

MINUTES of the Court of Verderers held on Wednesday 21st September 2016 at 9.00 a.m. in the Lyndhurst Community Centre and the Library, the Queen's House, Lyndhurst.

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

IN COMMITTEE in the Library

2016/8799 WELCOME BACK TO THE CLERK DISCHARGE

The Court welcomed Sue Westwood back to work.

2016/8800 MINUTES OF THE LAST MEETING RESUME

Two minor amendments were requested to the July Minutes. The Court agreed the amendments and authorised the Official Verderer to sign the minutes.

2016/8801 DECLARATIONS OF INTEREST RESUME

The Official Verderer, and Elected Verderers Mr Deakin, Mr Greenwood and Mr Readhead all declared an interest in the New Forest Higher Level Stewardship Scheme, the Verderers Grazing Scheme, and the new Basic Payment Scheme. Mr Pasmore declared an interest in the new Basic Payment Scheme.

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

Mr Dowsett is a Forestry Commission Volunteer Ranger.

Mr Deakin and Mr Readhead are members of the New Forest Stallion Syndicate.

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.

Mr Deakin and Mr Readhead are Directors of the New Forest Livestock Society.

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.

2016/8802 CONDITION OF STOCK RESUME

The Head Agister advised the Court that the Agisters are well into the drifts. They have seen lots of ponies close up and all look extremely well. Cattle are all doing very well and some Commoners are starting to bring their cattle in before the acorns start to fall.

The Official Verderer asked the Head Agister if he feels the higher number of cattle turned out are having a negative impact on the Forest. The Head Agister reported that he has not seen any evidence that they are causing problems; it has been a good summer for grass and there has been a tremendous amount of growth in some areas of the Forest.

The Official Verderer asked if the Court felt the amount of grass was due to weather conditions or because the Forest is in better condition due to the restoration works that are being undertaken. Mrs Westerhoff said that the amount of available grass is amazing; the ecology of the Forest relies on it being well grazed. Natural England has a six year rolling programme and is continuously monitoring the SSSI units, and the Land Advice Service assesses the RLR parcels in the HLS every 5 years. Miss Macnair said she feels the weather conditions are responsible for the grass growth and said that all gardens are looking lush this year.

2016/8803 REPORT ON ANIMALS REMOVED FROM THE FOREST RESUME

This very useful report had been circulated prior to the Court.

2016/8804 STOCK DEATHS - OTHER THAN ROAD TRAFFIC ACCIDENTS RESUME

This very useful report had been circulated prior to the Court.

2016/8805 REPORT ON MARKING FEES RECEIVED TO DATE AND RESUME
COMPARISON WITH PREVIOUS YEAR

	<u>2016</u>	<u>2015</u>
Forest Ponies	4695	4658
Forest Cattle	3886	3089
Forest Donkeys	110	107
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	8691	7854
Common Ponies	691	705
Common Cattle	1282	1108
Common Donkeys	90	93
Common Pigs	100	33
Common Sheep	293	232
Total Common Stock	2456	2171
Ponies, Cattle & Donkeys on the Forest	8691	7854
Ponies, Cattle & Donkeys on the Commons	2063	1906
Total Ponies, Cattle & Donkeys	10754	9760
Total Stock – Forest & Commons	11147	10025

2016/8806 BYELAW ENFORCEMENT

DISCHARGE
TO VGS
COMMITTEE

The Court discussed a Commoner who has refused to remove the carcass of a dead cow from the Forest despite being asked by the Agister three times.

The Head Agister left the meeting.

2016/8807 ANNOUNCEMENTS AND DECISIONS

RESUME

The Announcements and Decisions were approved.

OPEN COURT – 10.15 a.m. in the Beech Room, Lyndhurst Community Centre

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

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER

2016/8808 LEAVING THE EU: THE IMPLICATION FOR HIGHER LEVEL STEWARDSHIP FUNDING

I am pleased to inform the Court that the Chancellor of the Exchequer announced on 13th August that agri-environment schemes will be fully funded, even when these projects continue beyond the UK's departure from the EU. Our Higher Level Stewardship Scheme, the largest in the country, runs until February 2020, and we can continue doing so much good work improving the New Forest with this very important financial backing.

The New Forest suffers over time by a ratchet effect. No one activity will by itself ruin it, and each disturbance taken in isolation may on the face of it appear negligible. But add up every human intervention, such as artificial drainage, car parks, gravel tracks, utility structures such as telegraph poles or pumping stations, and incrementally over time we experience the significant loss of grazing, loss of landscape amenity, loss of habitat, and loss of good environmental condition.

Our HLS funds projects to conserve or improve the ecology and environment of the New Forest Crown Lands. We find ourselves in an impoverished financial climate within the public sector, so the £2,000,000 per year which we are spending from the HLS is absolutely fundamental to the future good condition of the New Forest.

This money enables us to turn the clock back to remove previous man-made interventions. We are improving the landscape amenity of the Forest. We are improving grazing for the benefit of the forest stock, which are the architects of our beautiful New Forest landscape.

Our wetland restorations remove man-made drainage, so damaging to the ecology, and encourage the re-establishment of the flood plain, depositing beneficial organic matter on the Forest rather than allowing it to be washed out to sea. And a positive by-product is to reduce flood risk downstream.

We are experiencing some concerted opposition to our wetland work: happily we live in a democracy, founded on freedom of speech, so this opposition is entirely proper. It is therefore up to us to provide justification for our plans. Some opposition is based on scientific principles; some on the use of public money; and some is based on what people are used to seeing in "their" area; and of course there is the basic human instinct of resistance to change. However, the time horizon of us in this room is very short, compared to the 937 years since the legal governance of the New Forest was formalised in 1079.

The HLS-funded terrestrial work on the New Forest has increased in importance and is providing ecological benefits as well as improved grazing. In the last year the HLS has

paid to remove 136 acres of rhododendron. It has paid to restore 56 acres of lost lawns. It has paid to remove self-seeded non-native conifers over 316 acres of Open Forest. It has paid for heather removal over 32 acres. And the HLS has paid for 355 acres of bracken control.

We are keen that the HLS leaves a legacy for the future. This year the HLS has funded new stock pounds at Woodgreen, Holmsley, Appleslade and Woodfidley; these are built in hardwood for longevity.

With the inexorable increase in the number of cars, we are seeing a huge loss of grazing and thus habitat interest: areas of grass on the edge of roads or outside houses are being lost to bare gravel. You have all seen it. The causes are widespread: over-running the verge at junctions; walkers not using car parks; car parking in villages; residents parking outside their properties because it is more convenient than opening their gates, ignorance from visitors. We are therefore funding a programme of works which will protect eroded verges, and in the longer term allow re-growth of natural vegetation. This verge restoration programme has been slow to get going, but this year the HLS has funded work in Woodgreen and Fritham, with plans in and around East Boldre in the near future.

The HLS funds the New Forest Non-Native Plants Removal Project, removing parrots feather, bog arum, skunk cabbage, Montbretia, Japanese Knotweed, Japanese Iris, buddleia, Himalayan honeysuckle, Himalayan balsam and pitcher plant.

This summary of our Higher Level Stewardship achievements enables everyone to understand how important it is to the New Forest, and the Chancellor's confirmation of continued funding to 2020 will enable us to keep up our very important work.'

2016/8809 DOG ATTACK ON STOCK

'On April 21st, two bull mastiff dogs, owned by a visitor to Holland's Wood Campsite, chased and viciously attacked a Shetland pony. The pony was chased so far from the campsite that she was not found until the next day. At first it was hoped she could be saved, but due to the severity of the injuries inflicted by the dogs, a vet recommended that she should be destroyed.

The owner of the dogs, Thomas Allen from Slough, was successfully prosecuted and has been fined £1,000 and ordered to pay £884 compensation to the pony's owner and costs of £250.

We are very grateful to the staff at the campsite, to Forestry Commission Keeper Jonathan Cook, and to the police, for their actions and evidence which resulted in this successful prosecution.

We also thank the campers and staff at Holland's Wood for their brave efforts in trying to drive off the dogs. In doing so they undoubtedly risked being seriously injured themselves.

One of the dogs suffered a broken nose as a result of being kicked during the incident.

This successful prosecution sends a clear message to all dog owners that they must keep their animals under close control at all times when in the Forest.'

2016/8810 PRESENTMENTS

'This Court is the focal point of New Forest free speech and we therefore welcome presentments, and I do not want to discourage anyone from making one. However, we have recently suffered some irrelevant or over-long presentments from the public, so please may I remind the Court of our rules.

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Presentments must be relevant, and should only address matters that are the responsibility of the Verderers or the Forestry Commission as set out in the various New Forest Acts and Forestry Acts, namely Conservation, Landscape, Governance, Management and Animal Health and Welfare.

Secondly, presentments must be brief: no longer than five minutes.

Thirdly, presentments must be moderately phrased and free of any express or implied abuse.

As chairman of the Court, I will stop any presentment from the public which is not relevant, brief or moderate.

Please nevertheless keep using this Court to draw attention to those matters which are relevant.

Thank you.'

ANIMAL ACCIDENT REPORT

2016/8811 THE ANIMAL ACCIDENT REPORT FOR JULY 2016

The Agisters attended 10 accidents in July. The same number as in July last year.

4 Ponies were killed, 1 pony was injured and had to be destroyed, 1 pony was injured and in 4 instances nothing was found.

7 accidents occurred in the dark, 1 at twilight and 2 in daylight.

4 of the motorists involved were local.

THE SPEED CAMERA VAN

276 drivers were caught speeding on the unfenced Forest roads in July 2016.

THE ANIMAL ACCIDENT REPORT FOR AUGUST 2016

The Agisters attended 8 accidents in August. This compares with 12 accidents in August last year.

1 cow was injured and had to be destroyed, 2 cows were injured, 1 cow escaped injury and in 4 instances nothing was found.

6 accidents occurred in the dark and 2 in daylight.

3 of the motorists involved were local.

THE SPEED CAMERA VAN

178 drivers were caught speeding on the unfenced Forest roads in August 2016.

ANNOUNCEMENT BY THE DEPUTY SURVEYOR

2016/8812 STREAM RESTORATION AND FISH

'There have been some presentments made in this Court raising concerns about the impacts of the stream restoration work on fish.

Fish are a vital part of the ecology of the Forest and we all want to know that their surroundings are in a condition where they can thrive. In many places across the Forest

the streams have the natural diversity of conditions that are good for fish – gravel riffles, pools, and vegetation in the water and along the bank. The stream life is in harmony with the natural processes of the site and robust to weather variations.

Unfortunately in some places man's intervention by straightening and deepening the streams has upset these natural processes and reduced the natural diversity upon which fish and other stream life depend. The straighter channels increase water flow which strips them of gravels, vegetation and the natural variation of water depth that is so vital for all stages of fish development.

We all know that ponies grazing on the Forest need the freedom to roam in order to thrive. They can find shelter from hot or stormy weather; they can find water in ponds and streams; and they can exploit the range of vegetation at different places and at different times of year. Imagine if they were to be constrained to areas without this variation – their condition would quickly deteriorate.

The same is true for fish and we have an opportunity through our stream restorations to re-establish the diversity. By restoring meandering streams we provide the physical conditions from which the natural processes can take over and the stream life can return at nature's pace. These changes do not occur overnight and we have seen at sites restored in the past that benefits can show quickly but may take years to establish fully. Of course we are concerned about disturbing the existing fish populations during work. That is why we undertake fish surveys before work and then capture and relocate them downstream just prior to work starting – these techniques are widely used across the country and allow us to minimise the impacts on the existing population during work. After the work we are carrying out further surveys of fish and invertebrates at sample locations to see how quickly the stream life returns. I was talking with one of the people doing this monitoring work the other day and I was struck by his enthusiasm about the increasing numbers of fish and invertebrates he had been observing over successive visits – it's early days but very encouraging.

Concern has also been raised about higher water temperatures if scrub adjacent to the streams is removed and their shading effects lost. Often this scrub has established on the drier spoil banks created when streams were dredged. Removing this scrub allows us to flatten the spoil banks and permit the stream to flood out naturally during high flows onto the adjacent floodplain – a key part of restoring natural processes. This is important "surgery" before healing can take place.

Water temperatures will vary and it is this variation in different parts of the stream and at different times of the year that is important for the survival of fish at all of their stages of development. The vital factor is that fish have opportunity to utilise the natural temperature variation created by pools and riffles and the vegetation in the stream. So by restoring this physical diversity we also restore the natural temperature variations that we also seek.

All restoration schemes are planned and executed to minimise the impacts on wildlife. The measure of success of these schemes will come with evidence of their condition over time once nature has responded to the physical changes.

Anyone left in doubt that these transformations are beneficial should visit some of the earliest sites on the Forest restored in the early 2000s – their condition is impressive and certainly more in character with the Forest we all know and love.'

PRESENTMENTS

2016/8813 BASIC PAYMENT SCHEME

Presentment by Malcolm Bull, Practising Commoner

'I would like to make the Court aware of the 2015 Mapping Exercise carried out by Defra (RPA) in which the New Forest Common was measured as being some 15,000 hectares instead of the previous 19,000 hectares, some 4,000 hectares difference or "in old money" 10,000 acres smaller.

I understand the aforementioned exercise was carried out by contractors on behalf of the RPA from aerial photographs and that some areas were left out altogether.

Have any of these mapping measurements been checked as to how 10,000 acres can in effect disappear? If so has it been challenged or is there any intention to challenge?'

2016/8814 HIGHWAY FENCING

Presentment by Brian Ingram, Practising Commoner

'On the Saturday of the last bank holiday weekend I received a call to say one of my cows had escaped onto the A326, close to the junction with the B3054. When I arrived the cow had already returned to the Forest and Agister Gerrelli arrived shortly after me. We checked the fence line and found the spot that the cow had escaped through, we carried out a temporary repair making use of timber that had been pulled out by FC Contractors.

I returned to check the fencing last night and found that apart from one piece of the timber being removed nothing had been done. Whilst in the area I noticed that the cattle grid into the car park at Dibden was full to the top with debris and could easily be crossed by cattle.

Despite fencing problems being reported to the relevant authority a priority repair does not take place, one day we will have another serious accident and who will be responsible?'

2016/8815 FUNGI

Presentment by Brian Tarnoff, New Forest Association Chair, Habitat and Landscape Committee

'The NFA thank the Forestry Commission for their new Look Don't Pick policy, which affirms the protection our habitat deserves. We hope that enforcement may be hard hitting on commercial and other pickers taking undue advantage, and soft and educational on casual foragers.'

2016/8816 LATCHMORE BROOK

Presentment by Brian Tarnoff, New Forest Association Chair, Habitat and Livestock Committee

'As the Latchmore Brook planning application may be decided before the next month's Verderers Court. The NFA find that we owe everyone an apology.

We've never made a secret of our support for the Forestry Commission's wetland restorations. But clearly, in some areas, we haven't made our case often enough, publicly enough, or possibly well enough. For that we must apologise to the whole of the Forest.

We apologise to the Verderers, I know you don't need anyone to leap to your defence, but you have been impugned, under the snide accusation that everyone involved in, or indeed supporting the project, would knowingly harm the Forest. The Verderers who many of us regard as the conservative line in the sand, that we are so fortunate have powers granted by the New Forest Acts. You have supported this project in the various forms its taken when it has come before you.

This is one of the Leaders of the opposition's most poisonous assertions, that the process itself is somehow tainted by a cosy "partnership". The National Park Authority, Verderers and Forestry Commission are only "partners" in the project inasmuch as they are the statutory bodies obviously required to be on the project board. It only benefits the FC as they fulfil their legal obligation to respond to the Natural England condition assessment of the SSSI, and only benefits the Park as it successfully fulfils their statutory purposes "to conserve and enhance the natural beauty, wildlife and cultural heritage of the area". The NPA is represented on the board by their Chief Exec Alison Barnes.

The NPA's Planning Committee is made up of 14 of the 22 members of the Park Authority. The Committee is mostly (12) local Parish, Town, District and County Councillors and 2 Secretary of State Appointees [through DEFRA]. As with any Planning Authority they have strict criteria they must adhere to, and whilst they may seek advice from the civil servant staff of the Authority including their own ecologists and the Chief Exec, the decisions are theirs. No previous scheme has been refused because, like the present one, they are worthwhile restorations to improve the habitat, and have met the criteria for planning approval. There is NO conflict of interest as the Chief Exec on the board of the project serves the members of the Authority, not the other way around.

We apologise to the Forestry Commission, and other public servants that have had to bear the brunt of what many would call a hostile work environment. I've heard hissing at Parish Council meetings. I've seen ecologists aggressively berated at consultations and site visits, where they are merely doing their job and explaining, calmly, what the values of these projects are. The NFA haven't been able to be present at all occasions and have not intervened enough. Not that I lay all bad behaviour at the feet of the Leaders of the opposition, but neither do they repudiate such behaviour.

We also apologise to the FC because while the NFA have campaigned for more monitoring built in to all these projects – We didn't insist enough to give everyone a larger more convincing body of evidence.

We apologise to the Friends of Latchmore. Yes, we do. On one level we welcomed them, we disagreed with their conclusions, but a localized voice giving the Forestry Commission a hard time, could have been useful. The NFA, covering more issues over the whole Forest, can't be everywhere all the time. But they are never sceptical enough with their own arguments, they don't sort the wheat from the chaff, as a result we've heard a few valid points hidden amidst a white noise of hyperbole and pseudoscience.

But here's where the NFA have done the leaders of the Friends of Latchmore and as a result many of their followers a true disservice. We didn't challenge them publicly often enough. We thought there was no point in popping up doing tit for tat when the planning process would make the decision. We limited speaking here at the Verderers Court mostly to key moments when the Verderers were to decide their views. In some cases they may even have taken our silence for validation.

We've let them steal a march on us in the public perception, but in doing so they have spread an entrenched dogmatic view which stifles debate, because you can't have a discussion where one side never concedes any of the many valid points that suggest that either this project is worthwhile, or that its challenges are proportionate.

I won't make up for lost time now. I have a critique of more than ten errors on just one of their webpages which I've sent separately to the Verderers (on our news page). But I beg the courts indulgence to address a few points. Amongst the more emotive subjects, the potential disturbance to and loss of wildlife in the implementation itself. Of course this is of concern, but there's a reason why we view the end-of-days prognostication of the Friends of Latchmore as baseless conjecture.

2119. Two thousand One Hundred and Nineteen. This is the non-exclusive number of completed River Restoration projects in the UK since 1994 listed in the database of the

River Restoration Centre. Some smaller, some larger: the Cumbria River Restoration Strategy (CRRS) a partnership project between Natural England, the Environment Agency and the Rivers Trusts of Eden, West Cumbria and South Cumbria won the 2016 UK River Prize. They restored 14 km of river across the three catchments to a more natural form. Not all restore meanders, only 1593 had Habitat objectives, some were done for Flood Risk, Fisheries, etc. 120 are listed as a result of Community Demand. But all would have had the issue of disturbance to wildlife. Projects including hundreds of Rivers Trusts, Catchment Partnerships, private estates, the Royal Parks, the National Trust, amongst others. When the RSPB, and the Wildlife Trusts, and their ecologists support the Latchmore Brook project and other Forest wetland restorations, they do so with their experience, including many projects on the land they manage. If the consequences, in 22 years and 2119 projects, were as dire as the leaders of the Friends of Latchmore contend, I should think we'd have heard about it by now, or certainly their researches would have brought this to our attention.

We do all share concerns about the project. The New Forest History and Archaeology Group have raised issues with the survey, we believe they are surmountable and encourage all interested parties to work towards a solution.

Movement of materials to the site may cause disturbance and inconvenience to those along the delivery routes. I've seen and heard alarming figures, 70HGV movements a day or 44000 HGVs, which I've discovered to be ridiculously overblown. Not that I blame anyone for getting this wrong as the planning documents do not lay out the information in a helpful way. I've already had a private go at the FC and LUC over their need to provide concise and useful figures for the public to properly convey the size of the issue. The route through Ogdens, for example, we've been told this will be used in three years of the project, which is worrying, but hazard a guess at how many days would be necessary for deliveries through Ogdens in 2017 – 6, 2018 – 1, that's right in 2018 they only need to make approx 7 deliveries on that route that year, 2020 – 28, of course that will bear more discussion, but it brings perspective. For the entire project all routes all years combined there will be fewer than 10k HGV movements, fewer than 11k in the worst case scenario we've run.

I'll be putting up our numbers on our newpage later today, available to all, even if you want to scare people with numbers at least you can use realistic figures.

Finally, many are rightfully concerned about the future beauty of the Latchmore Brook. Walking along Latchmore Shade, you will clearly see the original meanders. In some cases you will see this as gently undulating curves written as a gentle scar in the landscape, it is easy to imagine a pleasant stream flowing along this course. Elsewhere the meanders have been eroded into unattractive ruts, and in other places the area between the current water course and the meanders become a quagmire when the drains rush water into the area, the flood in the now dysfunctional flood plain is partially contained by the meander, not allowing much onto the adjacent grazing. Fixing this will not make the area any less beautiful. I spoke of the prizewinning project in Cumbria, which we may begrudgingly agree is also an iconic landscape. That project was twice the size of Latchmore.

Look at Warwickslade Cutting and Fletchers Thorns amongst many of the completed restorations which have bedded in, they look absolutely lovely now. There are many to choose from, but don't impatiently show up moments after the diggers left and expect an instantaneous transformation. Give nature time to do its magic. After all nature took its time creating those meanders before they were ruined.'

2016/8817

LATCHMORE BROOK

Presentment by Peter Clark, Retired Civil Engineer and resident of Frogham

'A document similar to this was submitted to the Planning Authority. I intend to focus your attention on three critically important weaknesses and failures in the design of the works.

My qualifications are

- a) First Class hon. Degree in Civil Engineering from Imperial College – (it is relevant that my final degree dissertation was on the subject of meanders)
- b) Fellow of the College
- c) 25 years as a principal of a distinguished firm of international Consulting Engineers with projects all over the world. (In the UK we were responsible for the planning and design of the Thames Barrier, part of the river works to protect London)

The Relevant background to this submission is

- a) I have lived in Frogham overlooking the Latchmore valley and walking the terrain for the last sixteen years.
- b) I have examined the proposed project, its aims, methodology and the outcome of smaller works already completed by the team. In particular I have observed the wholly unsatisfactory approach by LUC to the design and execution of the project.

Rivers and Streams (hydrology) and design

The Constraints for the project (LUC) do not appear to have a very good understanding of how streams and rivers behave. Rivers and streams make meanders. Mostly they make them when the balance of water flow, grade of the bed and shape of the flood plain are all favourable. Usually they are flowing over bed material deposited in the past – sometimes the sites of lakes laid down in a different, wetter climate. Commonly the material is fairly consolidated, which gives stability and predictability from decade to decade. Streams do not meander until the grade is low enough and their flood plain is flat enough.

Meanders form when a spiral current is superimposed on the direct axial flow of a river. Bed and bank material is transported across the riverbed from the convex side to the opposite side.

Men do not make meanders but they dig out canals to make a “bendy” shape, often reinforcing the banks with large cobbles to try and stabilise them. The water is directed to follow these canals, which it does initially, but when a large flood comes down, quite soon these inherently unstable structures start to breakdown and fairly soon the whole lot will wash away. These canals tend to be unsightly and unable to support a proper stream ecology.

If the flood plain is “raised” with imported, sterile clay and hoggin, this unconsolidated material will be washed away, perhaps in the first real flood down the river. We understand that the consultants LUC have never seen the Latchmoor in flood and we know their estimated flow is too low.

Survey and Design

In order to undertake the work they are contracted to deliver the consultants should have carried out a proper survey of the stream and its banks, and from this designed a scheme tailored to what is there. However I quote from a letter sent by LUC 8th October 2014 to the Chairman of Burley Council “However, due to the nature of the wetland restoration works, we do not have a fully worked up channel design which could be modelled – these schemes are constructed by simply digging out the meanders based on the dimensions found onsite. The restoration schemes are not drawn up in detail in advance, but respond to what is found onsite”

Observers of earlier projects have noted that it is indeed how work proceeds. This means

that the Planning Authority do not know whether any of what is submitted to them on paper at the enquiry stage will actually be delivered. They are asked to accept on faith that the work to be done on the most fragile of environments will be done correctly.

This application should be rejected because it fails to meet the NPA's first Policy DP:1 General Development Principles.

This states that new development must demonstrate high quality design and construction which enhances local character and distinctiveness. Also that amenity is not adversely affected and that there are no adverse impacts associated with traffic or pollution. The design in this case is completely inadequate and does not meet with the requirement for high quality and the outcome is likely to be damaging to the environment. In fact it is remarkable that the design and execution of the scheme thus far, comprehensively fails every single requirement of the Planning Authority.

You ladies and gentleman, the Verderers, have responsibility, as project promoters for what is about to occur on at Latchmore. One of you must have signed off the instructions. I would advise that the project is ill-conceived and that you would do well to have nothing more to do with it.

Mr Clark was also unable to complete his presentment as he over-ran the maximum allowed time of 5 minutes. However, the Official Verderer once again confirmed that the Court will give careful consideration to the whole of Mr Clark's presentment, which is included in these minutes.

IN COMMITTEE in the Library

CONSIDERATION OF PRESENTMENTS

2016/8818	BASIC PAYMENT SCHEME	DISCHARGE
	The Official Verderer said the Verderers have no responsibilities under the New Forest Act for the Basic Payment Scheme.	
	Mr Greenwood said there are some misconceptions on how the eligible area has been identified. He will circulate details to the Court and advise Mr Bull.	Action JG
2016/8819	HIGHWAY FENCING – A326 & B3054	DISCHARGE
	Mr Readhead told the Court that he attended a site meeting with Hampshire County Council and pointed out several areas along the A326 between the Heath Roundabout and the cattle grid that need to be replaced. His recommendation is that the entire stretch of fence should be replaced. The Clerk will chase Hampshire Highways to ensure a prompt repair takes place.	Action Clerk
	The Cattle grid into Dibden car park is a Forestry Commission grid and the Deputy Surveyor will arrange for the grid to be cleared.	Action DS
2016/8820	FUNGI	DISCHARGE
	Mr Readhead told the Court that in the September issue of The Field magazine The Pig Hotel has a four page spread on mushroom foraging in the New Forest. The Deputy Surveyor is engaging with the hotel.	Action DS
2016/8821	LATCHMORE BROOK	DISCHARGE

The Court thanked Mr Tarnoff for his presentment.

2016/8822 LATCHMORE BROOK DISCHARGE

Mr Clark's presentment was circulated to the Court.

SUBMISSIONS BY THE FORESTRY COMMISSION

2016/8823 BRAMSHAW CRICKET PAVILION DISCHARGE

The Land Agent was asked to go back to Bramshaw Cricket Club as the plans submitted show the new pavilion much larger than the existing footprint. The Court would also like to see a copy of the cricket club's current license.

Action PG

2016/8824 BRAMSHAW GOLF CLUB DISCHARGE

i) Temporary Fencing of Greens

The additional temporary fencing to protect newly reseeded greens until 1st April 2017 is approved with no objections. The fences must be removed by this date or further a request submitted to the Court.

ii) New Golf Course Sign

The request for a new roadside golf course sign is rejected as it is felt that the proposed design is too wordy and looks like an advertisement. It was agreed that a basic sign could be added to the existing Forestry Commission car park sign. The sign is to read "Bramshaw Golf Course" only with no logo.

iii) Larger Tee Signs

The request for new, larger tee signs was rejected, it was suggested that the existing "tomb stone" style of tee signs may continue to be used.

iv) Marshall's Hut

The request for a marshall's hut is approved providing it is sited on the gravel in the car park and located in a place that is not visible from the road. The hut should be no larger than 6' x 4' and this must be stipulated in the licence. Mr Readhead and the Land Agent will meet with the golf club to agree the precise location.

Action
DR/PG

Consents for above proposals i), ii) and iv) are subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing.

2016/8825 BT CABLE REPAIRS ADJACENT TO THE BEAULIEU ROAD STATION DISCHARGE

The proposed cable repairs are approved with no objections subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing etc. No surface mounted apparatus is permitted (i.e. no man-hole covers or boxes).

2016/8826 NETWORK RAIL REQUEST FOR ACCESS TO BLOCKED CULVERT AT WOODFIDLEY DISCHARGE

Network Rail's access request was agreed in principle but the Court requires more information. The Court requests that the local Agister be

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	involved to correctly manage welfare of stock, along with the local Forestry Commission Keeper.	J Cook/RM
2016/8827	BOURNEMOUTH WATER NEW WATER SUPPLY TO SHIRLEY HOLMS FARM	DISCHARGE
	The proposed new water supply to Shirley Holms Farm is approved with no objections subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing etc.	
2016/8828	SSE NEW POWER SUPPLY TO FIVE THORNS COTTAGE	DISCHARGE
	The proposed new power supply to Five Thorns Cottage is approved with no objections subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing etc.	
2016/8829	SSE UNDERGROUNDING OF ELECTRICITY SUPPLY TO WHITEFIELD COTTAGE	DISCHARGE
	The proposed undergrounding of the electricity supply to Whitefield Cottage is approved with no objections subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing etc. The Land Agent is to ask for the new pole to be sited in the same position as the existing pole which is shrouded by the oak tree.	Action PG
2016/8830	WOODGREEN CRICKET CLUB SECURE SECURITY UNIT	RESUME
	The request for a secure security unit is held in abeyance pending review of the licence which expired in 2012. The view of the Court is that a metal container is not appropriate.	Action PG
	The practice wicket, which is no longer in use but is covered in a tarpaulin held down with scaffold poles, is to be removed as soon as possible.	Action PG
2016/8831	HLS HOLLY MANAGEMENT PLOTS	RESUME
	The request for six holly management plots was approved with no objections. The Court asked when the existing four trial sites will be opened. Mr Pasmore suggested only opening half of the existing Bolderwood trial site in order to monitor the impact stock has on the site which has regenerated brilliantly. The Deputy Surveyor will speak to the HLS team and report at the October Court.	Action DS
2016/8832	ASHURST LODGE PASSAGE REINSTATEMENT OF CULVERT	DISCHARGE
	The reinstatement of the culvert is approved with no objections subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing etc.	
2016/8833	HAMPSHIRE HIGHWAYS PITMORE LANE SWAY HGV SIGNING PROPOSALS	DISCHARGE
	Option one of the proposals is rejected as it involves additional signage which is contrary to the Verderers' policies. Option two is acceptable with no objections providing the signs are mounted on existing infrastructure.	

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

2016/8834	HOLMSLEY PASSAGE	DISCHARGE
	The Clerk reported that Mr John Sorrell at Hampshire County Council's Transport Planning Team has been in touch regarding this project. The Clerk is awaiting costings from Hampshire County Council in respect of the feasibility study, detailed design and consultation. Once these are received the HLS Board will consider whether it is able to provide the necessary funding.	Action Clerk
2016/8835	BRIDGE AT FLETCHERS THORNS	DISCHARGE
	The bridge at Fletchers Thorns should have had Verderers' consent as it is in a Verderers' Inclosure. The Forestry Commission is asked to make sure that correct information is submitted to the Court in the future.	
2016/8836	PROBLEMS WITH EXCESSIVE TRAFFIC AND ANIMAL ACCIDENTS IN LINWOOD	RESUME
	The Official Verderer has had a meeting with Councillor Humby and Tim Lawton of Hampshire County Council. It has been agreed in principle that the road will be restored to a single track road with passing places.	
	A meeting with Hampshire County Council and Natural England is taking place on 18 th October.	Action OV
2016/8837	VERGE RESTORATION WOODGREEN	DISCHARGE
	Mr Dowsett told the Court that the restoration project is progressing well but the roadside ditching works have yet to commence. The Deputy Surveyor advised that the contractor is currently working on wetland restoration sites and the agreed completion date for the ditching works is the 31 st December 2016.	
	Mr Deakin said he has received a complaint that dragon's teeth are only being installed outside properties that have not complained to the contractors.	
	Mr Pasmore has received complaints from Woodgreen residents that live down footpaths saying that the number of parking spaces has been reduced. The Deputy Surveyor will ask Gary North to investigate.	Action DS/GN
	Mr Dowsett added that Woodgreen Parish Council is very pleased with the work that has been carried out so far.	
2016/8838	VERGE RESTORATION EAST BOLDRE	RESUME
	The Deputy Surveyor told the Court that Gary North has met with East Boldre Parish Council and is still waiting for maps. The Official Verderer asked the Deputy Surveyor to provide a full update report at the next Court.	Action DS
2016/8839	VERGE RESTORATION FRITHAM	RESUME
	The Court discussed a property in Fritham where a homeowner has back filled some of the recently dug road side ditches installed as part of the Verge Restoration project.	Action DS

- 2016/8840 BROWNHILLS DRIFTWAY RESUME
- The Deputy Surveyor advised the Court that drainage clearance work inside and outside the Inclosure has started this week. The Official Verderer asked the Deputy Surveyor to provide the Court with details of the works being carried out. Action DS
- 2016/8841 DRONES FLYING ON THE FOREST DISCHARGE
- The Official Verderer asked the Deputy Surveyor to make an announcement at the October Court explaining that the flying of drones over the New Forest is not permitted because it is a byelaw infringement. Action DS

SSSI RESTORATION WORKS

- 2016/8842 REPAIR AND MAINTENANCE LIST RESUME
- The Deputy Surveyor provided an updated list.
- 2016/8843 SITE VISIT TO DRIVERS NURSERY AND POUND HILL RESUME
- The Court is still waiting for the site visit notes from the Forestry Commission. Action DS
- 2016/8844 DAMES SLOUGH DISCHARGE
- The Deputy Surveyor said the HLS team is monitoring the situation but suspect the flooding was caused by a debris dam following heavy rainfall. to repair and maintenance list
- Mr Deakin said the local Agister has reported an issue further downstream where the water is washing over the gravel track.

ENCROACHMENTS

- 2016/8845 ENCROACHMENTS INVOLVING THE FORESTRY COMMISSION INCLUDING ENCROACHMENT LIST UPDATE AND REPORT ON ANY NEWLY IDENTIFIED ENCROACHMENTS RESUME
- An updated encroachments list was circulated and the various items discussed.
- 2016/8846 1 & 2 FOX COTTAGES ILLEGAL PARKING DISCHARGE
- The Land Agent has written to the home owner but has had no response. to encroachment list
- 2016/8847 NO. 3 FOX COTTAGE ILLEGAL PARKING DISCHARGE
- The recently created gravel area is being used as a parking space. Parking spaces require Verderers consent which will not be given. The property has a garage in which the owner should be parking. The Land Agent has a meeting with the home owner on 30th September. to encroachment list
- 2016/8848 BULL HILL HOUSE ILLEGAL PARKING DISCHARGE
- This property is a holiday let. As with Fox Cottages, the Forest outside the curtilage of the property is being used as a parking space. Parking spaces require Verderers consent which will not be given. The Land Agent reported he has written to the owner on several occasions but has so far received no response. to encroachment list

2016/8849	CULVERLEY FARM ENTRANCE	DISCHARGE
	<p>The Land Agent told the Court that Culverley Farm has an old style licence for a 10ft access. As modern vehicles are wider the licences have been automatically updated to 12ft. The entrance to this property varies in width and is not considered to be in breach of the terms of the licence.</p>	
2016/8850	ROSARY GARAGE	DISCHARGE
	<p>The Land Agent is having a meeting with the garage owners tomorrow. Plans have been submitted to build two houses on the site and he has reminded the owners about the required mitigation from the field behind the garage.</p>	
2016/8851	FALLOW FIELDS BURLEY	DISCHARGE
	<p>The Land Agent said he had met with the owner in July and plans were in place to put in some dragons teeth in the main entrance to stop it from widening further. The Clerk said the Agisters are concerned that the cattle grid is a danger to stock because it has no side fence. The gravel drive to the field entrance still does not have Natural England's consent.</p>	
2016/8852	WATERS GREEN ILLEGAL VERGE PARKING AND FOOTPATH	DISCHARGE
	<p>The Land Agent said he contacted Hampshire County Council after the last Court asking for more detailed plans but has not heard anything.</p>	
2016/8853	1 BISTERNE COTTAGES ILLEGAL PARKING	DISCHARGE
	<p>It has been reported that the occupiers of 1 Bisterne Cottages have created an illegal hardstanding parking area on the grazing. The Land Agent will ask the Estates Keeper to investigate.</p>	
		to encroachment list Action PG
ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION		
2016/8854	BEREAVEMENT CENTRE AT NEW PARK	RESUME
	<p>The Land Agent said he wrote to the Bereavement Centre as requested by the Court in September last year. The Official Verderer requests he write again today saying that the development will not be approved.</p>	
	<p>The Verderers are still leasing the land including the proposed site for the Bereavement Centre at New Park from the Forestry Commission.</p>	
2016/8855	LITTER	DISCHARGE
	<p>The Clerk told the Court that the Verderers' Office has recently received photographs and several reports of cows chewing on empty plastic bottles and other litter in the Dibden and Marchwood Inclosures. The Court agreed that litter is a huge problem in the Forest.</p>	
	<p>The Deputy Surveyor will arrange litter picking and thought it would be a good idea to release a Forestry Commission press statement asking visitors to take their litter home.</p>	
		Action DS

2016/8856	BRASH AT LONGBEECH	DISCHARGE
	The Land Agent told the Court that the brash left by SSE following repairs at Longbeech will be cleared. The Official Verderer asked the Land Agent to check the policy as it should not have been left on the Forest.	Action PG
2016/8857	VERGE PARKING NEAR THE RED SHOOT PUBLIC HOUSE	RESUME
	Excessive verge parking in the vicinity of the Red Shoot Public House was discussed. It is not unusual for there to be 50 to 100 cars parked along the road at weekends. The premises owns a lot of land and the Land Agent was asked to visit and ask if they can extend their car park.	Action PG
2016/8858	TOMS LANE WIDENING	RESUME
	Toms Lane itself was also discussed; vehicles are directed by 'sat nav' along the track to access the High Corner Inn and the track has now widened from excessive use. Both areas will be added to the Verge Restoration project, and the Deputy Surveyor will ask staff to visit.	Action DS
2016/8859	TURF HILL	RESUME
	Mr Pasmore said he thought that the Forestry Commission were going to carry out restoration of ruts before tree felling started.	
	Mr Pasmore added that there is a little oak wood which pre-dates the Inclosure which should be retained. Three trees have been cut down so far but work appears to have stopped. Mr Pasmore tried to contact the Forest officer who carried out the felling, but he has not had a call back. The Deputy Surveyor was asked to ensure that the oak wood is not felled.	Action DS
The Deputy Surveyor and Mr Mills left the meeting		
2016/8860	ASHEN WOOD, CASTLE HILL LANE BURLEY	DISCHARGE
	Miss Macnair advised that a yew hedge has been planted on the fence line of a property in Castle Hill Lane, Burley. Also recent works carried out at the property has resulted in damage to the track. The Land Agent will ask the Estates Keeper to visit the property with the Head Agister who can explain the dangers of yew to stock.	Action PG/JRG
2016/8861	BURIAL MOUNDS	DISCHARGE
	Mr Readhead reported that the fencing around the ancient burial mounds at Hilltop and Whitefield Moor are in poor condition.	
	The Official Verderer said that one side of the Whitefield Moor site has been opened up at the request of Natural England. The local Agister will be asked to inspect the fencing and the Clerk will report to Andrew Norris, the Forestry Commission's Planning Forester.	Action Clerk/PG

The Land Agent left the meeting

ENCROACHMENTS NOT INVOLVING THE FORESTRY COMMISSION

- 2016/8862 ACORNS MINSTEAD RESUME
- A copy of all the legal advice received by the CDA was circulated to the Court prior to the meeting. The Court has been asked to support the CDA with ongoing legal costs on a 50/50 basis. Some concerns were expressed which will be discussed with the chairman of the CDA and resolved before a decision on funding can be made. Action RD

OTHER MATTERS ARISING

- 2016/8863 BASIC PAYMENTS SCHEME RESUME
- Mr Mills has contacted Simon Waterfield at Defra to ask for a progress report on the Basic Payment Scheme. It is still not known how many payments are outstanding.

OTHER AGENDA ITEMS

- 2016/8864 TRAFFIC ISSUES ON MILL LANE DISCHARGE
- Lyndhurst and Minstead Traffic Management Working Party has requested a Verderer attend a meeting to discuss the traffic issues on Mill Lane, Emery Down. Mr Mills will attend as the Verderers representative. Action HM/Clerk

VERDERERS GRAZING SCHEME

- 2016/8865 POOR FENCING AT DILTON FARM DISCHARGE to VGS Committee
- The fencing at Dilton Farm has been partially completed but some of the fence line remains in terrible condition. The VGS Administrator will keep the pressure on to ensure the repairs are completed.

MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS

- 2016/8866 NATIONAL GRID PROPOSALS FOR UNDERGROUNDING THE HIGH VOLTAGE PYLONS AND LINES IN THE NORTH OF THE FOREST DISCHARGE
- Mrs Westerhoff and Mr Dowsett updated the Court following the recent meeting they attended with Mr Pasmore regarding the undergrounding of the power lines on Hale Purlieu. National Grid has undertaken several different ecological studies in the area, the next step will be to dig bore holes for the underground geology surveys. Mr Dowsett explained the preferred route closely follows the existing pylon line.

At the meeting those present were asked to give their provisional commitment for the works to go ahead. All present agreed on a provisional basis.

FINANCIAL MATTERS

- 2016/8867 FINANCIAL STATEMENT FOR JULY 2016 RESUME
- The Financial Statement was noted.

STAFF MATTERS

2016/8868 OFFICE STAFF DISCHARGE

Samantha Luther the VGS Administrator has left the Verderers' Office staff. Tina Woodley, who has been helping out on a temporary basis, is going to stay on a permanent part time basis, working full time as and when required to fulfil the VGS Administrator role.

The Official Verderer and Verderers thanked Justine Bayley for her hard work as Acting Clerk in the Clerk's absence.

HEALTH AND SAFETY

2016/8869 POLICE ATTENDANCE AT DRIFTS DISCHARGE

The Acting Clerk told the Court that Hampshire Constabulary has now confirmed police attendance at all the requested drifts.

ANY OTHER BUSINESS

2016/8870 ECOLOGY AND MANAGEMENT OF THE NEW FOREST IN AN ERA OF CLIMATE CHANGE DISCHARGE

Mrs Westerhoff has been asked to attend the above conference at Lyndhurst Community Centre on the 25th October. Mr Dowsett is attending on behalf of the Forestry Commission.

2016/8871 NEW FOREST CATCHMENT MANAGEMENT MEETING DISCHARGE

Mrs Westerhoff told the Court she is attending the New Forest Catchment Management meeting tomorrow. On the agenda is an item about septic tanks and phosphates. Mrs Westerhoff said that funding is available for people to upgrade their septic tanks. She will pass the information to the office to send out to Commoners in the Verderers' Newsletter.

2016/8872 STOCK EATING BARK STUDY DISCHARGE

The Official Verderer told the Court that the HLS funded study into ponies eating bark which was requested by the CDA has been approved by Natural England. We are waiting for the Forestry Commission to draw up the plans and the study will be conducted by an independent, non-Forest, person.

2016/8873 FORESTRY COMMISSION ADVICE LEAFLETS DISCHARGE

Mr Dowsett told the Court that Sean Marsh the Forestry Commission Trainee Estates Keeper has produced three A5 leaflets providing information to home owners in the Forest. The Verderers have been asked if they would like to add their logo to the leaflets.

As the Verderers are not part of the Heritage Lottery funded "Our Past Our Future" project it was decided not to add our logo to the leaflets. Action BD

2016/8874 ACCESS LICENCES RESUME

Purchasers of properties within the Forest and solicitors acting on their behalf frequently enquire as to whether the property requires an access licence.

MINUTES of the Court of Verderers held on Wednesday 21st September 2016 in the Lyndhurst Community Centre and the Library, the Queen's House, Lyndhurst.

	Licences can be useful providing they are appropriately worded. The Clerk will discuss wording with the Forestry Commission Land Agent.	Action Clerk/PG
2016/8875	VERGE RESTORATION	DISCHARGE
	The Official Verderer told the Court that Natural England has agreed the employment of a Verges Restoration Officer who will be part of the HLS team.	
2016/8876	UNLICENSED STALLION – PONDHEAD BRACKEN	DISCHARGE
	Mr Deakin told the Court that a small number of Commoners have approached the New Forest Pony Breeding and Cattle Society seeking compensation for any un-registerable foals which were sired by Pondhead Bracken. Mr Deakin and the Head Agister are going to meet with the Pony Society.	Action RD/JRG
2016/8877	STOCK TRAILERS	RESUME
	Mr Readhead has obtained quotes to replace the Agisters stock trailers which were purchased in March 2010. The Official Verderer will speak to Natural England about whether the purchase may be funded through the HLS.	Action OV
2016/8878	PASSPORT DEROGATION	DISCHARGE
	Mr Readhead has received a letter from the DEFRA stating changes have been made to the rules covering sending equines direct to slaughter. The derogation covering the Forest ponies has been withdrawn. A letter will be written to DEFRA requesting the derogation is reinstated. Mr Readhead will send a letter on behalf of the New Forest Livestock Society.	Action DR/Clerk
	It was suggested that a meeting with Mr Waterfield and Mr Mills may be beneficial to explain why we need the derogation to remain.	Action HM
2016/8879	WINTER WELFARE TOUR	DISCHARGE
	Mr Deakin advised the Court that the Winter Welfare Tour will take place on Friday 9 th December.	
2016/8880	BASIC PAYMENT SCHEME	DISCHARGE
	The Official Verderer advised the Court that the NFNPA Chairman, Mr Oliver Crosthwaite Eyre, has suggested that the Verderers, NPA, NFU and CDA work together to write new rules for the BPS that better suit the Forest following Brexit.	
	The Court agreed that we would have more influence over rule changes as a group than if the organisations stand alone.	
	Mr Pasmore and Mr Greenwood volunteered to represent the Court and they will report back in due course.	

There was no further business and the meeting closed at 13:59 hrs.

James May
Official Verderer

19th October
2016