

MINUTES of the Court of Verderers - Wednesday 18th March 2020

At the time of this Court, the UK is in the grip of an outbreak of a novel Coronavirus, known as Covid-19. Government advice is for the population to avoid meetings where the disease could potentially be passed from person to person. For this reason, the Verderers did not meet in Open Court or Committee.

Items included in these minutes were 'discussed' via email.

The following is a record of what was agreed

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 R Manley	DEFRA Appointed Verderer
Mr A H Pasmore	Elected Verderer
Mr D Readhead	Elected Verderer
Mrs D Westerhoff	Natural England Appointed Verderer
Miss S Westwood	Clerk to the Verderers
Mr J R Gerrelli	Head Agister

2020/10980 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on Wednesday, 19th February 2020 were approved and will be signed by the Official Verderer at the earliest opportunity.

2020/10981 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.

2020/10982 CONDITION OF STOCK – REPORT BY THE HEAD AGISTER RESUME

The wet weather has continued and so has the detrimental impact it has on the condition of the stock. The Agisters are continuing to remove animals at quite a rate, and there are ponies in all areas that need to come in. The majority look OK, but the Agisters will continue to be busy catching poor stock for some time yet.

Most of the cattle that have been wintered on the Forest, either going home to be fed or using feeding areas, have held up well, with a few exceptions, but have made for some muddy, poached areas round the holdings and on the routes to and from the feeding areas. The feeding areas themselves are mostly fine, which is pleasing to see considering the amount of time and effort that has gone in to deciding the locations. The issues which have arisen, appear to have been caused by the movement of the cattle to and from where they are fed, and in some cases the large number of animals.

2020/10983 REPORT ON MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2020</u>	<u>2019</u>
Forest Ponies	817	357
Forest Cattle	498	361
Forest Donkeys	78	0
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	1393	718
Common Ponies	141	121
Common Cattle	396	138
Common Donkeys	6	8
Common Pigs	2	0
Common Sheep	24	0
Total Common Stock	569	267
Ponies, Cattle & Donkeys on the Forest	1393	718
Ponies, Cattle & Donkeys on the Commons	543	267
Total Ponies, Cattle & Donkeys	1936	267
Total Stock – Forest & Commons	1962	985

2020/10984 BYELAW ENFORCEMENT RESUME

Radial testing outside the Forest TB window resulted in some confusion regarding the TB status of one commoner's cattle. Checks with APHA confirmed that he was out of compliance with the plan and so a byelaw enforcement order was issued requiring removal of his cattle from the grazings. The necessary test had already been arranged for 16th March and has now been completed.

2020/10985 ANNOUNCEMENTS & DECISIONS RESUME

The Announcements and Decisions were approved.

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER – published on the Verderers' Website on Thursday 19th March 2020

2020/10986 CATTLE & CALVES

In February, I wrote to all commoners who pay marking fees for cattle, advising them of the veterinary advice we have received concerning cows with calves. That advice was that cows with calves under two weeks old should not be on the Forest or adjacent commons. My letter went on to stress that the burden of mitigating the risk of incidents between cattle and members of the public should not fall on the commoners alone. To that end we are pursuing a number of initiatives. The Commoners Defence Association has already advised its members that, save where horns are characteristic of the breed, cattle depastured should be dehorned. You will have noticed increased signage – again an initiative of the CDA with the support of Forestry England. We have engaged constructively with NFDog about the risks posed by out of control dogs and they have produced a helpful credit card advice card similar to the animal accident card. We are in discussions with the Deputy Surveyor and Natural England about offering easy access for walkers to fenced and possibly even refenced Inclosures. Whilst we will continue to monitor the effect of these measures it is to be hoped that they will substantially reduce the risk that I have referred to.

2020/10987 BRIDGE OVER SHEPTON WATER

In our February Court, Mr Brian Ingram raised concern about a bridge that had washed away in recent floods. He said that the FC did not want to replace it.

We understand that Forestry England had become aware of the loss of the bridge 2-3 weeks earlier and the debris had been recovered. The Deputy Surveyor explained that whenever a bridge needs repair, its need, either for commoners or the public, is questioned. This is because, where possible, Forestry England is always keen to reduce the number of bridges on the Forest because of the cost of regular inspections and maintenance to keep them fit for purpose. It was suggested that Mr Ingram may have mistaken questions about the need for the bridge's replacement, as a reluctance to replace.

Forestry England was made aware of this particular bridge's value for movement of stock across Shepton Water, which minimises the use of the road bridge as an alternative livestock crossing. This is in addition to its use by our Agisters and the commoners when managing stock. Forestry England has committed to replace the bridge but timing will depend on weather and ground conditions.

2020/10988 VERDERERS' GRAZING SCHEME APPLICATION FORMS

The Application forms for this year were sent out on Monday.

2020/10989 THE APRIL COURT

Like every organisation we are giving careful consideration to the impact of Covid-19. No decision has yet been taken as to whether to hold the April Open Court. If we do decide to cancel it then we will disseminate that information via our website and twitter.

ANIMAL ACCIDENT REPORT

2020/10990 THE ANIMAL ACCIDENT REPORT FOR FEBRUARY 2020

The Agisters attended 4 accidents in February, which is significantly less than in January last year when there were 12 accidents.

2 ponies were killed. 1 of the ponies was wearing a reflective collar.

No animals were injured.

1 accident occurred in daylight, the other 3 in the dark.

All the accidents were reported by the drivers involved.

The total killed and injured to date is 12, compared with 21 in the same period last year.

PRESENTMENTS

The following Presentment was received by email

2020/10991 CATTLE DAMAGE
Presentment by Mr Peter Jones

'I live at Matley House, Beaulieu Road, Lyndhurst. We have a gravel drive way which we have a licence to use as an access way from to and from my residence. Conditions of the licence force me to maintain the track in good order which comes at a cost.

There is large a herd of cattle (200 approx) which pass by my property at least 2 twice a day, combined with the poor weather they are severely damaging the driveway and the SSSI that surrounds my house. This also effects owners of Matley Cottage, Little Boston and Stable Cottage property & driveways.

I understand that the owners of the cattle are paid a grant to have their cattle graze the forest. Fuelled by these grazing scheme payments. These herd numbers have increased to such a point that the Forest and our properties are being damaged.

What has not been considered within the scheme is the damage that is being caused to mine & my neighbours driveways. So, my questions are:

How will myself and my neighbours be compensated for the damage to our licenced access driveways?

Will the grazing scheme continue?

If the grazing scheme continues will cattle herd numbers increase?

Is the SSSI status of our surroundings considered in the grazing scheme?

CONSIDERATION OF PRESENTMENTS

2020/10992 CATTLE DAMAGE

RESUME

The increase in stock numbers throughout the Forest is the result of the Basic Payment Scheme (BPS), over which the Court has no control. The BPS is due to continue for a few more years. The Court has made representations in the past to Defra regarding the unsuitability of the BPS when applied to the Forest, with the result of increasing stock numbers but no action was taken. It was agreed the Court will make further representation, urging Defra to take action to prevent further increases in stock numbers between now and the end of the BPS.

The Verderers' Grazing Scheme (VGS) is not responsible for increased stock numbers.

Ensuring the Forest SSSI is maintained in good condition is very much a part of the Higher-Level Stewardship Scheme (HLS) of which the VGS is a part. A certain amount of poaching by livestock is welcome, as certain rare plant species only grow in such areas and providing the area recovers in the Spring, some poaching is acceptable.

The Court sympathises with the residents who live in the vicinity of Pondhead Farm and it was agreed the area will be inspected as soon as possible but it is not thought a solution is likely to be easily achieved until the end of the BPS.

Action RD

The Court will await counter-presentments on this subject.

NEW SUBMISSIONS AND OTHER MATTERS RAISED BY FORESTRY ENGLAND

2020/10993 BURLEY GOLF CLUB RELOCATION AND ENLARGEMENT OF SIGN

DISCHARGE

The relocation and enlargement of the sign was refused. It was suggested that the current FE ladder board sign, which informs people of the track to the golf club and scout hut but which is obscured from the road by parked cars, should be moved to the site of the proposed new sign. Arrows could

be added as needed. This solution would involve no additional signage and would utilise existing FE signage which is sympathetic to the Forest.

In addition, the #3 minutes animal RTA warning sign could be moved to a more suitable location, perhaps on the 40 mph sign on the nearside of the road – if HCC Highways agrees. This would be a matter for the CDA to pursue with HCC.

Action
Clerk

2020/10994 FRITHAM COMMUNITY BROADBAND SERVICE

DISCHARGE

Consideration was given to a draft proposal for the supply of community funded broadband to the village of Fritham. The route would run alongside the Roger Penny Way (B3078), turn across the Open Forest around the perimeter of the golf course, following paths, then up the track between King's Garn Gutter Inclosure and Coppice of Linwood to Forest Road and on to join the road to the village. A conceptual satellite view of the route was provided.

The Court approved the proposals in principle but details regarding the final route and method of working will be required before work can commence. However, this proposal may be unnecessary as it is understood that BT is already planning to install broadband cabling alongside the B3078 and Forest Road, to the New Forest Nursing Home. This may happen this autumn subject to the usual permissions being obtained.

2020/10995 PROPOSED FOOTPATH FROM BURLEY VILLAGE CAR PARK TO THE END OF CHURCH LANE

RESUME

Concerns were expressed over the lack of detail in this proposal. Further information is required. Mr Grugeon will be asked to go back to the Parish Council.

Action PG

DE-MINIMIS CONSENTS RECORDED AT THIS COURT

2020/10996 DE-MINIMIS CONSENTS APPROVED

DISCHARGE

- DM0078 New water connection to Pear Tree Farm, Emery Down, Southern Water
- DM0079 Cabling works in Burley

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

2020/10997 SGN PROPOSAL FOR 151M OF GAS MAIN IN PRIVATE PROPERTY AND PUBLIC HIGHWAY AT OAKHURST, LINFORD ROAD, SHOBLEY

DISCHARGE

This proposal was agreed subject to the usual three conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing.

SSSI RESTORATION WORKS

2020/10998 REPAIRS AND MAINTENANCE LIST

RESUME

The current list was circulated

Action
DS

ENCROACHMENTS INVOLVING FORESTRY ENGLAND

2020/10999 ENCROACHMENTS LIST RESUME

No new encroachments have been reported.

ACTION LIST

2020/11000 ACTION LIST RESUME

The Action List was circulated.

ANY OTHER BUSINESS INVOLVING THE FORESTRY COMMISSION

2020/11001 HOLMSLEY BRIDGE REPLACEMENT – FORMAL APPROVAL / RESOLUTION RESUME

The Official Verderer and Mr Pasmore have been considering the legal documentation produced by HCC. HCC is keen to get this signed off by the end of March although it is awaiting comments from FE's legal team. A number of small non-controversial suggestions on the document have been made which, subject to a detailed review, HCC has addressed satisfactorily. The document reflects what has been long agreed in principle.

Action FE
legal

The Court RESOLVED to enter into the agreement providing it is in a form that the Official Verderer and Mr Pasmore accept is satisfactory.

Action
OV/AHP

OTHER MATTERS ARISING

2020/11002 BROOMY PLAIN ROAD RESUME

The project paused whilst a new stock of dragons teeth was awaited. They are now on site. Installation is scheduled for completion late March/early April, subject to contractor availability. Agreement on the signage has yet to be reached.

Action
All/Clerk

2020/11003 REDEVELOPMENT OF THE LYNDHURST PARK HOTEL SITE DISCHARGE

The Official Verderer has written to the Agents for the developers setting out the Court's concerns regarding the impact this development is likely to have on the Forest, particularly Bolton's Bench. A copy of the letter has been sent to the planning authority and the New Forest Association.

2020/11004 HCC ROAD FENCING REPAIRS DISCHARGE

A site visit with senior officers from Hampshire County Council Highways, took place on Monday 16th March. Mr Deakin and the Head Agister attended. It was a constructive meeting.

Action
RD / JRG

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2020/11005 SHOBLEY, PART OF HIGHTOWN COMMON – ENCROACHMENT RESUME

This matter is ongoing but it is hoped a satisfactory resolution will be achieved shortly.

FINANCIAL MATTERS

2020/11006 FINANCIAL STATEMENT

RESUME

The Financial Statement was noted.

End

Jul Mann
15 April 2020