 STALLIONS & THE HSE RESUME

Mr Adams reported that the Health and Safety Executive has requested a meeting to discuss the depasturing of stallions in the Forest and whether anything needs to be done as respects public safety. The HSE's interest is reportedly due to a complaint received from the lady who was allegedly knocked down by a stallion. A meeting has been arranged on Thursday, 27th March. Mr Adams and the Head Agister will attend. The Official Verderer also hoped to join the meeting.

2008/3676 STALLIONS – NEW PARK GRAZING DISCHARGE

The grazing in New Park has run out and the field is full of deer. Supplementary feeding has been arranged. Consideration will be given to the future grazing of stallions in New Park. The Official Verderer advised that Cadland Manor may be able to provide additional grazing if necessary.

2008/3677 REVISION OF THE VERDERERS' BYELAWS RESUME

Whilst it is understood the revised byelaws as drafted are acceptable, there is a delay in the signing process which it is hoped will be resolved shortly.

2008/3678 THE MINISTER'S MANDATE RESUME

The Official Verderer asked all Verderers to give careful thought to the timing of the review of the Mandate with a view to discussing the matter in detail next month.

2008/3679 FOREST HOLIDAYS

DISCHARGE

Mrs Thorne reported that a set of "Campsite Rules" has been drawn up by Forest Holidays. Mr Adam Truelove, Forest Experience Manager, is keen to receive the Verderers' input. A copy of the rules was circulated and Mrs Thorne asked for comments.

There being no further business, the meeting closed at 12.05 p.m.