

MINUTES of the Court of Verderers held on Wednesday 15th January 2020 at 9.30 a.m. in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

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

IN COMMITTEE in the Library

2020/10874 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on Wednesday, 18th December 2019 were approved and signed.

2020/10875 DECLARATIONS OF INTEREST RESUME

Declarations of interest can be found on the Verderers' website – www.verderers.org.uk. No new declarations of interest were made today.

2020/10876 CONDITION OF STOCK RESUME

The Head Agister reported on the condition of stock. He commented that due to the extremely wet weather, quite a lot of animals are now losing condition. Ponies are being removed as necessary and as quickly as possible but the Agisters are extremely busy assisting commoners with TB testing and cattle marking. Some animals clearly need removing now due to their deteriorating condition and it is not a good time for the Agister team. It is to be hoped the weather will dry up. Some frost to kill off the bugs would be useful.

2020/10877 EQUINE HERPES VIRUS - EHV-1 RESUME

Crofton Manor Equestrian Centre, which is a large equestrian and competition centre in Fareham, has reported having a number of cases of EHV-1, four of which have proved fatal. The infected horses were suffering from the form of the virus that causes paralysis.

Unfortunately, an event was held at Crofton very recently, before the outbreak of EHV-1 was identified and it is thought quite a few riders with horses and ponies from the New Forest area will have attended.

Guidance has been issued following advice from the Verderers' Veterinary Surgeon. A statement has been issued, requesting that horses which have been to Crofton since Christmas and any horses that have been in contact with those animals, are not ridden out on the Forest for the time being.

A lot of people are voluntarily staying at home and not riding out and a lot of equestrian centres in the South have cancelled events that were scheduled to take place in the next few weeks.

It is hoped horse owners will exercise restraint and that common sense will prevail. Generally, animals kept in extensive management systems (i.e. not in stables, yards or paddocks) are less likely to contract disease. However, if the virus in the form which is affecting the Crofton horses, gets into the semi-feral herd, it will be a logistical nightmare.

This disease outbreak does highlight the vulnerability of the Forest herd due to the large amount of equine movements which take place daily. It is often the case that disease, strangles being a typical example, is brought into the Forest rather than the other way round.

It will be another couple of weeks before it is known whether the outbreak has been brought under control.

2020/10878 ANIMAL DEATHS OTHER THAN RTA'S DISCHARGE

It was reported that 11 animals died last month from suspected acorn poisoning. This is more than in an average year but not unprecedented, given the heavy acorn crop last autumn.

2020/10879 REPORT ON MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2019</u>	<u>2018</u>
Forest Ponies	5065	4957
Forest Cattle	5942	5063
Forest Donkeys	133	127
Forest Pigs	482	285
Forest Sheep	0	0
Total Forest Stock	11622	10432
Common Ponies	804	776
Common Cattle	2393	1924
Common Donkeys	136	124
Common Pigs	136	128
Common Sheep	212	213
Total Common Stock	3681	3165
Ponies, Cattle & Donkeys on the Forest	11140	10147
Ponies, Cattle & Donkeys on the Commons	3333	2824
Total Ponies, Cattle & Donkeys	14473	12971
Total Stock – Forest & Commons	15303	13597

2020/10880 BYELAW ENFORCEMENT RESUME

PIGS

A small number of pigs which had wandered onto the Crown Lands from the Bramshaw Commons and were out beyond the end of the pannage season have been removed. The owner quickly caught several, but a small number took longer to locate and catch.

2020/10881 REGULATION OF DEPASTURED STOCK, QC'S OPINION AND NEXT STEPS RESUME

The Official Verderer advised the Court that the meeting with the Court's veterinary advisor has taken place.

Clear advice has been received as follows:-

1. Commoners should be reminded of their obligations regarding individual animals which exhibit mischievous or aggressive tendencies. Such animals should not be turned out onto the Forest. Most cattle owners will know which cows can be feisty when they have a calf. Those animals should be managed differently to the remainder of the herd and should be kept at home when they have a young calf, or sold.
2. Cows with calves under 2 weeks of age should not be on the Forest. This should reduce the risk of incidents involving members of the public although it is recognised that risk cannot be eliminated completely. The vet said that whilst it is recognised that cows may be better calving on the Forest where they are used to living, there are practical issues surrounding trying to catch and remove a newly calved cow. The vet added that cows would get used to calving in.

Mr Greenwood said he was hoping that there would be some scientific evidence to indicate that hormone levels in cows which have given birth reduce over time. Unfortunately, as yet, no such evidence is available.

It was agreed therefore, that the Official Verderer will draft some recommendations for approval at the February Court. It should be noted that the Court has not ruled out the need for a byelaw dictating the age at which calves are allowed to be on the Forest. The recommendations will be a first step and something which can be introduced quickly.

Action OV

Meanwhile, discussions will commence with Defra regarding a revision of the current byelaws.

Action RM

2020/10882 ANNOUNCEMENTS & DECISIONS RESUME

The Announcements and Decisions were approved.

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

2020/10883 COAT OF ARMS

The Official Verderer drew everyone's attention to the Coat of Arms which has been cleaned and restored and has now been rehung above the Bench. The Official Verderer thanked Mr Dowsett and Forestry England for arranging for the work to be carried out.

2020/10884 FENCE AT CANTERTON LANE

In our November Court, Mrs Gray reported that the fence at Canterton Lane had still not been repaired. In committee, our Clerk reported that she had identified and spoken to the owner of the fence. We are pleased to report that as promised, the property owner erected a new stock proof fence for which we are very grateful.

2020/10885 BRAMSHAW GOLF COURSE – HARROW AND ROLLER

Mrs Gray also reported that a harrow and roller were being left out on the Bramshaw Golf Course. Forestry England's Land Agent spoke to the Golf Club and asked them to ensure the items are removed from the Open Forest.

2020/10886 RAILWAY RAILS ON OPEN FOREST

The railway station car park at Beaulieu Road had been resurfaced and whilst the work was undertaken, rails were temporarily laid on the grazing. Network Rail's contractors were due to undertake some further tidying up at New Copse and they were asked to remove the rails from Beaulieu Road at the same time. We understand that has been done.

2020/10887 CONTAINER AT DENNY WOOD

Forestry England met with Camping in the Forest in December. We are awaiting feedback on the container as well as some other matters of concern.

ANIMAL ACCIDENT REPORT

2020/10888 THE ANIMAL ACCIDENT REPORT FOR 2019

The Agisters attended 159 accidents last year. This compares with 154 in 2018.

35 ponies, 13 cattle, 8 donkeys and 2 sheep were killed.

9 ponies, 11 cattle, and 9 donkeys, 3 pigs were injured.

15 animals reported to have been involved in accidents were uninjured and in 54 accidents, no injured animals were found.

43 accidents occurred in daylight, 15 at twilight and 101 in the dark.

27 accidents were not reported by the driver involved.

The number of commoners' animals killed in 2019 was 58, compared with 63 in 2018.

The number of animals injured in 2019 was 32, compared with 26 in 2018.

PRESENTMENTS

2020/10889 NEW PARK FENCING

Presentment by Mrs Cathy Stride, Commoner

'Hello, I'd like to talk to you all about the state of the Forest fencing. At about 8.30 a.m. on the 28th December 2019, I received a phone call from Robert Maton, to advise me that my Forest run mare, Moonshine Blossom, had had to be dispatched, due to a broken forelimb.

Blossom had gained access to the grounds of New Park showground in Brockenhurst.

This problem is not a one off and has become a regular occurrence that Forest run stock have gained access onto the Show Ground for at least the last 10 years, due to the poor fencing. I have had two other mares injured in New Park grounds, as have other commoners.

On this particular occasion, my mare had sustained her injury following a run in with the young Forest stallions that were put out to graze on the grounds at New Park. If the fencing surrounding New Park was substantial enough to keep Forest stock out, my mare would not have been able to gain entry to the grounds, subsequently encouraging the stallions to break out of their area and chase her, resulting in her injury and untimely death.

I am now left deeply distressed about what has happened to my mare, as well as a bill for the disposal of her body.

I would like to ask who is responsible, 1) for maintaining and installing the correct stock proof fencing and 2) what can be done to stop this happening again?!

2020/10890 DEBRIS DAMS IN BEAULIEU RIVER
Presentment by Mr Brian Ingram

Mr Ingram complained that there are several bad blockages in the Beaulieu River in the Ipers Bridge and Rush Bush area. As a result, flooding of the adjacent Forest is occurring on a regular basis. A crossing used by Forest stock and horse-riders is now impassable and they are obliged to use the road bridge. In addition, there are further blockages downstream at Northgate. Mr Ingram asked why the debris dams are not removed. He added that Commoner Mr Ralph Hayward (deceased) complained about the problem for years and felt he was hitting his head against a brick wall. Mr Ingram asked how long will he have to do the same?!

The Head Agister closed the Court

IN COMMITTEE in the Library

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

CONSIDERATION OF PRESENTMENTS

2020/10891 NEW PARK FENCING

DISCHARGE

The young stallions have been taken to the stallion fields at Cadland Manor.

Various efforts have been made to keep Forest ponies out of the inclosures adjacent to New Park, including constructing new box gates at the entrances but unfortunately a small number of ponies have continued to gain access to the inclosures and then on occasions, also to New Park.

It is understood Forestry England has upgraded some 1,000 metres of post and wire fence with stock fencing on the perimeter of New Park. A further 1,000 metres or so will be done when resources permit. Action DS/FE

The stallions will not be put back into New Park until the fencing is satisfactory.

2020/10892 DEBRIS DAMS IN BEAULIEU RIVER DISCHARGE

The Deputy Surveyor said that some natural debris dams are inevitable and have to be left in place in order to comply with the management plan for the SSSI. However, he said FE staff will inspect the river to decide if any dams can be removed where their contribution to localised flooding is having an impact on property, bridges or road safety.

Action DS

It was reported that the garden of a local property is frequently flooded and on occasion the water has reached the front door. Surprise was expressed that the owner has not complained. In view of this, it is felt strongly that there is a case for the water levels in the Beaulieu River to be reduced, at least in the vicinity of Ipley Bridge.

NEW SUBMISSIONS AND OTHER MATTERS RAISED BY FORESTRY ENGLAND

2020/10893 WAGON RIDES DISCHARGE

Consent was given for the Burley Wagon Rides to operate for a further 3 years from 2020 to 2022. The route remains unchanged.

2020/10894 ICE CREAM SALES DISCHARGE

Consent was given for the continuation of ice cream and soft drinks sales in accordance with the schedule provided. The sites remain unchanged and the new licences will run for 3 years from 2020 to 2022. Terms and conditions remain as previously.

DE-MINIMIS CONSENTS RECORDED AT THIS COURT

2020/10895 DE-MINIMIS CONSENTS APPROVED DISCHARGE

DM0076 – SSE underground electric cable to replace current pole, stay wire and short span of overhead line in Randalls Lane, Burley

MATTERS ARISING FROM MINUTES OF PREVIOUS COURTS OF CONCERN TO FORESTRY ENGLAND

2020/10896 SGN PROPOSAL FOR 151 METRES OF GAS MAIN IN PRIVATE & PUBLIC HIGHWAY AT OAKHURST, LINFORD ROAD, SHOBLEY RESUME

This matter will be resumed at the next Court.

2020/10897 NEW TELECOMMUNICATION MASTS RESUME

The Court is awaiting the legal advice it has requested.

Forestry England has received some initial advice.

2020/10898 CAMPSITE ISSUES DISCHARGE

The Deputy Surveyor said he has a list of issues which have been discussed with Camping in the Forest (CiTF). Most of the problems have already been, or will shortly be resolved. A copy of the list will be provided for the Clerk to circulate.

The container at Denny Campsite, which is still in place, was a temporary measure for last season as the Site Office was uninhabitable. The latter will be repaired and refurbished and removal of the container is imminent.

The OV said that in a recent meeting, the New Forest Dog Group expressed concern that there is no proper guidance on CiTF's website about the control of dogs in the Forest. He felt the campsites should be exemplars of sustainable tourism. NFDog has a leaflet which it is currently amending to include pointing out that stock worrying by dogs is a criminal offence. The Deputy Surveyor will investigate this and if necessary raise this further with CiTF.

Action DS

2020/10899 COMMERCIAL DOG WALKERS

RESUME

The continuing issue of commercial dog walkers not having to have a licence or permission to operate on the Forest provoked further discussion. Cllr Heron requested that Forestry England look again at legal advice on managing commercial dog walking in the Forest.

Action DS

SSSI RESTORATION WORKS

2020/10900 REPAIRS AND MAINTENANCE LIST

RESUME

The current list was circulated.

ENCROACHMENTS INVOLVING FORESTRY ENGLAND

2020/10901 ENCROACHMENTS LIST

RESUME

No new encroachments have been reported.

2020/10902 PIPERS WAIT WATER LEAK REINSTATEMENT

RESUME

A meeting has been arranged for Friday 24th January.

ACTION LIST

2020/10903 ACTION LIST

DISCHARGE

The Action List was circulated.

2020/10904 VERGE PARKING

DISCHARGE

Mr Pasmore expressed concern that FE is tinkering with the problem of verge parking, by protecting short lengths of verge and leaving immediately adjacent areas unprotected – areas which are immediately being used by those blocked from leaving their cars on the protected sections. Moreover, until Forestry England's byelaws are amended so that they clearly prohibit verge parking, little will be achieved. Comprehensive plans for each area are required for the physical work. Mr Dowsett replied, saying that comprehensive verge protection plans for each area are indeed prepared. Installation of dragon's teeth or ditch and bank initially targets existing verge damage, to minimise visual impact. Their effect on parking behaviour is then monitored and additional works implemented as required. The forthcoming verge and gateway vehicle stickers should help resolve these issues. The Deputy Surveyor said his staff are working hard with Hampshire Highways to identify and consider any new solutions that could allow enforcement of parking outside of car parks.

2020/10905 LARGE TREE ACROSS THE BLACKWATER STREAM DISCHARGE

It was reported that a very large beech tree has come down across the stream approximately 100 yards downstream from Dog Kennel Bridge. As a result of the dam, water is now spreading out through the woodland. FE was asked to investigate and remove the tree as soon as practicably possible. This should be added to the Action List.

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2020/10906 FIRE CONTROL IN THE NEW FOREST DISCHARGE

Cllr Heron said that the dreadful fires in Australia has concentrated his mind and he asked the Deputy Surveyor whether FE is on top of fire control in the New Forest and if it is still policy to cut fire breaks.

In response, the Deputy Surveyor assured the Court that there is a management plan for every Forestry England Forest. In the New Forest there are lots of natural fire breaks in the form of roads and railway lines. A plan does exist and FE liaises closely with the Fire Service on a regular basis and reviews its Fire Plans annually.

2020/10907 BARBECUES DISCHARGE

Following on from the previous item, Cllr Heron questioned FE's policy on barbecues. It was felt that allowing barbecues to be used on gravel in any of the car parks is a fire risk. The Court feels strongly that barbecues should be restricted to the barbecue sites only. The Deputy Surveyor noted the Court's view.

2020/10908 STUMP REMOVAL DISCHARGE

Mr Greenwood commented that he has not seen much evidence of stump removal this winter and wondered whether any has been done. The Deputy Surveyor said that FE has been going through the procurement tendering process for the programme of work and an update will be provided at the HLS Board meeting next week.

Action DS

2020/10909 INCLOSURE FENCING PLAN RESUME

Mr Deakin and the Head Agister met Jonathan Blanco Diaz from FE and shared views on the fencing plan. A consolidated plan should be available soon. The importance of ensuring the integrity of the stock holding areas, which would be required in the event of an outbreak of a notifiable animal disease, is recognised and is being taken into account.

Action FE

2020/10910 DE-BARKING OF BEECH TREES DISCHARGE

Reports have been received of a couple of cases where animals have once more stripped the bark from Beech trees. They are isolated instances and the areas are being monitored. If the animals responsible can be identified (photographed), the Court will take action.

In places, holly is also under attack this winter. Mr Deakin said it is accepted that stock has always eaten holly. The affected Beeches are, however, major trees, the loss of which would be considered very serious.

2020/10911 SLAP BOTTOM DISCHARGE

The Deputy Surveyor was asked whether work has recommenced at Slap Bottom. In response, he said that the works are paused due to objection by a small number of local residents and further meetings on site are planned.

Mrs Westerhoff suggested more could be made of the nice coppice of holly that is developing under the pines. She thought it would benefit from the removal of the pines. Holly is a valuable resource. In this particular location, Scots Pine is not.

2020/10912 FALLEN TREE NEAR MILLYFORD BRIDGE CAR PARK DISCHARGE

Mr Dowsett thanked FE for the extremely prompt clearance of a large tree which had fallen across the road blocking his and the Assistant Clerk's way to Court this morning!

2020/10913 EAST BOLDRE VILLAGE HALL DISCHARGE

Mr Grugeon reported that the EBVH Committee would like to show the Verderers their latest plans for the Village Hall and they will be contacting the Clerk to the Verderers with a view to arranging a meeting with interested Verderers. Mr Grugeon added he is researching the legal position.

Action PG

The Court, however, felt that until the legal position is resolved, there is little point in meeting again with the EBVH Committee. The Clerk was asked to communicate this view as and when she hears from the Committee.

Action Clerk

2020/10914 APPLICATIONS FOR NEW RIGHTS OF WAY FOR CYCLISTS RESUME

Mr Grugeon reported that Hampshire County Council has received proposals for 24 new rights of way for cyclists across the Forest. The application is from UK Cycling and Mr Grugeon has a list of grid references but not exact locations. Mr Grugeon will seek further details from HCC. Meanwhile the Court believes FE may need to make a statutory declaration which will prevent such use being established. In any event, cycling is illegal on the Forest, except on the waymarked cycle routes. It was, therefore, questioned whether it is actually possible to establish a right of way for what is effectively an illegal activity.

Action PG

The Deputy Surveyor and the Land Agent left the meeting.

OTHER MATTERS ARISING

2020/10915 HAMPSHIRE COUNTY COUNCIL ROAD FENCING REPAIRS RESUME

The Clerk will contact HCC with a view to arranging a meeting in the Forest.

Action Clerk

2020/10916 BEAULIEU ROAD SALES DISCHARGE

It was agreed to discharge this from the Agenda.

2020/10917 HIT & RUN REWARD SCHEME RESUME
April 2020

The driver responsible for the hit and run accident last June has pleaded not guilty. His next Court appearance is on 10th April 2020.

2020/10918 RESPONSE TO THE GLOVER REPORT RESUME

The Official Verderer is drafting a response to a request from the National Park Authority that the Verderers should express their views on this report. Action OV

2020/10919 SPECIAL BY DESIGN RESUME

The preliminary proposals from the consultants have met with a mixed reception. As a result, it has been decided a meeting of the stakeholders, independent of the consultants, should be arranged. It has also been suggested that an independent chair should be considered.

OTHER AGENDA ITEMS

2020/10920 SPEED CAMERA VAN – FUTURE FUNDING DISCHARGE

The Court agreed to renew the agreement with Hampshire Constabulary and will continue to fund the speed camera van for a further four years.

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2020/10921 SHOBLEY, PART OF HIGHTOWN HILL - ENCROACHMENT RESUME

Members of the CDA's Encroachment Committee, met with the Agent representing the owner of the property at Picket Hill. The property owner has been given 21 days to respond to the letter which has been sent following the meeting. In the letter, the owner of the property has been given 2 months to abate the encroachment. Meanwhile, a significant amount of damage is being caused to the SSSI.

HIGHER LEVEL STEWARDSHIP SCHEME & VERDERERS' GRAZING SCHEME

2020/10922 THE FUTURE OF THE HLS / VGS RESUME

There is still no news of a new scheme.

2020/10923 VERDERERS' GRAZING SCHEME DISCHARGE

Payments to commoners in respect of the last year of the VGS were made on Christmas Eve. The VGS Administrator was thanked for her efforts to ensure these payments were made in a timely fashion.

FINANCIAL MATTERS

2020/10924 FINANCIAL STATEMENT RESUME

The Financial Statement was noted.

STAFF MATTERS

2020/10925 FENCING DISCHARGE

The Official Verderer is assisting with one particularly serious and long-standing example of sub-standard fencing. He has written to the Senior Partner of the firm which acts as Agent to a local Estate, regarding the very poor and dangerous condition of its fence against the foreshore.

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2020/10926 FEEDING AREAS DISCHARGE

The Commoners' Defence Association has asked to be represented on the committee which approves cattle feeding areas.

2020/10927 DRIFT REVIEW MEETING RESUME

A meeting to review 2019's drifts has been arranged for Wednesday 29th January at 10.00 a.m. Action RD

HEALTH & SAFETY – Health and Safety is a permanent item on the Court's Agenda. There was nothing to report at this meeting.

ANY OTHER BUSINESS

2020/10928 NATIONAL PARK AUTHORITY DRAFT REVISED HABITAT MITIGATION SCHEME – SUPPLEMENTARY PLANNING DOCUMENT – CONSULTATION DISCHARGE

The Court is invited to respond to this consultation. Mrs Westerhoff agreed to draft a response. Action DW

2020/10929 BROOMY PLAIN ROAD DISCHARGE

The outstanding work involving the completion of the installation of dragon's teeth is imminent.

There being no further business, the meeting closed at 12:48 p.m.

Judith Annals
19/2/2020