

MINUTES of the Court of Verderers held on Wednesday 19th February 2020 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 Miss D Macnair MBE Mr R Manley Mr A H Pasmore Mr D Readhead Mrs D Westerhoff	Official Verderer Elected Verderer & Staff Committee Chairman Forestry Commission Appointed Verderer Senior Elected Verderer DEFRA Appointed Verderer Elected Verderer Elected Verderer Natural England Appointed Verderer
APOLOGIES:	Mr J Greenwood Cllr Edward Heron	Elected Verderer National Park Appointed Verderer
IN ATTENDANCE:	Miss S Westwood Mr J R Gerrelli	Clerk to the Verderers Head Agister

IN COMMITTEE in the Library

2020/10930 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on Wednesday, 15th January 2020 were approved and signed.

2020/10931 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.

2020/10932 CONDITION OF STOCK RESUME

The Head Agister reported that the condition of stock has deteriorated quite rapidly in the past few weeks. Although the weather is mild and the grass has continued to grow, the incessant wet is creating problems. Ponies whose condition is of concern are being removed as quickly as possible, however the Agisters are also very busy marking cattle and assisting commoners with TB testing.

A lot of ponies do still look well, but it is only February and some animals are looking poor. As usual it is mostly young ponies and mares with foals which are looking the worst. Some mares which had foals removed in the autumn which looked fine when they were turned back out, have lost condition.

The Clerk said that the office has received very few calls about the condition of stock. The Head Agister said that the Agisters are receiving some calls direct.

2020/10933 EQUINE HERPES VIRUS - EHV-1 DISCHARGE

The outbreak of EHV-1 appears to have died down. Crofton Manor has re-opened.

2020/10934 REGULATION OF DEPASTURED STOCK – NEXT STEPS

DISCHARGE

Letter to Commoners - A draft letter to commoners was circulated to all members of the Court. It will be sent out as soon as possible but some amendment was suggested and will be incorporated. Once finalised, the letter will be sent to the Chairman of the Commoners' Defence Association prior to being circulated to all commoners who pay marking fees for cattle.

Action
OV/RD/Clerk

Re-fencing of Inclosures - The Official Verderer reported that he has had a preliminary discussion with the Deputy Surveyor concerning re-fencing Dibden Inclosure. The Deputy Surveyor is seeking the view of a senior official in Natural England to ascertain the likely reaction to such a proposal.

Action
DS

Hawk Hill Inclosure is very well used by the public, particularly dog walkers. The proximity of the car park means that most people walk straight into the inclosure rather than out onto the open heath. This indicates that if car parks are close to inclosures, people are encouraged to use them. A discussion took place about whether the Kings Copse car park, which is adjacent to Kings Copse Inclosure, could be re-opened although its distance from the public highway may be a concern because of the potential for anti-social behaviour and car crime.

2020/10935 REPORT ON MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR

RESUME

	<u>2020</u>	<u>2019</u>
Forest Ponies	478	32
Forest Cattle	161	70
Forest Donkeys	28	0
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	667	102
Common Ponies	39	0
Common Cattle	248	0
Common Donkeys	6	0
Common Pigs	0	0
Common Sheep	0	0
Total Common Stock	293	0
Ponies, Cattle & Donkeys on the Forest	667	102
Ponies, Cattle & Donkeys on the Commons	293	0
Total Ponies, Cattle & Donkeys	960	102
Total Stock – Forest & Commons	960	102

2020/10936 BYELAW ENFORCEMENT

RESUME

No byelaw breaches have been reported.

2020/10937 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

2020/10938 HIGHER LEVEL STEWARDSHIP SCHEME

We are delighted to announce that the Verderers of the New Forest Higher Level Stewardship Scheme, England's largest agri-environment scheme has been extended for another year, meaning important conservation projects and support for the unique commoning system which shapes the New Forest will continue into the future.

The HLS helps to protect the New Forest's internationally-important wildlife and habitats.

Launched in 2010 as a 10-year agreement with Natural England, it's managed by the Verderers in partnership with the New Forest National Park Authority and Forestry England. The scheme works to increase the New Forest's resilience in the face of habitat loss and the impacts of the climate change. It has been a rare opportunity to conserve fragile habitats and support commoners and the rollover is welcome news as Britain moves out of the EU and works on a domestic agricultural programme.

The HLS scheme has achieved an exceptional amount since 2010:

Wetland restoration – 20 miles of artificially-straightened drainage channels have been returned to their natural courses. The work, which won the UK River Prize in 2019, helps to improve the carbon storage in wetlands, prevent flooding and support the habitats of rare species such as the southern damselfly and curlew.

Commoning – crucial funding and expert advice has been provided to hundreds of commoners to continue the traditional system of land management of turning ponies and cattle out onto the New Forest.

Archaeology – Following a laser scanning (LIDAR) survey of the whole National Park, new archaeology sites have been identified, recorded and preserved forever.

Education – More than 14,000 children have gained a greater understanding of the New Forest through school visits.

Habitat management – Invasive rhododendron and other non-native species have been removed or reduced across approximately half of the New Forest, helping native plants flourish.

Heathland restoration – 865 hectares of heath and grassland (the equivalent of 1,384 football pitches) have been restored through measures such as tree felling and bracken harvesting – to support internationally-protected habitats.

To learn more about the HLS's achievements and successes and to have a chance to talk to the project teams, please join us on Wednesday 3rd June at 6pm in Minstead Village Hall for our ten-year celebration.

2020/10939 VERDERERS NEW WEBSITE

I am pleased to announce the Verderers new and much improved website is now live. The site can now be viewed from mobile devices and is very user friendly. It has several updated features including the ability to phone the office, Forestry England, the police or the Agisters directly from the website. This allows easy reporting of sick or injured animals or road traffic accidents. The website is also linked to our Twitter account. The Verderers are really moving into the 21st century in style! Our thanks to our office staff for the enormous amount of work they have undertaken to get the website up and running.

2020/10940 THE NEW FOREST SHOW 2020

The New Forest Show is 100 this year and as part of our stand at the show this summer we would like to have a visual celebration of life in the Forest over the past 100 years. If anyone has photographs, they would be happy for us to use please speak to Justine in the office.

ANIMAL ACCIDENT REPORT

2020/10941 THE ANIMAL ACCIDENT REPORT FOR JANUARY 2020

The Agisters attended 17 accidents in January, which is one less than in January last year.

6 ponies, and 2 donkeys were killed. 3 of the ponies were wearing reflective collars.

1 pony and 1 cow were injured.

3 accidents occurred in daylight, 1 at twilight and 13 in the dark.

3 accidents were not reported by the driver involved.

The total killed and injured is 10, compared with 13 in January 2019

PRESENTMENTS

2020/10942 THE NEW FOREST NATIONAL PARK AND CLIMATE CHANGE

Presentment by Mr Brian Tarnoff on behalf of the Friends of the New Forest (New Forest Association)

In January the New Forest National Park Authority recognized both the Climate Change and Nature emergencies. The State of Nature Report ranked the UK 189th on the Biodiversity Intactness Index, out of 218 countries assessed. The State of the Park reports that only just over half (53%) of our Park's SSSIs are in Favourable condition. The Landscapes Review: National Parks and AONB, or Glover Report proposed the ambition not to merely conserve our habitats but to recover them.

The good news is that the habitats of the New Forest are already very good carbon sinks, and evidence shows that when these habitats are restored, they perform even better. Grasslands, heathlands may do as much as some woodlands, which in turn are surpassed by peatlands (the world's peatlands currently store twice as much carbon as the woodlands). Restoring grasslands gives more benefit than afforesting. Even that great proponent, The Woodland Trust, stress "The Right Tree in the Right Place" as a mantra, and their climate change proposal includes "enabling peatland restoration on our own estate and encouraging it elsewhere".

Too often the Forest is treated as a blank slate, whether written upon in the past for Naval timber, now for Recreation, or perhaps well-meaning tree planting for future Climate Change. But the Forest isn't a blank, it's a mosaic of rare habitats in need of protection.

We should resist calls to treat these habitats as interchangeable for a negligible net gain or even a loss. Planting trees for carbon storage is well and good, but should be encouraged where woods may create a useful amenity for alternative recreation on ecologically poorer habitat off the Forest.

We applaud the extension of the Higher Level Stewardship Scheme for the New Forest, and urge the Verderers as partners to push for continued restoration which will address both Nature and Climate Change emergencies.

2020/10943 BRIDGE OVER THE SHEPTON WATER
Presentment by Mr Brian Ingram, Commoner

Mr Ingram reported that the bridge close to the Shepton Water road bridge has washed away and Forestry England does not want to replace it. Mr Ingram said the bridge is important both for daily movement of stock into Tantany Wood which at the moment is having to use the road bridge and also on the drift. He said the Agisters will confirm it is needed.

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

2020/10944 BRIDGE OVER THE SHEPTON WATER DISCHARGE

Mr Deakin said he had spoken to the Agisters after the Court. He confirmed it is a well-used animal route and it is on the drifting route. The bridge is needed and Forestry England was asked to replace it as soon as possible. Action DS

NEW SUBMISSIONS AND OTHER MATTERS RAISED BY FORESTRY ENGLAND

2020/10945 SGN PROPOSAL FOR 122 METRES OF GAS MAIN IN HONEY LANE, BURLEY DISCHARGE

Mr Greenwood attended a site meeting. The proposal was approved subject to Mr Greenwood's agreement.

2020/10946 SGN PROPOSAL FOR 151 METRES OF GAS MAIN IN PRIVATE AND PUBLIC HIGHWAY AT OAKHURST, LINFORD ROAD, SHOBLEY RESUME

A better plan is still required and Mr Grugeon was asked to chase this up. The Court also requested an explanation for the bend in the pipe away from the road at the north end of the scheme.

2020/10947 BRAMSHAW GOLF CLUB'S REQUEST TO FENCE THE 4th TEE RESUME

Mr Readhead expressed serious concern at some of the Club's working practices, since a change in the management structure. In particular, loose wire fencing, partly open fencing and vehicles being driven across the course in wet weather. It was suggested that as a calf had become entangled in wire, all the temporary fencing on the course should be removed. Mr Deakin felt only fully enclosed fences should be permitted.

The management plan specifies the number of tees/greens which may be fenced at any one time. Mr Grugeon was asked to provide a copy of the current licence and management plan to the Clerk in order that the Court can establish exactly what is and is not permitted. Action
PG

Mr Readhead said he would be happy to attend a meeting with the new management. He suggested Mr Grugeon should also attend. Action
RD/PG

The Clerk suggested different fencing, such as post and rail, would be safer for stock.

Consent was given by the Court to the Golf Club's request to fence temporarily the 4th Tee on the condition it is fully fenced with post and rail. Action
PG

DE-MINIMIS CONSENTS RECORDED AT THIS COURT

2020/10948 DE-MINIMIS CONSENTS APPROVED DISCHARGE

- DM0074 SSE connection from existing transformer in Bisterne Close to the White Buck, Burley
- DM0076 SSE – underground electric cable in Randalls Lane – revised route to avoid trees
- DM0077 New gate on the perambulation for Hale Village Hall

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

2020/10949 CROWN FREEHOLD PROPERTIES – HOUSING REVIEW RESUME
April

The group considering this issue met recently and agreed the content of a report that will be submitted to the Minister by the end of the month. Action DS

2020/10950 PIPERS WAIT WATER LEAK DISCHARGE

The Court remains very dissatisfied with the restoration of the area where a very large water leak occurred last year. Mr Pasmore repeated his view that soil from heaps which are no more than 100 yards from the area, should be used to improve the damage. Natural England, however, will not agree because the soil heaps are fully vegetated and it believes the damaged area is now recovering.

Should a similar situation occur in the future, discussions with Natural England must take place much earlier. The Court agreed that this item should now be discharged from the Minutes.

2020/10951 NEW TELECOM MASTS RESUME

Consideration is being given to the interim legal advice which has received.

It was agreed to seek a meeting with the mobile telecommunication operators to try to ascertain what they are likely to want in the Forest. Mr Grugeon is to ask Mr Alex Ortwell (FE's Consultant Land Agent) whether he can recommend an expert in the field. The Official Verderer said he may know a Surveyor who can help. The Deputy Surveyor said he may also have a contact who can provide independent advice. The first step is to ascertain which operators are likely to be involved. The OV will also approach the Head of Planning at the NFNPA to ascertain whether he has any further information. Action
PG/OV/DS

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2020/10952 COMMERCIAL DOG WALKERS RESUME
April
The Deputy Surveyor said he is investigating Forestry England's options for licencing and enforcement. Action DS

2020/10953 APPLICATION FOR NEW RIGHTS OF WAY FOR CYCLISTS RESUME
May
Mr Grugeon has no further information at this stage and he asked for this item to be resumed in May,

SSSI RESTORATION WORKS

2020/10954 REPAIRS AND MAINTENANCE LIST RESUME
The current list was unavailable for this meeting and the Deputy Surveyor said he would send it to the Clerk as soon as possible. Action DS

ENCROACHMENTS INVOLVING FORESTRY ENGLAND

2020/10955 ENCROACHMENTS LIST RESUME
No new encroachments have been reported.

ACTION LIST

2020/10956 ACTION LIST RESUME
The Action List was circulated.

OTHER AGENDA ITEMS

2020/10957 NIGHT CYCLING DISCHARGE
Mr Pasmore received a report from a member of the public, saying that a large group of cyclists had caused mayhem one evening from Appleslade, via Rockford through to Bolderwood. It is assumed to have been an organised ride. The large number of participants were making a lot of noise and had extremely bright lights. It was disturbance on a massive scale.

In response, the Deputy Surveyor said that Forestry England is trying to identify the various groups who are cycling on the Forest at night, often off the waymarked cycle route. He said his team is aware of the problem and is trying to connect with the people involved.

2020/10958 BROOMY PLAIN ROAD RESUME
The next round of works is underway. Dragons' teeth are being respaced on both sides of the road and the gorse has been cut. The intention is for there to be 4.5m between each of the dragons teeth and to ensure they are not directly opposite one another. However, with the bends in the road it is not as easy as it sounds. It is an evolving scheme.

A discussion then took place about signs to indicate the locations of the passing places because at present they are difficult to see, especially at night. A photograph of the design of the signs HCC would like to use was provided for consideration. Their height was queried. It was suggested the signs could be put into the banks. As further information is required, approval could not be given at this time and Mr Dowsett was asked to discuss the further works with Jayne Albery (FE). Action BD

2020/10959 RE-DEVELOPMENT OF THE LYNDHURST PARK HOTEL RESUME

An invitation has been received to attend a public consultation meeting on the proposed development of the Lyndhurst Park Hotel, which is being arranged by a firm acting on behalf of Hoburne Developments. The development could have a serious negative impact on close-by Bolton's Bench and the Clerk was asked to seek a pre-application meeting to discuss possible mitigation measures. Forestry England may wish to have an input.

Action
Clerk

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2020/10960 ACCESS TO PROPERTIES AT DILTON DISCHARGE

A new barrier has been installed to restrict access to Roundhill Campsite out of season. The barrier is intended to stop unauthorised parking in the campsite over winter and prevent the associated damage to grazing. However, concern has been expressed by residents living at Dilton, whose only access is via the campsite, that it is not safe for female residents to have to stop and get out of their cars at night to unlock the barrier. The Deputy Surveyor agreed that the barrier will not be closed at all, until such time as the Verge Restoration Officer has consulted with all the residents to discuss their concerns. This she will do as soon as possible.

Action
DS
Action
JA (FE)

2020/10961 HOLLY POLLARDING DISCHARGE

The question of holly pollarding was raised again. The Deputy Surveyor said he will let the Clerk know what has been done this winter.

Action
DS

2020/10962 MAINTENANCE OF INCLOSURE FENCING DISCHARGE

Many inclosures contain commoners' animals almost permanently. The Court asked the Deputy Surveyor to see whether the maintenance of inclosure fences can be improved.

Action
DS

The Deputy Surveyor and the Land Agent left the meeting.

OTHER MATTERS ARISING

2020/10963 HAMPSHIRE COUNTY COUNCIL ROAD FENCING REPAIRS RESUME

The meeting with HCC will take place on 16th March 2020

2020/10964 RESPONSE TO THE GLOVER REPORT DISCHARGE

The Court was happy with the Official Verderer's response to the NFNPA on the Glover Report which had been circulated.

2020/10965 SPECIAL BY DESIGN RESUME

The Official Verderer, Mr Dowsett and the Clerk will meet as soon as possible to discuss how this project is progressing.

April
Action
OV/BD/Clerk

OTHER AGENDA ITEMS

2020/10966 HIT & RUN REWARD SCHEME RULES REVIEW DISCHARGE

A revised set of rules had been circulated. Some further suggestions were made and the Official Verderer, Mr Deakin and the Clerk will agree and incorporate the changes. The document will then be sent to the Court's partners – the New Forest Pony Breeding & Cattle Society and the Commoners' Defence Association as both organisations are sponsors of the scheme.

2020/10967 HIT & RUN REWARD SCHEME – REWARD IN RESPECT OF HIT & RUN RTA ON 3rd JANUARY 2020 AT HILL TOP DISCHARGE

It was agreed a reward of £4,000 should be awarded to the gentleman who provided information which resulted in the driver responsible for this RTA being identified. The Police have advised that the driver admitted the offence and has shown remorse. It is believed the informant will not, therefore, be required to attend Court if the driver is prosecuted.

Action
Clerk

2020/10968 LEADERSHIP GROUP FORTHCOMING MEETINGS DISCHARGE

A number of meetings are being arranged by the New Forest National Park Authority to which the Court has been invited to send a representative. Mrs Westerhoff expressed an interest in attending the Climate Change meeting which is due to be held in Lyndhurst on 25th February. Venue and time to be advised.

The Transport Group Meeting is arranged for Wednesday 11th March.

The Nature Recovery Group will meet on Tuesday 31st March.

Connecting People to Nature will be on Wednesday, 22nd April.

The Clerk will obtain details of the venues and times of these meetings and advise members of the Court.

Action
Clerk

A New Forest Wildlife Group has been set up with representation from key partners with the aim of starting the discussion about Nature Recovery. It is expected the Group will feed into the Partnership Plan Review over the coming months.

The final presentation of part one of Footprint Ecology's Study will be held at Brockenhurst Village Hall on Friday 28 February 2020 between 10am – 12 noon. Several members of the Court have indicated they will attend.

A Health and Wellbeing Conference will be arranged in May/June, organised by the Southern National Parks. The National Park Authority will send out more information to partners nearer the time.

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2020/10969 SHOBLEY, PART OF HIGHTOWN HILL - ENCROACHMENT RESUME

It is thought a resolution may be imminent. The CDA Encroachment Committee will go back to the owner of the land.

Action
OV

HIGHER LEVEL STEWARDSHIP SCHEME & VERDERERS' GRAZING SCHEME

2020/10970 TWO-YEAR OLD COLT DISCHARGE

The owner of a two-year old colt which was at large in the Forest after the 1st February has been advised that a penalty under the VGS is likely to be imposed. The VGS Sub-Committee will consider the case when it next meets.

Action
VGS Sub-
Ctee

MATTERS ARISING FROM EXTERNAL COMMITTEES & WORKING GROUPS

2020/10971 NEW FOREST PONY BREEDING & CATTLE SOCIETY MEETING – DISCHARGE
PSSM

Miss Macnair reported that at a recent meeting of the NFPB&CS Committee, it was agreed to work towards raising greater awareness and understanding of PSSM, particularly amongst vets in other parts of the country.

The agreement that the VGS Welfare Scheme could be utilised to help commoners dispose of mares who tested positive for PSSM has ended and there are no plans to re-introduce that option.

2020/10972 NEW FOREST (WATER) CATCHMENT PARTNERSHIP DISCHARGE

Mrs Westerhoff said the group met on 16th January at the NPA offices and many water-related issues were discussed. Partnership members were invited to a Water Forum on 29th January at Brockenhurst. The public was also invited. Several interesting presentations on Forest wetland habitats and species were heard. Information is available online.

FINANCIAL MATTERS

2020/10973 FINANCIAL STATEMENT RESUME

The Financial Statement was noted.

STAFF MATTERS & HEALTH & SAFETY

2020/10974 DRIFT REVIEW MEETING DISCHARGE

Some drifts were changed in 2019 in an effort to catch more ponies. However, doing so, means that the car park and cycling route closures also need to change. At the review meeting, at which FE Recreation Ranger, Charlotte Belcher, was present, it was agreed that more closures will be necessary this year if the change in the way some drifts are run is to be repeated.

Action
FE Ranger
Team

ANY OTHER BUSINESS

2020/10975 REVISED HABITAT MITIGATION SCHEME – MITIGATING DISCHARGE
RECREATIONAL IMPACTS – SUPPLEMENTARY PLANNING
DOCUMENT

Mrs Westerhoff's draft response to this consultation was circulated to members of the Court. She asked for any comments or amendments to be sent to her as soon as possible. The deadline for responses to the consultation is today, but Mrs Westerhoff has negotiated an extension until 21st February.

Action All

2020/10976 FUTURE FINANCIAL SUPPORT FOR THE NEW FOREST RESUME

The Basic Payment Scheme (BPS) is being phased out over a number of years. The Higher Level Stewardship Scheme (HLS) has been extended for a further year but it is not known what will happen after that.

Mr Greenwood will be asked to identify a contact in Defra which whom potential replacements for the BPS and HLS can be discussed. Action JG

The Official Verderer said the Forest Farming Group has to date been concentrating on Natural Capital. However, attention is now turning to what an ELMS (Environmental Land Management Scheme) might look like for the Forest. The Court will take the lead on preparing what it is hoped can be a future bespoke scheme for the Forest.

A sub-committee consisting of the Official Verderer, Mr Greenwood, Mr Manley, the Head Agister and the Clerk will meet as soon as possible to discuss possible ways forward. Action OV/RM/JRG/ Clerk

2020/10977 STALLION SCHEME RESUME

Mr Deakin advised the Court that the Stallion Sub-Committee will meet after the next CDA Committee to discuss the stallion scheme for this year. He said there are wide ranging views ranging from turning no stallions out to turning out every licenced stallion and colt that can be found, with no restriction on time. Action RD

2020/10978 A31 CATTLE GRIDS RESUME

An email has been received from Highways England stating that they are only prepared to maintain 6 cattle grids out of the 18 that provide access onto the A31. The Clerk said that the Head Agister has produced a list of all the cattle grids and she is contacting HCC and FE as a matter of urgency as at present it appears no-one is accepting responsibility for some of the grids. Action Clerk

2020/10979 DEBRIS DAMS DISCHARGE

Mrs Westerhoff circulated a paper she had written on this somewhat controversial subject. Mrs Westerhoff's view is that on the whole, debris dams should not be removed. Mr Pasmore, however, considers debris dams to be extremely damaging and do need removing. Mr Deakin said that the debris dam at Ipley, which appears to be causing flooding up to the door of a nearby property must be removed.

There being no further business, the meeting closed at 1.20 p.m.

Julia Manner
18/3/2020