

MINUTES of the Court of Verderers - Wednesday 15th April 2020

At the time of this Court, the outbreak of novel Coronavirus, Covid-19, has worsened. The United Kingdom is on lockdown with only essential travel permitted.

All face to face meetings are cancelled.

As in March, the Verderers did not meet today in Open Court or Committee.

Items included in these minutes were 'discussed' via email. The following is a record of those discussions and such decisions as it has been possible to reach.

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

2020/11007 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on Wednesday, 18th March 2020 were approved and will be signed by the Official Verderer at the earliest opportunity.

2020/11008 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.

2020/11009 CONDITION OF STOCK – REPORT BY THE HEAD AGISTER RESUME

The majority of ponies are OK, but as expected at this time of year some are still being removed, but far fewer than a month ago. Some look a bit 'scruffy' with the winter coat starting to come out, while others show the effects of the difficult wet winter.

The cattle that have been out all winter, either going home to holdings or to feeding areas, also on the whole look fine.

One perhaps disappointing thing is that we have had some cattle turned out, and some others leaving their feeding areas, presumably because the owners have stopped feeding or have run out of feed. It's too early, as there is very little forage out on the Forest at the moment. These cattle then severely test fences, trying to break in because they are hungry. Similarly, some ponies have been put back out, and while currently in fair order they are likely to lose what condition they had put on while in.

Despite the wet winter we now need rain to bring on the spring grass.

2020/11010 REPORT ON MARKING FEES RECEIVED **TO DATE** AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2020</u>	<u>2019</u>
Forest Ponies	3867	462
Forest Cattle	2451	378
Forest Donkeys	125	0
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	6443	840
Common Ponies	371	142
Common Cattle	865	138
Common Donkeys	8	8
Common Pigs	2	0
Common Sheep	37	0
Total Common Stock	1283	288
Ponies, Cattle & Donkeys on the Forest	6443	840
Ponies, Cattle & Donkeys on the Commons	1244	288
Total Ponies, Cattle & Donkeys	7687	1128
Total Stock – Forest & Commons	7726	1128

2020/11011 BYELAW ENFORCEMENT RESUME

There were no byelaw breaches reported.

2020/11012 ANNOUNCEMENTS & DECISIONS RESUME

The Announcements and Decisions were approved.

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER – published on the Verderers’ Website on Friday 24th April 2020

2020/11013 THE VERDERERS’ COURT AND THE WORKINGS OF THE COURT DURING THE COVID-19 EMERGENCY

I thought I would say something about the workings of the Verderers’ Court, its Office and the Agisters in these unprecedented times.

It is obviously not possible to hold Open Courts or committee meetings at the present time, nor do we know when it might be possible to resume normal operation. However, the Court is continuing to transact as much of its normal business as possible, using a combination of email and telephone conferences.

For the time being, the Court will follow a similar pattern of operation as it would if actual meetings were being held on the third Wednesday of each month.

Presentments are invited via email. They will be considered and posted on our website. Counter presentments for consideration the following month are also invited. They will be dealt with in the same way.

Once approved, a record of discussions and decisions (Minutes) will be available on our website.

Matters that need publicity will be uploaded onto our website or publicised via the Verderers’ Twitter account.

The Verderers' Office is closed. Staff are working from home. They are contactable by email via our website or by telephone. Our telephone number, 02380 2828052 is diverted to the Clerk or her Assistant, in rotation.

The VGS Office number, 02380 283134 is diverted to the VGS Administrator's mobile.

The Agisters have been instructed to carry out as many of their normal duties as possible. However, they have been told they must not undertake any task which involve a breach of social distancing rules. This includes marking cattle, branding ponies, visiting commoners to collect marking fees et cetera.

Marking fees should be paid by BACS wherever possible. BACS details are available by telephoning your Agister. Anyone who is unable to pay by BACS should send a cheque to their Agister – not the office please. In respect of cattle, a marking fee receipt will not be issued unless a list of the ear tag numbers of the cattle being paid for is also provided.

ANIMAL ACCIDENT REPORT

2020/11014 THE ANIMAL ACCIDENT REPORT FOR MARCH 2020

The Agisters attended 5 accidents in March, which is significantly less than in March last year when there were 12 accidents.

4 ponies and 1 cow were killed. 2 were wearing a reflective collar.

No animals were injured.

1 accident occurred at twilight, the other 4 in the dark.

All the accidents were reported by the drivers involved.

The total killed and injured to date is 17, compared with 29 in the same period last year.

The very welcome reduction in accidents is almost certainly related to the Covid-19 lockdown.

PRESENTMENTS

There were no Presentments

NEW SUBMISSIONS AND OTHER MATTERS RAISED BY FORESTRY ENGLAND

There were no new matters or submissions from Forestry England

DE-MINIMIS CONSENTS RECORDED AT THIS COURT

There were no de-minimis consents to record at this Court

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

2020/11015 NEW TELECOMMUNICATION MASTS

RESUME

There has been no further communication on the Stockley proposal. It is thought the new mast will be sited on private land. There have been no additional applications for masts on Crown Land. The Hyde mast has not yet been removed and it continues to constitute an illegal encroachment.

2020/11016	APPLICATION FOR NEW RIGHTS OF WAY FOR CYCLISTS	RESUME September
	No further progress has been made, it is thought partly due to Covid-19 issues/working from home/additional workloads/etc. The matter will be resumed later in the year, once CVD restrictions have hopefully lifted.	Action PG
2020/11017	STUMP CUTTING PROGRAMME	RESUME
	43.36 ha North Sluffers, Highland Water, Markway and Dur Hill. If travel restrictions permit, some members of the Court will inspect the works.	
2020/11018	CROWN FREEHOLD PROPERTIES	RESUME June
	Mr Grugeon reported that the submission which is to be sent to the Minister has been drafted and vetted by Forestry England national colleagues; The report needs a few minor adjustments before it is sent with the submission. It is expected that these will be scrutinised by Defra officials before reaching the Minister, but current Covid-19 priorities may mean its consideration is delayed for some time. The next steps will be discussed with the review group.	Action DS
2020/11019	COMMERCIAL DOG WALKERS	RESUME May
	The Deputy Surveyor requested this matter be deferred until the May Court.	
2020/11020	SPECIAL BY DESIGN	RESUME September
	All meetings have been suspended due to Covid-19.	
2020/11021	CATTLE DAMAGE INCLUDING PONDHEAD FARM	DISCHARGE
	The Official Verderer will draft a response to the presentment at the March Court in relation to cattle damage at Pondhead Farm, to be approved for announcement at the May Court.	Action OV
2020/11022	PROPOSED FOOTPATH FROM BURLEY VILLAGE CAR PARK TO THE END OF CHURCH LANE	DISCHARGE
	Mr Grugeon confirmed that as requested, he wrote to the Parish Council advising them of the Court's views. The matter will be discharged pending further communication from the Parish Council.	
2020/11023	A31 CATTLE GRIDS	RESUME
	The dispute over responsibility for the cattle grids leading onto the A31 remains unresolved.	Action FE/Clerk
2020/11024	A35 HOLMSLEY BRIDGE REPLACEMENT - UPDATE	RESUME
	The form of the legal agreement has been approved by the Verderers. Hampshire County Council is awaiting comments from Eversheds on behalf of Forestry England.	Action DS
2020/11025	BROOMY PLAIN ROAD UPDATE	RESUME
	All the dragon's teeth have been installed. Agreement on sign style for passing places is awaited. HCC will conduct a safety audit on the completed project.	Action HCC

SSSI RESTORATION WORKS

2020/11026 REPAIRS AND MAINTENANCE LIST RESUME

The current list was submitted for comments and additions.

Action
DS

ENCROACHMENTS INVOLVING FORESTRY ENGLAND

2020/11027 ENCROACHMENTS LIST RESUME

The current list was circulated.

All matters are in hand. The Estates Officer continues to seek resolution of encroachments.

ACTION LIST

2020/11028 ACTION LIST RESUME

The Action List was circulated.

ANY OTHER BUSINESS INVOLVING THE FORESTRY COMMISSION

2020/11029 DENNY CAMPSITE CONTAINER RESUME

The container at Denny Campsite is still there, despite assurances that it would be removed. It is an illegal encroachment and Forestry England is requested to ensure it is removed without further delay.

Action PG

OTHER MATTERS ARISING

2020/11030 LAND & PROPERTY AT LYNDHURST ROAD (ASHURST) RAILWAY STATION RESUME
September

The Clerk is continuing to communicate with the Crown Estate's Agents to try to move this along.

Action Clerk

2020/11031 HIT & RUN REWARD SCHEME – UPDATE ON RTA IN JUNE 2019 DISCHARGE

The Court hearing was postponed as the defendant was unwell and could not attend. In view of the current emergency, it is not known when the case will be heard. The Clerk will bring this matter back to the Court when more is known.

Action Clerk

2020/11032 STALLION SCHEME DISCHARGE

10 stallions were turned out for 6 weeks from 11th May. Careful consideration was given to whether stallions should be depastured this year, given the government restrictions imposed in order to combat Covid-19. It was decided that it is important for the New Forest Pony breed which is recorded on the Rare Breeds Survival Trust's Watch List as a Minority Breed, for a limited number of stallions to be turned out. The Forest stallions graze a field very close to the perambulation of the Forest and they can be caught and transported to and from their allocated areas of the Forest by the Agisters whilst observing social distancing rules.

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2020/11033 SHOBLEY, PART OF HIGHTOWN COMMON – ENCROACHMENT DISCHARGE

A licence to turnout stock and a brand will be issued to the owner of the common and ponies. The ponies will be branded and depastured when social distancing can be relaxed and the restriction on unnecessary travel is lifted. At that time all fencing and other materials/equipment must be removed from the common and the encroachment fully abated.

Meanwhile it is accepted the encroachment has to remain in place. It is by no means an ideal resolution to the problem of the encroachment but it was agreed that in view of the current (Covid-19) situation, this pragmatic approach is unavoidable.

OTHER AGENDA ITEMS

2020/11034 FUTURE FINANCIAL SUPPORT FOR THE FOREST – DEFRA ELM CONSULTATION RESUME

Unfortunately, due to Covid-19 the formal consultation has been withdrawn by Defra.

Meanwhile, the Court will work to provide an outline of what a future scheme might look like. Contributions have been received from Mr Greenwood. Further contributions are invited.

Action All

2020/11035 HEATHER BURNING RESUME

Mrs Westerhoff reported that whilst reading about the stop on moorland burning this year, she noted that the Environment Minister, Lord Goldsmith has promised to put an end to the burning with a new law.

Mrs Westerhoff went on to say she is reassured by Jenny Thomas of Natural England that it is unlikely to be an issue. Mrs Westerhoff was advised to speak to Isabel Alonso NE Heathland Specialist. Ms Alonso confirmed that Defra is only considering banning burning on blanket bog. She said that there is a need to discuss burning in the light of Climate Change to form an NE policy and she will keep Mrs Westerhoff informed on this. NE is convinced of the need for heather burning in the Forest for conservation reasons.

2020/11036 CONFIRMATION OF THE RE-APPOINTMENT OF THE OFFICIAL VERDERER RESUME

Last Autumn, as required by the terms of his appointment, the Official Verderer offered the office back but indicated his willingness to serve a further term of 3 years. Although no formal confirmation has been received from 10 Downing Street, Forestry England understands that the OV's offer to serve a further 3 years has been accepted. It is hoped that this will be confirmed formally in time for an announcement at the May Court.

Action DS

2020/11037 REGULATION OF DEPASTURED STOCK – NEXT STEPS, REVIEW OF THE VERDERERS' BYELAWS RESUME
September

After much debate by telephone and email, it was agreed that a briefing paper concerning proposals to revise the byelaws should be submitted to Defra, asking for advice as to the best way to proceed. A response is not expected until the current emergency ends.

HIGHER LEVEL STEWARDSHIP SCHEME

2020/11038 HLS UPDATE – RIDGE AND FURROW RESTORATION RESUME

In addition to the stump cutting and levelling works which were carried out last year, as reported in Minute Number 2020/11017 above, full ridge and Furrow restoration was carried out = 14.4 ha at Turf Hill and North Sluffers.

VERDERERS GRAZING SCHEME

2020/11039 VGS UPDATE DISCHARGE

All 2020 VGS application forms and Spring Newsletters have been sent out with a return deadline of 15th May 2020. The Annual VGS grants have been paid to NFLAS, NFPB&CS for Futurity, NF trust and NFLS towards Beaulieu Road, NFPEC and the CDA for young commoners' trailer training.

FINANCIAL MATTERS

2020/11040 FINANCIAL STATEMENT RESUME

The Financial Statement was noted.

STAFF MATTERS, TRAINING & HEALTH & SAFETY

There was nothing to report at this time.

ANY OTHER BUSINESS

2020/11041 FUTURE MEETINGS OF THE COURT DISCHARGE

Mr Greenwood suggested that as it seems the current difficulties are likely to continue for the foreseeable future, some form of virtual meeting via video conferencing, should be explored.

Action Clerk