

MINUTES of the Court of Verderers held on Wednesday 15th November 2017 at 9.30 a.m. in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

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

IN COMMITTEE in the Library

2017/9589 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on 18th October 2017 were approved and signed.

2017/9590 DECLARATIONS OF INTEREST RESUME

The Official Verderer declared an interest in the Verderers' Higher Level Stewardship Agreement as tenants on his Estate benefit from the Verderers Grazing Scheme and his Estate is in Higher Level Stewardship.

Elected Verderers Mr Deakin, Mr Greenwood and Miss Macnair declared an interest in the New Forest Higher Level Stewardship Scheme, Verderers Grazing Scheme and Basic Payment Scheme. Mr Pasmore declared an interest in the Basic Payment Scheme.

Mr Deakin and Mr Greenwood are members of the New Forest Commoners' Defence Association committee. Mr Deakin is also Treasurer.

Mr Deakin is a Director of the New Forest Livestock Society. He is also members of the New Forest Stallion Syndicate.

Mr Dowsett is a Forestry Commission Volunteer Ranger.

Mr Greenwood is employed part-time by Cadland Estate and therefore has an interest in the Stallion Grazing. Mr Greenwood also has a stallion of his own.

Cllr Heron declared his membership of Hampshire County Council, New Forest District Council and the New Forest National Park Authority. He will declare any additional interests that may arise during the course of the meeting at the item.

Mr Hallam Mills declared an interest in HLS Schemes as his Estate is in Higher Level Stewardship. The Estate is also involved in the Better Boundaries Project, run by the New Forest Land Advice Service with support from Natural England. Mr Mills is also a Patron of the New Forest Trust

Mrs Westerhoff is a tenant of the Forestry Commission. Mrs Westerhoff has been formally appointed to the Board of Trustees of the New Forest Trust.

2017/9591 CONDITION OF STOCK, REFLECTIVE COLLARS & SPEEDING RESUME
VEHICLES

The Head Agister advised the Court that the drifts have now finished. He said he is very pleased with the way the drifts went this year. There were one or two little issues but nothing of significance.

Overall the condition of stock is really good. This year has seen exceptional grass growth which means the stock is entering winter in good condition.

There have been fewer pony deaths due to acorn poisoning so far than might have been expected, given the heavy acorn crop, but there has been an increase in cattle deaths compared with other years.

A lot of cattle are now back on the holdings and those commoners who choose to winter their animals on the Forest will soon start to use their designated feeding areas.

The Agisters are assisting commoners with their TB testing during the October to January window and at the same time, they are taking the opportunity to mark cattle for next year.

Mr Pasmore remarked that there have been various letters in the press about the lack of reflective collars on ponies. The Head Agister commented that there is definitely a north / south divide. Commoners in the south are better at fitting collars to their stock, particularly those which run close to the roads known to be bad for RTA's but in the north, far fewer collars are fitted. This may be due partly to the fact that fewer animals are caught in the north where the Agisters receive significantly less help on the drifts from the commoners in the area. In addition, a lot of ponies do lose their collars quite soon after they are fitted. Mr Deakin said we need to try to explain to the public that it is simply not practical to force commoners to fit collars to their stock. Mr Pasmore remarked that in any event, the Verderers do not have the power.

Mr Pasmore then enquired about reflective collars for cattle. The Head Agister said that so far it has not been possible to find a design of collar that stays on. Efforts are being made to re-design cattle collars and to this end, the Head Agister said he will speak again to the supplier.

Mr Dowsett expressed concern that the average speed of vehicles crossing the north of the Forest appears to be increasing. It was mentioned that the Speed Camera Van has not been evident recently on the B3078. It was suggested it should be deployed at commuter time. The Head Agister and the Clerk will contact the Police to ask for the speed camera van to be deployed on the B3078 as suggested.

Action
JRG/Clerk

The Head Agister reported that at the recent Animal Accident Reduction Group meeting, Hampshire County Council's representative said that the County's average speed recording devices indicate that vehicles are travelling across the Forest at faster speeds at night.

2017/9592 REPORT ON MARKING FEES RECEIVED TO DATE AND RESUME
COMPARISON WITH PREVIOUS YEAR

	<u>2017</u>	<u>2016</u>
Forest Ponies	4736	4719
Forest Cattle	4796	4236
Forest Donkeys	114	110
Forest Pigs	254	216
Forest Sheep	0	0
Total Forest Stock	9900	9281
Common Ponies	814	696
Common Cattle	1372	1212
Common Donkeys	124	92
Common Pigs	70	107
Common Sheep	244	293
Total Common Stock		
Ponies, Cattle & Donkeys on the Forest	9646	9065
Ponies, Cattle & Donkeys on the Commons	2310	2000
Total Ponies, Cattle & Donkeys	11956	11065
Total Stock – Forest & Commons	12524	11681

2017/9593 BYELAW ENFORCEMENT DISCHARGE

Several byelaw offences have been identified lately including pigs without rings. These animals have been removed from the Forest. In addition, there are several sheep at large that are not marked for the Forest. Action is being taken in respect of those.

2017/9594 ANNOUNCEMENTS AND DECISIONS RESUME

The Announcements were approved.

The Head Agister left the meeting.

OPEN COURT – 10.00 a.m.

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

The Head Agister opened the Court with the usual proclamation.

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER

2017/9595 MARKING FEES 2018

Marking fees have remained at the same level since 2012 and I am pleased to announce that there will be no increase next year.

Marking fees for 2018 are therefore the same as this year:

Ponies & Donkeys on the Forest £24.00 per head
Ponies & Donkeys on the Commons £12.00 being half the Forest marking fee
Cattle on the Forest £24.00
Cattle on the Commons £3.00 being 1/8 of the Forest marking fee
Sheep on the Forest £8.00
Sheep on the Commons £4.00
Pigs on the Forest £4.00
Pigs on the Commons £2.00 per head

Please remember that marking fees are due from the 1st January. Under our Byelaws, the deadline for payment of all marking fees for continuously depastured animals is 31st March. If not paid by 31st March you will not be eligible to join the Verderers Grazing Scheme. Marking fees for animals which are not continuously depastured are due before the animals are turned out. It is the responsibility of commoners to volunteer payment of marking fees, not the responsibility of the Agister to chase you for them.

2017/9596 WELCOME TO MICHAEL LANE, HAMPSHIRE POLICE AND CRIME COMMISSIONER

At our last Court I referred to a productive meeting that I had held with Michael Lane, Hampshire Police and Crime Commissioner.

Following that meeting I extended an invitation to him to attend one of our courts and I am delighted to welcome him here today.

2017/9597 VISIT BY REPRESENTATIVES OF THE PORTUGUESE COMMUNITY

Nine members of the Portuguese community in London will be coming to the Forest this coming Saturday for a little ceremony to commemorate the arrival of Portuguese troops to assist Canadian timber workers in the Forest in November 1917.

This visit will mark the start of the final phase of a fund raising campaign for War Memorial Windows at St James Church, Twickenham dedicated to the sacrifices of the Portuguese during the First World War.

A few members of the Friends of the New Forest will meet them at the New Forest Inn for lunch and then lead them in their minibus to Millyford Bridge Car Park to walk to the Portuguese Fireplace. Some photographs will be taken to record the event. Weather permitting they may then be lead on the short walk to the Reptiliary and back before they return to London.

2017/9598 RECREATIONAL PRESSURES ON THE FOREST

At our last two Courts we heard a number of reasoned and heartfelt presentments on the effects of the ever increasing recreational pressure on the Forest.

In 2005 the Verderers published their policies for conserving the New Forest with the sub heading 'precious wilderness or suburban park? Those policies remain as valid today as they did then. A key policy was that the Forest should be available to the public, without restriction, for quiet informal recreation. That remains our policy today. However, the Verderers' policy is also to control the creeping development caused by the process of formal recreational uses.

This may be a timely moment to remind ourselves of the Verderers' role.

The Verderers' Court is a statutory body set up to share in the management and protection of the New Forest. It is governed by various Acts of Parliament which allow it to control aspects of the Forest's agriculture and to limit development and other uses. The Verderers vigorously oppose any interference with common rights by encroachment or development of the open Forest that might limit the availability of grazing or impede the ability of stock to roam freely over the Forest. At the same time, of course, such encroachment and development can damage the public's enjoyment of the Forest.

The Verderers, under the Acts of Parliament, and pursuant to their non binding Memorandum of Understanding with the Forestry Commission, do have some relevant powers. The Verderers use those powers to protect the welfare of the stock and to preserve the open Forest.

Against that background I turn to say something about the current process of updating the New Forest National Park Recreation Strategy 2010- 2030.

This has involved a consultation process. Regular attenders at this Court will have heard me on the subject of the importance of participating in that recent consultation into recreation management. The process of updating the strategy is being managed by the Recreation Management Strategy Steering Group which consists of representatives from the Verderers, Natural England, Hampshire County Council, the Forestry Commission, New Forest District Council and the National Park Authority.

I hope and believe that the Steering Group will prove to be a good example of the main Forest organisations working together to achieve an outcome that is good for the Forest.

The Steering Group was set up in 2015. Its aim is to agree an overall plan for where, within and around the National Park, we should encourage people to go to enjoy outdoor recreation and how this should be achieved. The aim is to both improve the New Forest recreational experience and enhance the other special qualities (including its rich wildlife, tranquillity and commoning tradition) and to avoid inadvertently damaging the special qualities which people come to the New Forest to enjoy.

The Steering Group specifically recognises that recreation, although enjoyable and beneficial to participants, also has the potential to be harmful to those special qualities, especially if it is done on a large scale or if activity is concentrated. It is therefore vital that we ensure that recreational activity does not damage the Forest – an aim I am confident we all share.

The current position in relation to that consultation is that the data received during the consultation is being analysed and a detailed analysis is being prepared prior to a second phase of consultation on actions next year.

As the representative of the Verderers on that Steering Group, I am of course acutely conscious that this is and must remain, a working Forest and I have reminded my colleagues on the Group of the importance that has to the wellbeing of the Forest. Indeed, without commoning, the special qualities that so many people come here to enjoy would not exist. My aim is to ensure that what emerges from that consultation and the work of the Steering Group, is both good for the Forest and the practice of commoning and that we implement policies which, whilst continuing our policy that the Forest should be available without restriction to the public for quiet informal recreation, protects and preserves the Forest and commoning. The Chairman of the National Park Authority, Oliver Crosthwaite- Eyre, who is also Chairman of the Steering Group shares those aims and objectives and the National Park recognises the importance of the Forest remaining a working Forest.

I will make further announcements on this topic when I have anything further to report.

2017/9599 PRESENTATION OF THE ROWL KITCHER CUP 2017

In 2007, we resurrected the annual award of the Rowl Kitcher Cup which was kindly donated some years ago by Mr Rowl Kitcher's family. The Cup is awarded each year to the owner of the highest scoring 2 or 3 year old colt at the stallion inspections held in the spring and to qualify for the cup the colt has to run out on the Forest that season.

This year I am very pleased to announce that the Rowl Kitcher Cup has been won by Mallards Wood Law & Order who was the highest scoring colt presented to the Verderers this year for selection as a potential stallion for the Forest.

MINUTES of the Court of Verderers held on Wednesday 15th November 2017 in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

Mallards Wood Law & Order is owned by one of our Agisters, Mr Robert Maton, from Furzey Lodge, Beaulieu and he is here today to receive the Rowl Kitcher cup which will be presented by Elected Verderer and Chairman of the Verderers' Stallion Sub-Committee, Mr Richard Deakin.

2017/9600 PRESENTATION OF THE LIFE ROSEBOWL 2017

Pure Bred New Forest Pony mares which run on the Forest are inspected during the summer and assessed individually by three New Forest Pony Breed Society Panel judges. The mares are scored on conformation, breed type and movement at walk and trot. The pass mark is 70%. If they achieve this mark, they are graded and awarded points which are entered into the Society's Elite Scheme.

The Elite Scheme was established to help breeders, owners and potential owners interested in New Forest ponies to discover the consistently successful bloodlines in the breed. The aim is to highlight not only the achievement of individual ponies, but to link these to their sires and dams and/or progeny. The New Forest was the first UK native breed society to devise and implement a scheme such as this and its aims are to show the qualities of our ponies in as many different disciplines as possible, thus enhancing our steadily growing reputation for good quality, useful ponies capable of success in a diverse range of equestrian disciplines.

This year the top mare is, Rushmoor Berry, a 9 year old bay mare, by Bakeburn Benny, out of Rushmoor Bilberry. Rushmoor Berry was bred by Messrs R & J Stride and is owned by Ms Nicky Stephens.

We are very pleased that Ms Stephens is here today and Mr Deakin will present her with the Rosebowl.

ANIMAL ACCIDENT REPORT

2017/9601 THE ANIMAL ACCIDENT REPORT FOR OCTOBER 2017

The Agisters attended 17 accidents in October. This compares with 17 in October last year.

3 ponies and 2 cows were killed. 1 pony and 2 donkeys were injured.

3 accidents occurred in the daylight, 3 at twilight and 11 in the dark.

3 accidents in October were not reported (Hit & Run).

8 motorists are known to have been local.

The number of animals killed and injured to date is 56, compared with 60 in the same period last year.

PRESENTMENTS

2017/9602 NIGHT TIME EVENTS

Presentment by Mr Ian Thew of Burley

'Official Verderer, members of the Verderers Court, good morning and thank you for this opportunity to speak to you. My name is Ian Thew and I live at Burley Rails Cottage.

I am here today to follow-up on Tony Hockley's presentment to the October Court when he brought to our attention the proposed night-time race on the Forest, which is scheduled for 2nd December.

This type of activity is not appropriate in an area that contains more special designations than any other National Park. It serves no purpose for the benefit and well being of the Forest and is likely to disturb the commoners stock which could have unfortunate repercussions.

It is reported that the object of the race, and I quote, "is to encourage people to still get outside and run during the winter months and we can provide a safe environment to do this." I would like to suggest that an alternative, more suitable venue lies just a few miles away on the west of Southampton it is an enormous sports centre that has been built with running in mind or perhaps, other choices might be the many acres of Southampton Common or Queens Park in Bournemouth. It's true that the contestants are unlikely to see wild boar and fallow deer, as promised by the organisers, but I've got a sneaking suspicion that two hundred runners wearing headlamps aren't going to see much in the Forest, either. Any of the suggested locations would provide a much safer venue for the runners and would not cause disruption to this rare and sensitive environment.

This beautiful Forest is a living and breathing entity and, as such, it needs time to sleep and, given the extreme outside pressures that it is being subjected to in this day and age, the only time it can do this is at night. We already have hordes of cyclists riding, unchecked, through the forest in the dark and allowing a night-time run to take place will only drive another nail into the lid of the Forest's coffin.

I request that the Verderers use the authority of this court to urge the Forestry Commission to refuse permission for this and any similar event to continue.

Thank you.'

Loud applause followed this Presentment

2017/9603 RECREATIONAL PRESSURES ON THE FOREST, ENFORCEMENT OF BYELAWS AND SIGNAGE
Presentment by Tracy Thew of Burley

'Official Verderer, members of the Verderers Court, good morning and thank you for this opportunity to speak to you. My name is Tracy Thew and I live in a cottage in a New Forest Inclosure. I travel by car around the New Forest from Burley to Ibsley, Minstead, Beaulieu and Bucklers Hard, Lymington and New Milton, several times a week.

I am here today to express my concern for the lack of hard facts and advice available to the public who live and visit the New Forest, specifically, regarding the Forestry Commission byelaws. I am also concerned that the Forestry Commission appear to be reluctant to take reasonable action to enforce these byelaws.

Local people and visitors are disadvantaged by the lack of public awareness of the Forestry Commission byelaws.

The fact is that human beings need direction. We would all park on double yellow lines, exceed the speed limit and some might even drink and drive if we were not aware that people have been prosecuted, fined and sent to jail for doing so.

Prosecuting people who break the New Forest bylaws would enable locals and visitors to act responsibly whilst in the perambulation of the New Forest.

Prosecuting offenders does work. As has been proven in recent years, by the use of the Speed camera van across the New Forest.

I ask the question why is the Forestry Commission not prosecuting people who break their byelaws?

MINUTES of the Court of Verderers held on Wednesday 15th November 2017 in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

The Head of the Forestry Commission Bruce Rothnie has said that dealing with people, who break the Bye laws, on an individual basis is effective. How can this be if the general public are not made aware of the breach of the byelaws and the consequences.

Perhaps a first step would be to provide basic signage as locals and visitors arrive in, and more importantly as they move about the forest.

Signage does not have to be invasive but effective as it was in the 1960's. Clear signage on the entrances to the forest and along the roadsides.

Posting the byelaws in a type size and at a height that is readable in car parks might go some way to enabling people to behave in a sympathetic way whilst in the New Forest.

In recent months I have spoken to a visitor standing in the road at Milkham car park feeding ponies her sandwiches. When I explained the dangers to the ponies and other people, she asked me why there were no signs saying 'don't feed the ponies'. I had the opportunity to help a resident from New Milton to pick up the sack of cooking apples he had just tipped on Whitefield Moor, he and his wife were most upset to hear that the byelaws say you should not feed the ponies. He asked me why there were no signs. Locals and residents, I have spoken to who have parked on the forest verges ask why there are no signs.

I ask that the Verderers use my presentment to bring pressure to bear on the Forestry Commission to take their responsibility seriously and use the byelaws to protect the New Forest.'

Loud applause followed this Presentment

2017/9604

RECREATIONAL PRESSURES ON THE FOREST

Presentment by Ms Alison Barnes, Chief Executive of the New Forest National Park Authority

'Good morning, I'm Alison Barnes, Chief Exec of the New Forest National Park Authority.

In light of recent presentments and the statements today from the Official Verderer, I would like to add some details about the National Park Authority's role in the Recreation Management Steering Group. Our aim is to find solutions to the challenging issue of managing recreation in the Forest that will last for the next 50 years or more.

You may be aware, we jointly held the first phase of a consultation this summer and received 7,000 comments from over 1,500 individuals and organisations. The Official Verderer mentioned the Group will publish a report on the findings of this consultation as soon as possible and further consultation will take place when new proposals are drafted. We, at the National Park Authority, set up the steering group on behalf of the partners and we have committed staff resources to this process.

More widely, many of our activities are aimed at helping people to understand, value and care for the Forest – and thereby encourage sustainable, quiet enjoyment of the area. People won't respect what they haven't experienced and don't fully understand, as we have just heard, so it's really important that we all encourage both visitors and local people to take interest in the Forest and learn about how it works.

All National Park Authorities also have a duty to seek to foster the economic and social well-being of the local communities within the National Park. This duty includes working with land managers, owners and commoners to ensure Forest habitats, grazing and traditions are supported. We have supported this through our work on the HLS and with our partners on the future of farming subsidy schemes after Brexit. The members of the Authority fully understand and recognise that this is a living, working Forest and strive to put this first in all our decisions.

The National Park Authority is not the tourist promotion body for the New Forest and never has been. We do work hard with many tourist businesses and organisations to highlight the things that make the Forest so special to us all, and help them to convey this message to their customers – so that they understand what 'Forest friendly' behaviour is and do not inadvertently destroy the very thing they come to enjoy.

We will continue to apply our full effort in bringing people and organisations together to put the Forest first and work with you and others to look after it for future generations, making a difference together.'

2017/9605 DAMAGE TO GRAZING AT MILL LAWN, BURLEY
Presentment by Bridget Taylor, Lester Square, Burley

'Official Verderer, members of the Verderers court, good morning and thank you for this opportunity to speak to you. My name is Bridget Taylor and I live at Lester Square in Burley.

I have come here today to express my concern and outrage at the damage that was inflicted, last week, to the Forest lawn at Mill Lawn. A vehicle, clearly a four-wheel drive, was driven through the roadside ditch and driven round and round the lawn, through the stream and back onto the road, smashing the dragons teeth as it went.

This blatant act of vandalism has left this popular location looking more like a battlefield on the Somme than a tranquil Forest lawn and has destroyed a large area of grazing which will be slow to recover at this time of the year.

I have reported this incident to the Forestry Commission but have heard nothing further on this matter. We are seeing more and more flagrant examples of abuse on the fabric of the Forest but little effort to punish the perpetrators. Surely the time has come to see some action from the Forestry Commission and the National Park Authority to clamp down on these offenders and to prosecute them for the damage they are causing.

The current advertising which encourages more and more people to visit this Forest is counterproductive to the well-being of the Forest and adverts such as "Go Wild in the New Forest" give the wrong impression to potential visitors.

I request that the Verderers use their powers to request the Forestry Commission and the National Park Authority to do their jobs and protect, not destroy, this precious Forest.

Thank you.'

Loud applause followed this Presentment

2017/9606 WILD CAMPING AT THORNEY HILL
Presentment by Mr Aidan Emptage, resident of Thorney Hill

'Official Verderer, members of the Verderers Court, good morning and thank you for this opportunity to speak to you.

My name is Aidan Emptage and I am a resident at Thorney Hill in the New Forest.

Over the past few years I have been aware of a gradual increase in the amount of activity within the Forest around Thorney Hill which is expressly forbidden under the rules of the New Forest. The list includes off road cycling, the use of drones and, of particular concern with regards to the reasons for this presentment, wild camping resulting in damage to the Forest as well as the resultant dumping of rubbish and other detritus which these campers leave behind after they eventually leave.

The particular example of this which I wish to bring to the attention of the court was an incident of a community of wild campers who arrived in the Forest in August. They set up camp in a clearing in the woodland alongside Forest Road at Thorney Hill. I challenged them about their illegal presence but they claimed that they had received permission to camp there from the Forestry Commission (a statement which I later ascertained was not true). They claimed they had environmental concerns and as such intended to clear the Forest of rubbish. As it transpired this was far from the truth as I will explain later. I immediately was in touch with the Forestry Commission who made attempts to move the campers by issuing verbal instruction that they were not permitted to be there. The campers however, chose to ignore this and stayed there for the next 5-6 weeks, building an extensive encampment with multiple tents, covered awning areas, a large breeze-block built oven (fed by wood gathered from the Forest) as well as at least 2 toilet pits that were dug into the forest floor. These campers eventually left at a time of their own choosing when the weather started to close in. They left a vast pile of rubbish behind them including tyres, broken boxes, a sofa, all the breeze blocks that they had used to build their oven and so on. The toilet pits were left for others to fill in. The Forestry Commission took photos as evidence and organised the toilet pit in-fill and removal of the rubbish.

At this point I contacted the police as I was sure that this constituted a form of fly tipping. The police stated that it was a matter for the local authorities/council and forwarded the details on to them. The reply I subsequently received back was that there was no evidence to prove who had dumped the rubbish and that they would take no action. This beggars belief as the ring leader for the community of campers is well known and a local man who has family in Thorney Hill. There are multiple witnesses to confirm who it was as well as photographic evidence from the Forestry Commission. How much more evidence is needed? (Points that I subsequently made to the authorities but who have still not responded to my communication to this effect.) The upper management of the Forestry Commission also seemed unable or unwilling to take any action.

I am deeply concerned about the future of our Forest. If those who have responsibility for overseeing the Forest and ensuring that activities are kept at an acceptable level to ensure the long time survival of our magnificent National Park are so reticent to take action to protect it then, quite frankly, heaven help the New Forest. It will simply become an area of free for all activity, wild camping and rubbish dumping, off road cycling as and wherever anyone wants to and any other form of recreational activity that takes anyone's fancy.

I fully support the principle that the Forest should be available for all to enjoy but surely there should be a robust policy of zero tolerance and enforceable penalty for all those who wilfully ignore the rules of the park. I ask that the Verderers use the authority of this Court to urge and support the relevant authorities to take their responsibilities very seriously to protect our Forest.

Thank you.'

Loud applause followed this Presentment

2017/9607

RECREATION EVENTS AT NIGHT

Presentment by Mr Brian Tarnoff, Friends of the New Forest New Forest Association, Chair, Habitat and Landscape Committee

'Last month the Commoners Defence Association noted problems with the planned 2nd December, Hampshire Maverick Silva Dark Series trail running event. It is in early evening, but in hours of full darkness (starts an hour after sundown, and a quarter hour after end of twilight). It is sponsored by a headlamp manufacturer promoting a range of LED headlamps that emit 250 lumens over 65 metres' (The top of their current range outputs 1500-2000 lumens over 175 metres!').

The nocturnal disturbance of both livestock (as noted by the CDA) and wildlife by a mass event on the Forest, alone, is of concern, but use of high powered LEDs will greatly compound that disturbance. The NFA object to the event as an inappropriate precedent for both reasons. This is, as well, a fundamental conflict with all aspirations to maintain tranquillity within the Forest and night-time dark skies above it.

Research on light disturbance has shown bats, amphibians and plants affected by relatively low levels of light. The route comes as close to the A337 as 1500 metres, which could prove fatal to motorists if easily spooked deer bolt towards the road.

This event, if held in daytime, or in a more appropriately off the SSSI, would be relatively benign[‡]. The Forestry Commission have clearly worked hard to mitigate a bad situation created by the event's organizers, and their permission[§] explicitly states that this is a one-off and that "any future night time events would need to be run at other venues off the New Forest" suggesting Moors Valley as an alternative. Head torches are restricted to Max 250 lumens, max beam length 50m, and must be angled downwards.

A FC spokesperson informed me that the permission would not have been granted if the event were a later time in the evening, or if it was outside the short window of hibernation for many local species. Unfortunately, nature isn't that simple. At least 11 bat species have been recorded in the route area, including some of the most light-averse. All these bats move in and out of hibernation November to March, rousing to feed when the weather is mild, with early evening as their peak time in winter[¶].

The media have lost all the nuances: the route restricted to the gravel tracks in Inclosures (from original plan on open forest), limitations on lighting, and that the FC regard this as a one-off. The reporting has oversimplified the FC assessment to suggest it "poses no negative impact on the SSSI". A hard to support statement, which without the context of the prescribed restrictions, sends an erroneous, dangerous message.

This official FC permission will beget the expectation for more large scale after dark events, from the public unaware of even minimal limitations which should be observed, and encourage greater after dark usage both organized and unorganized, at even more damaging times of the year. Creating new unprecedented levels of disturbance on protected habitat at a time where there would be little or none is simply unacceptable.

The NFA hope the Verderers will join us in asking the Forestry Commission, and those who would sensibly enjoy the Forest, to let it, in the name of tranquillity, the livestock, and the wildlife, have a well deserved rest.'

[¶]The event offers participants free test use of their previous slightly weaker range (170 lumens over 50 metres), which they no longer produce. The route starts and ends at Foxlease, goes through Clayhill and deep into Denny Wood, Parkhill and Standing Hat inclosures. <http://www.maverick-race.com/races/silva-dark-hampshire-2017>.

[†]That's roughly the same as a single standard H1 Car head lamp on main beam.

[‡]...presuming it is well run, safe and considerate to other Forest users, and tidies up after itself.

[§]The Permission includes the following non-boiler plate requirements:

- "Competitors will be restricted to using head torches with Led bulbs, Max lumens 250, max beam length 50m. All torches must be angled down. Marshals must keep lighting to a minimum as well as the runners."
- "The permit is for this event only please note any future night time events would need to be run at other venues off the New Forest – we will look to offer Moors Valley as an alternative."

- "The route as agreed.... It is vital to keep to the tracks and paths as details on the maps provided."
- "All gates must be manned to prevent ponies and cattle going through and to ensure that there is no access by vehicles. Gate must be closed after use."
- "All litter must be cleared up and signs removed by the following day at the latest."

"from nearby Busketts Lawn there have been records of at least 5 species in late December.

Loud applause followed this Presentment

2017/9608 COMMUNITY SPEEDWATCH
Presentment by Sue Adams, Commoner

'Members of the Court. I am Sue Adams, and I wish to make a presentment on behalf of the Community Speedwatch volunteers, several of whom are New Forest commoners, including myself.

You may be aware that Community Speedwatch volunteer teams, have been restricted by Hampshire Police to only operate on roads with 30mph limits or lower. This obviously prevents us from monitoring traffic speeds on most of the roads, on which Forest livestock have right of way. Whilst, Community Speedwatch teams, on Dartmoor continue to operate on 40 mph roads. The Police cite safety concerns but have refused to provide details of these concerns, so that we might address them.

We have been in contact with the Commoners Defence Association, who support our return to the 40mph routes, provided that we can do so safely. All we ask is that this Court gives similar conditional support, and that you encourage Hampshire Police to work with us, so we can address any safety issues identified, and develop appropriate protocols.

We look forward to once again helping you, the Commoners and the Police in striving to improve safety on the Forest roads.'

Loud applause followed this Presentment

2017/9609 CHINESE LANTERNS
Presentment by Mr Brian Ingram, Commoner and former Head Agister

Mr Ingram brought along a Chinese lantern that had been found in Burley. He explained how dangerous these lanterns are to animals and people both on the Open Forest and on private property.

Chinese Lanterns contain wire which if eaten by stock can be lethal. They are also of course a huge fire risk.

Mr Ingram said that Chinese lanterns are on the increase and he asked people to report any sightings to the Forestry Commission, Verderers or the Police.

IN COMMITTEE in the Library

CONSIDERATION OF PRESENTMENTS

2017/9610	COMMUNITY SPEEDWATCH	DISCHARGE
	<p>The Court considered Mrs Adams' presentment carefully. It was generally felt that initiatives like CSW do help remind drivers of the importance of adhering to speed limits. They may also help people get a more accurate perception of speed.</p> <p>The Court agreed that it does conditionally support CSW operating on the 40 mph roads within the Forest but they must be approved by the Police and be safe.</p>	
2017/9611	RECREATIONAL PRESSURES, BYELAW ENFORCEMENT AND SIGNAGE	RESUME
	<p>The general view is that few people bother to read or take much notice of signs although there may be a case for key messages to be displayed in key locations.</p> <p>The Deputy Surveyor said a lot is being done to try to ensure that the public acts responsibly in the Forest and he undertook to make a presentation in the December Court Committee, providing details of the work that is currently being done. The information provided will include an explanation of the resources which are available and the activities which are undertaken by FC staff to try to address the problems.</p> <p>As respects the night time event which is taking place at Foxlease and in Parkhill Inclosure, the organisers are fully aware of the Forestry Commission's position and further stringent conditions have recently been imposed on the event. Approval for the event was only given because by the time the Forestry Commission heard about it, it was in an advanced stage of organisation. It has been made clear to the organisers that such an event will not be permitted in future.</p> <p>The Court expressed its dissatisfaction with the granting of permission for this night time recreational use of the Forest.</p> <p>The Deputy Surveyor said that similar events have been permitted at Moors Valley and they have proved very successful.</p>	DS
2017/9612	WILD CAMPING AT THORNEY HILL	DISCHARGE
	<p>The Land Agent advised that the group camping illegally at Thorney Hill were removed in less than one month. They were issued with an order to leave within 48 hours of arrival.</p>	
2017/9613	DAMAGE TO GRAZING AT MILL LAWN, BURLEY	DISCHARGE
	<p>The Deputy Surveyor reported that sadly Mill Lawn is not the only area damaged by off-roaders. The Forestry Commission will investigate but if the perpetrators cannot be identified nothing can be done. It was suggested the Parish Council should be asked to enquire whether anyone has any video footage of the vehicle involved.</p>	Action DS

2017/9614 'GO WILD' IN THE FOREST DISCHARGE

This is an initiative of 'Go New Forest' which is run by Anthony Climpson, the former New Forest District Council Tourism Officer.

Despite their protestations, there is a general feeling on the Court that the NPA does promote the Forest and it encourages more visitors.

Cllr Heron suggested that people would come to the Forest anyway and organised events are a way of educating people. Mr Pasmore however, felt that people sadly often don't learn.

Cllr Heron replied saying that public support is needed to protect the Forest but to have their support they must value the Forest and people rarely value that which they do not understand.

Mr Dowsett commented that the Forestry Commission Volunteer Ranger Team has, over many years, been talking to Forest users, politely informing them of what is and isn't permitted. Although in some instances the Rangers are met with rude responses, Mr Dowsett felt that the activities of the Ranger team are slowly bearing fruit.

2017/9615 CHINESE LANTERNS DISCHARGE

Mr Ingram's presentment was noted. The lantern could have come from way out of the Forest. The NFU ran a campaign against Chinese Lanterns which it is believed is still live.

SUBMISSIONS AND OTHER MATTERS RAISED BY THE FORESTRY COMMISSION

2017/9616 A35 DRAINAGE WORKS, SWAN GREEN DISCHARGE

Consent was given for the short section of work which will be carried out by hand digging, subject to the usual three conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing.

2017/9617 NEW FOREST GOLF CLUB (LYNDHURST) INDOOR COACHING AREA/SIMULATOR STUDIO – RE-SUBMISSION DISCHARGE

A detailed discussion ensued during which many of the views put forward at the previous meeting were expressed again. However, it was suggested that the improved facility may in fact go some way to curtail further intensification of the actual golf course as players will be able to use the practice area during bad weather. It was agreed the proposed cladding over the practice area is not acceptable and the scaffolding must be replaced with oak/chestnut in keeping with the Forest. The revised submission was put to the vote.

The proposal was approved only by the Chairman's casting vote.

The Court agreed the replacement of the scaffold with oak/chestnut could be agreed via a de-minimis submission.

Action
PG

MINUTES of the Court of Verderers held on Wednesday 15th November 2017 in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

2017/9618	DE-MINIMIS SUBMISSIONS	DISCHARGE
	The Clerk advised the Court that using the recently agreed de-minimis system, consent has been given to Southern Gas Networks for a replacement gas pipe on Hightown Hill, Ringwood. Ref: DM0003 refers.	
MATTERS ARISING FROM THE MINUTES OF PREVIOUS COURTS OF CONCERN TO THE FORESTRY COMMISSION		
2017/9619	BROOMY PLAIN ROAD PROJECT	DISCHARGE
	Cllr Heron confirmed the project is still live. The university study proposal has, however, been shelved due to lack of student interest.	
2017/9620	SWAY 1 BROADBAND CABINET – PITMORE LANE/SHIRLEY HOLMES ROAD JUNCTION	DISCHARGE
	The installation of the cabinet is being held up because the fence from the cattle grid to the Forest boundary with the adjacent field has not yet been repaired. Work on clearing the vegetation cannot take place until the fence has been made stock proof. Cllr Heron promised to chase up the Highway Engineers.	
Cllr Heron gave his apologies and left the meeting		
2017/9621	SWAN GREEN CRICKET CLUB PAVILION	RESUME January 2018 Action PG
	The Land Agent confirmed the planning application is now ready for submission and should be sent off by the end of this week.	
2017/9622	CRAB HAT FENCE AND THE FOREST DESIGN PLAN	DISCHARGE
	Mr Deakin has asked for suggestions for interim measures which would assist the management of stock once inclosures are thrown open and until stump clearance and levelling of furrows is agreed and undertaken.	Action Staff Committee
2017/9623	ANIMAL DISEASES EMERGENCY CONTINGENCY PLAN	DISCHARGE
	The Deputy Surveyor reported that following a meeting with the Animal & Plant Health Agency at which Mr Deakin and the Head Agister were present, the plan has been redrafted. A link with the County Council's emergency planning team is essential and the Deputy Surveyor is trying to arrange a meeting. The Deputy Surveyor will share the draft with the Verderers prior to the plan being finalised.	
2017/9624	FIXED POINT PHOTOGRAPHY	DISCHARGE
	Mrs Westerhoff produced a very helpful list of proposed areas to be photographed. Mr Pasmore will prepare a final list of the areas to be included and the objectives and instruct Mrs Caals, the photographer, to proceed.	
2017/9625	THE POLICE AND ANIMAL RTA'S	DISCHARGE
	The Deputy Surveyor asked for the name of the new Inspector in charge of Country Watch.	
		Action Clerk

MINUTES of the Court of Verderers held on Wednesday 15th November 2017 in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

2017/9626	RAILWAY EMBANKMENT AT LATCHMOOR	RESUME
	The site meeting has been arranged for Monday 20 th November 2017.	
2017/9627	ASHURST HOSPITAL	RESUME
	The Crown Estate has stated it does not have a claim against the original reversion clause.	
	The question remains whether the common rights were extinguished when the site was sold to the Health Authority or whether they remained in abeyance.	
	The site is potentially very valuable and the Court felt it should continue to pursue the matter.	
	It was agreed legal advice should be sought.	Action OV
2017/9628	LAND AT ASHURST (LYNDHURST ROAD) STATION	RESUME
	The Clerk will remind the Crown Estate that the Ashurst Station land remains outstanding.	Action Clerk
2017/9629	HOLMSLEY PASSAGE	DISCHARGE
	Unfortunately but not surprisingly, Burley Parish Council does not support closing Holmsley Passage to through traffic. It claims the road has a high level of usage and points out that there is a property already there and planning permission for at least one new one. In addition there is a popular Forestry Commission car park.	
	Regrettably the Court felt that in view of the Parish Council's unwillingness to support the proposal, it should not be pursued.	
2017/9630	FAWLEY / WATERSIDE DEVELOPMENT	DISCHARGE
	There are some significant inaccuracies in the proposal documents which are now being corrected.	
	The Court will be looking closely at the outline planning application when it becomes available particularly with respect to the provision of recreational facilities and how it is proposed the SANGS (Suitable Alternative Natural Greenspace) will be provided within easy reach of the development. The Manor of Cadland is looking at creating additional public access.	
	The suggestion that a couple of Commoners' Holdings could be included in the development has been quite well received.	
	Communicating with the new community once the development is completed and occupied will be essential.	
	The Deputy Surveyor said an NFDC Waterside Developments Event is planned. He promised to forward details to the Clerk.	Action DS

SSSI RESTORATION WORKS

2017/9631 SSSI REPAIR & MAINTENANCE WORKS RECORDING SHEET RESUME

The content of the sheet was noted.

2017/9632 ANSES WOOD HABITAT RESTORATION PROPOSALS DISCHARGE

The proposed works in Anses Wood, set out in a document prepared by Sarah Oakley following the site meeting on 31st July 2017 were approved.

The Official Verderer asked if in future, the written proposal could be produced quicker and before people who attend have forgotten what was agreed! The Clerk suggested the papers should include the date on which they are prepared so that if they are revised, it is easier to identify the most recent version. The Deputy Surveyor said he had noted both requests.

2017/9633 NORTH HOLLOW DISCHARGE

A site meeting took place attended by Mr Philip Stride from the FC, Mr Pasmore and local commoner Mr Deacon.

Mr Deacon has requested that no works be undertaken as he feels doing so will encourage mountain bikers. The Court took the view that in that case, no work on passages would ever be carried out and that is clearly unacceptable.

The Deputy Surveyor explained that some low key work will be carried out to make the track safe. It will, however, be no wider than 4 feet so that it is safe for livestock and riders to pass but not wide enough to encourage 4x4s.

ACTION LIST

2017/9634 ACTION LIST RESUME

An updated action list was provided.

ENCROACHMENTS

2017/9635 VERGE PROTECTION DISCHARGE

The Forestry Commission has produced a new leaflet explaining why vehicles should not be parked on verges. It will be used to educate visitors and residents who are regularly parking in the wrong place. The leaflet was welcomed by the Court.

ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2017/9636 HOLLY CUTTERS DISCHARGE

The Court requested the Forestry Commission ensures it exercises effective control over the holly cutters to avoid damage to the Forest. The Clerk requested a list of the holly cutters' vehicle registrations as the Verderers' Office receives a significant number of calls every season from members of the public concerned that people are stealing holly. A quick check of the list indicates whether vehicles present are legitimate.

Action
DS

2017/9637 MULCHER DISCHARGE

Mr Deakin commented that despite complaints received last year that the mulcher was scalping the ground and preventing any regrowth, he has noted significant gorse regeneration in some areas.

2017/9638 BURNING DISCHARGE

Miss Macnair requested burning be commenced as soon as the weather permits. The Deputy Surveyor will pass on the request to the team. Action DS

2017/9639 THE FUTURE OF THE FORESTRY COMMISSION DISCHARGE

The Deputy Surveyor advised the Court that the following statement was made in Parliament last week....

Future of the Forestry Commission :Written statement - HCWS229

Department for Environment, Food and Rural Affairs Made on: 07 November 2017

Made by: Dr Thérèse Coffey (Parliamentary Under Secretary of State for the Environment

I am today announcing new arrangements for the governance and management of the Forestry Commission. The Scottish Government is legislating to complete the devolution of forestry, with the effect that from 2019 – the centenary year of the Forestry Commission – the Commissioners' statutory remit will be only in England. The Commission, its dedicated staff and above all our 250,000 hectares of English public forests are a great national asset. I am confirming today that the Forestry Commission will be retained in England, and will continue to manage our public forests for public benefit – including supply of timber, public access, and the environment.

We will establish a new Board of Commissioners of the Public Forest Estate. Commissioners will continue to be appointed by Her Majesty the Queen on the advice of her Ministers, who will retain a power of direction.

The Government will not allow any net reduction in the size of the Public Forest Estate, and will support the Commissioners in taking opportunities through active management of the estate to plant more woodland and increase natural capital.

We will continue our work to protect, improve and expand forests and woodlands in England beyond the PFE, as part of the Government's commitment for this to be the first generation to leave the natural environment in a better state than it found it.

We will work together with the Scottish and Welsh Governments to promote strong forest science, to sustain high standards for forestry in the UK, and to protect our trees against pests and diseases. Our world-renowned research agency Forest Research will continue as an agency of the Forestry Commission, with new governance, commissioning and funding arrangements agreed with the devolved administrations.

These arrangements provide certainty for the future of the Forestry Commission, and a strong, sustainable platform for our precious forest and woodland environments to thrive for the long term.

This statement has also been made in the House of Lords: HLWS231

2019 is also the Forestry Commission's centenary year.

2017/9640 FORESTRY COMMISSION CALL CENTRE DISCHARGE

The Deputy Surveyor said that at present, the Environment Agency provides the out of hours call centre service for the Forestry Commission. This is under review.

The Deputy Surveyor and the Land Agent left the meeting.

OTHER MATTERS ARISING

2017/9641 MEETING WITH GUY THOMPSON, EXECUTIVE DIRECTOR NATURAL ENGLAND RESUME

On 22nd November The Official Verderer is meeting with Mr Guy Thompson, lead at the highest level at negotiating the future of countryside stewardship schemes.

Action
OV

The Official Verderer will endeavour to ensure that Natural England understands the need for a scheme which can be tailored to meet the specific needs of the New Forest.

2017/9642 SIR DESMOND SWAYNE MP RESUME

The Official Verderer has secured a meeting with Sir Desmond Swayne. The meeting will take place on 1st December. Mr Deakin, Mr Greenwood and the Head Agister will attend.

Action
OV/RD/JG/
JRG

The opportunity will be taken to explain the reason why any replacement for the current Basic Payments Scheme needs to be flexible enough to take account of the specific needs of the New Forest.

2017/9643 LETTER FROM LORD GARDINER DISCHARGE

It is imperative that the Forest starts designing a subsidy scheme that will work in the Forest. The HLS/VGS will be scrutinised to identify all the beneficial projects that have resulted from the schemes as well as an indication of where support is needed. Members of the Court were asked to submit suggestions to the Official Verderer.

Action
All

2017/9644 NATIONAL COMMON LAND STAKEHOLDER GROUP – ANNUAL CONFERENCE DISCHARGE

The New Forest has been asked to host Defra's National Common Land Stakeholder Group meeting next summer. The meeting usually takes place in an area of commoning with a site meeting the day after. The Defra Deputy Director in charge of Common Land chairs the meeting and last year stayed for the site visit.

The Court agreed that with the assistance of the New Forest Commoners' Defence Association (CDA) it would be happy to host the conference.

Action
OV/JG

FINANCIAL MATTERS

2017/9645 FINANCIAL STATEMENT FOR OCTOBER

DISCHARGE

The Financial Statement was noted.

STAFF MATTERS

2017/9646 RUBBISH BAGS LEFT ON THE OPEN FOREST

DISCHARGE

Concern was expressed that rubbish and recycling bags are still being piled up outside properties by the refuse collectors prior to the arrival of the collection vehicles. The Clerk reported that she is in touch with NFDC but so far it has not been possible to resolve the problem, despite the support of the manager in charge. The Verderers' Office staff will continue to complain when rubbish and recycling is left on the verges and pavements and the Clerk requested that, where possible, photographs would be very helpful.

Action
All

2017/9647 NATIONAL TRUST – STOCK ON HALE PURLIEU

RESUME

A meeting has been arranged for Monday 27th November by the National Trust's Lead Ranger for the New Forest Northern Commons, to discuss how best to deal with hazards caused this year by a small number of cattle. The National Trust is considering signage as a way of trying to advise and educate the public. Mr Deakin will attend the meeting and report back to the Court.

Action
RD

2017/9648 PHOTOGRAPHER AT DRIFTS

DISCHARGE

A photographer caused some problems on the drifts this year. He claimed to have permission but that is disputed. On several occasions he stood in the wrong place causing ponies to veer away from the direction they were being driven to the pound. Some ponies then evaded capture. The Clerk reported she has received an email from a gentleman thought to be the same person asking for permission to attend the drifts. The Clerk will liaise with Mr Deakin prior to responding. The problem of unauthorised persons attending drifts will be discussed at this year's drift review meeting on Wednesday 29th November.

Action
RD/Clerk

ANY OTHER BUSINESS

2017/9649 WELFARE TOUR

DISCHARGE

Mr Deakin reminded the Court that the Welfare Tour has been arranged for Friday 8th December.

There was no further business and the meeting closed at 1.35 p.m.

JH Mannell
20 December 2017