

## MINUTES of the Court of Verderers – Wednesday 17<sup>th</sup> June 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 in person in Committee.

Items included in these minutes were discussed in a virtual online meeting via 'Zoom'.  
The following is a record of what was agreed.

PRESENT ONLINE	Lord Manners Mr R Deakin Mr A B Dowsett Mr J Greenwood Cllr Edward Heron Mr R Manley Mr A H Pasmore Mrs D Westerhoff	Official Verderer Elected Verderer & Staff Committee Chairman Forestry Commission Appointed Verderer Elected Verderer National Park Appointed Verderer DEFRA Appointed Verderer Senior Elected Verderer Natural England Appointed Verderer
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APOLOGIES	Miss D Macnair MBE Mr D Readhead	Elected Verderer Elected Verderer
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IN ATTENDANCE ONLINE	Miss S Westwood	Clerk to the Verderers
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IN ATTENDANCE ONLINE UP TO MINUTE 2020/11121	Mr Bruce Rothnie Mr Paul Grugeon	Deputy Surveyor of the New Forest Forestry England Land Agent (New Forest)
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2020/11088 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on Wednesday, 20<sup>th</sup> May 2020 were approved and will be signed by the Official Verderer at the earliest opportunity.

2020/11089 DECLARATIONS OF INTEREST RESUME

Declarations of interest can be found on the Verderers' website – [www.verderers.org.uk](http://www.verderers.org.uk). No new declarations of interest were made today.

2020/11090 VERDERERS' REGULATIONS – AMENDMENT DUE TO COVID-19 DISCHARGE

The following amendment was agreed, subject to it being reviewed in one year's time.

Participation in meetings of the Court in committee

1. Subject to the Regulations, Verderers participate in a meeting of the Court or part of a meeting of the Court, when –
  - (a) the meeting has been called and takes place in accordance with the Regulations, and
  - (b) they can communicate to the others any information or opinions they have on any particular item of the business of the meeting.
2. In determining whether Verderers are participating in the meeting of the Court, it is irrelevant where any Verderer is or how they communicate with each other.
3. If all the Verderers participating in the meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.

2020/11091 CONDITION OF STOCK – REPORT FROM THE HEAD AGISTER

RESUME

Overall, the stock look quite well, although probably a little behind where they should be at this time of year. The very dry Spring is an obvious cause of this, following the exceptionally wet Winter that had lowered the condition of the stock, but most of the ponies have now picked up and are into their summer coats, with a few exceptions. Mares have been foaling and the majority of these are ok, with some nice foals being born.

Saying that, we are still removing poor animals. A number of mares that have foaled and don't look good have been taken off, as well as some that for various reasons have just not improved or have problems and have lost more condition.

More and more cattle are now being turned out, and on the whole, they are looking OK. However, we have had to ask for some to be removed, due to their poor condition, most of these have gone back in condition since they were turned out, having gone out too early. Also, a number of them are just the wrong sort to have on the Forest, that just don't cope well with the tough conditions out there, predominantly these being dairy crosses, with calves on them, and in some cases, commoners just haven't done them well enough over the Winter, turned them out too early and only just in good enough condition. So far, with a little bit of persuasion in some cases, the owners are removing them when requested to do so.

Everyone who has made hay or silage in the last few weeks have all said their cuts are way down on last year, so let's just hope we have some more rain.

Really drives home the importance of the bogs and wet areas we have in the Forest in times like this, as these are the only areas where there is grass growing!

Mr Deakin reported that the owner of the cattle about which complaints had been received concerning their poor condition, has removed all the animals he was asked to take off. Mr Greenwood commented that other cattle which had lost condition have also been removed. Unfortunately, it seems some commoners may have taken advantage of the Agisters not being able to inspect their cattle in the normal way, before they were turned out.

2020/11092 REPORT ON MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR

RESUME

	<u>2020</u>	<u>2019</u>
Forest Ponies	4845	4939
Forest Cattle	3859	3939
Forest Donkeys	132	132
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	8836	9010
Common Ponies	631	755
Common Cattle	1986	1636
Common Donkeys	72	136
Common Pigs	74	41
Common Sheep	223	211
Total Common Stock	2986	2779

Ponies, Cattle & Donkeys on the Forest	8836	9010
Ponies, Cattle & Donkeys on the Commons	2689	2527
Total Ponies, Cattle & Donkeys	11525	11537
Total Stock – Forest & Commons	11822	11789

2020/11093 BYELAW ENFORCEMENT RESUME

There were no byelaw breaches reported.

2020/11094 ANNOUNCEMENTS & DECISIONS RESUME

The Announcements and Decisions were approved.

**THE ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER, RTA REPORT AND PRESENTMENTS were published on the Verderers' Website after this meeting.**

2020/11095 THE VERDERERS' COURT DURING THE CONTINUING COVID-19 EMERGENCY

Whilst the lockdown is slowly being eased, in order to protect our staff, the Verderers' Office remains closed. The administration of the Court continues to be managed effectively and efficiently by our staff working remotely from home. This arrangement will continue until we are satisfied that it is safe to re-open our office.

Our Agister team also continues to work to maintain the health and welfare of the Forest livestock, whilst observing social distancing at all times.

We are grateful to everyone who contacts our office or our Agisters, for their co-operation and assistance in these difficult times.

2020/11096 PONDHEAD WETLAND RESTORATION

At our May Court we received a presentment from Sally Tear expressing concern about some of the restoration works carried out as part of the Pondhead Wetland Restoration project.

We have consulted Forestry England about those concerns as the partner in the Verderers' Higher Level Stewardship Scheme responsible for executing the works in 2018.

Forestry England (FE) carried out a programme of works to improve the SSSI units 386 and 387 in the area of Pondhead. Those works were designed to establish a link between the floodplain and the river, through removing spoil banks and raising bed levels. FE has investigated the issues highlighted from 2018 with the digger as highlighted in photographs 1 & 2. The standard practice when working in a wet area is to remove the top layers of peat to one side during working practices and then reinstate them as you move out of site. In this instance there was insufficient material to reinstate the ground level to where it had been so the contractor used a small amount of hoggin to fill in and then re-laid the top-soils. This is done to ensure that the different layers of soil are not mixed, so that subsoils do not end up at the surface. At no time was any peat taken away from the site. This work will not impact on the groundwater levels, as water will filter through the hoggin as necessary. The area in the photos submitted was an area that required spoil banks to be levelled. The area where the water was held back on the floodplain in the photos submitted of a 'lagoon', was always a wet area even before the restoration, as the mire drains down the slope into it. The spoil banks that were on this side of the riverbank would have held water on the floodplain even more. Now as FE has removed these spoil banks the water will be better connected to the stream. The future of the area between the stream and the mire is as a wet woodland.

In answer to the specific questions:

Q1-4. The Forestry Commission project officer at the time would have been liaising on a daily basis with the contractor over these issues.

Q5. There would not be a separate cost for this part of the project.

Q6. The overall tonnage of hoggins outlined in the planning application was not exceeded.

FE continues to assess all mires and streams through the HLS monitoring programme, to ensure good evidence-based knowledge of the HLS restoration techniques and how sites recover post works. FE did undertake a River Habitat Survey (RHS) before the restoration work commenced and are due to undertake a repeat of this RHS on the site this year. In addition, FE is undertaking a Modular River Physical Survey (MoRPH) on an annual basis. Both surveys allow FE to assess the quality of physical functioning of river systems and the outcomes of restoration. To complement the MoRPH and RHS, FE also has Time-Lapse Cameras in place which have highlighted that when the stream is full, there is currently no (or very short) reconnection with the floodplain in some areas. To respond to the lack of floodplain connection, FE has been carrying out a detailed channel slope survey and is in the process of rectifying that lack of floodplain connection. It is inevitable in works of this scale, where you are working with natural processes, that you will have to return from time to time as operations don't always initially deliver the results you expect. It is particularly a problem where compromises need to be made on the site, due to having to work around other man-made structures, such as bridges, or retaining large drains, as these can have further ramifications for the long-term stability of the site. FE will be returning to this site to do some minor works this summer. The New Forest National Park Authority is aware of the requirements of this work.

With reference to the point about a mountain bike trail being created along the riverbank, having inspected the site, there are a lot of animal tracks in this area and the majority of tracks along the riverbank are from animals wandering along the bankside. Also, a number of people walk this route and FE is confident that this bankside wear is predominantly from animals and walkers. There are no obvious bike tracks, but FE will continue to monitor this.

Two members of the Court visited the site this month and they could not see any cause for concern.

## **ANIMAL ACCIDENT REPORT**

2020/11097 THE ANIMAL ACCIDENT REPORT FOR MAY 2020

The Agisters attended 4 accidents in May, compared with 7 in May last year.

A pony foal, a donkey foal and a cow were injured and had to be destroyed and a further pony foal was very lucky to have escaped injury.

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

One of the accidents was not reported by the driver involved. An appeal for information was posted on social media the following day. The owner of the foal which died, added a £250 reward to the reward offered by the Verderers of up to £5,000 for information leading to the identification and conviction of the driver responsible for the accident. So far, no-one has come forward.

The total killed and injured to date is 21, compared with 36 in the same period last year.

## PRESENTMENTS

The following Presentment was received by email

2020/11098 Section 17 OF THE NEW FOREST ACT 1949 – IPLEY CROSSROADS  
Presentment by Michael Renouf, Solicitor, Senior Legal Adviser, for Head of Law and Governance and Monitoring Officer, Hampshire Legal Services, Hampshire County Council

### 1. Introduction

This Presentment to the Verderers' Court is made on behalf of the local Highway Authority, a department at Hampshire County Council, which has statutory responsibility for highways within the County of Hampshire other than motorways and trunk roads.

Application is made under section 17 of the New Forest Act 1949 for agreement of the Verderers to an additional area of land at Ipley Crossroads within the New Forest being used as highway. The location of Ipley Crossroads is shown on the Location Plan attached (titled Ipley Crossroads and Wilverley Plain Location Plan).

A high number of serious collisions at Ipley Crossroads and unsuccessful attempts to improve road safety at the junction have resulted in the need to change the layout.

This Presentment provides (at part 2, below) background information showing why a change in the layout of Ipley Crossroads is required. The proposed change to a staggered junction (part 3) would result in a small increase in surface area of highway at Ipley Crossroads, which would be set-off against extra land that the Highway Authority is offering by way of compensation (part 4). The Presentment includes reference to the proposed timing of the works and traffic management measures (part 5). Mention is also made of ways in which the proposed scheme may be challenged (part 6).

### 2. Background

Two minor roads, the C63 Beaulieu Road (running North/South in the new Forest) and the C97 (running East/West) meet at the Ipley Crossroads. The junction has been the site of multiple collisions, particularly between cars and cyclists, resulting in fatalities and life-changing injuries.

The severity of the Personal Injury Accidents ('PIAs') at the junction is increasing:

- there were four serious collisions in the twenty year period 1991 – 2010
- there were two fatalities and eleven serious injury accidents in a period of less than ten years from January 2011 to August 2019
- the projected number of PIA's for the ten year period to end of 2020 is potentially over three times the serious or fatal PIA's during the period 1991 to 2000.

It can be hard to spot cyclists close to the junction due to the open layout of the junction, which allows decisions about traversing to be made early, and due to the lack of visibility of smaller road users whose presence can be obscured by a vehicle's windscreen pillar. Drivers (especially local drivers using the C97 road frequently) have been shown to have a tendency to cross the Beaulieu Road, ignoring the newly installed STOP signs and without slowing down.

Numerous changes aimed at improving safety at the crossroads have not seen a decrease in collisions. These improvements, started in 1993, followed by schemes in 2008, 2012, 2017 and ongoing improvements made in 2018 and 2019, include use of more road signs, rumble strips, and 'Stop' signs.

Alternative measures to the proposed scheme have been considered but found unsuitable:

- visibility screens (gorse, trees, recycled plastic or wooden screening) would involve removal of heathland, attract livestock closer to the carriageway, and as, in the absence of street lighting, any screening is less visible in low light and at night, drivers of approaching vehicles could mistakenly believe the way is clear
- roundabouts (full and mini) and traffic signals (traffic lights) would require larger amounts of land, street lighting, excavation and cables
- chicanes and traffic islands have not been proven to be successful at reducing collisions in similar circumstances
- road humps would require streetlighting, excavation of the heathland and a large amount of urbanisation
- a double stagger of the crossroads, which would involve changes to two arms of the crossroads and require a much larger area of land, would also impact on the particularly ecologically sensitive north-eastern quadrant of the crossroads where there are seasonal ponds.

### 3. Proposed changes to Ipley Crossroads

The Highway Authority proposes to change the layout to make a staggered junction, by altering only one arm of the crossroads as shown on the attached drawing labelled 'Ipley Cross Beaulieu Safety Improvements – Land Transfer Plan' :

- a new section of carriageway on the approach of the C97 from the West, of 102 metres in length (measured at the centreline), would join the Beaulieu Road at an angle of ninety degrees 50 metres south of the current crossroads
- the existing carriageway no longer needed would be removed and that land allowed to return to forest.

The proposed new layout, involving a T-junction for traffic travelling East or West on the C97, would mean that instead of traffic being able to drive straight across the junction, vehicles travelling in either direction would be forced to slow down in order to join Beaulieu Road.

An advantage of vehicles travelling along the C97 having to join the C63 through road and then turn right to continue along the C97 would be the tendency to slow traffic down on the C63, which would be a benefit to livestock in the area.

The proposed scheme minimises impact on the forest and would cause least disruption to traffic.

### 4. Additional highway and compensation

In order to create the new junction layout at Ipley Crossroads:

- an area of Forestry England land of 663 square metres would be needed for the new carriageway; and
- the area of land no longer needed as highway, comprising 591 square metres, would be returned to forest.

This would result in a net decrease of 72 square metres of forest at Ipley Crossroads.

By way of compensation to Forestry England and mitigation for Natural England, the County Council proposes to return to forest an additional area of carriageway elsewhere in the New Forest. This is likely to be at Wilverley Cross (the location of Wilverley Cross is indicated on the attached Location Plan) through removal of one side of the triangular junction as shown on the attached drawing titled Mitigation Land Transfer Plan. This would result in a reduction of 853 square metres of carriageway, with an additional benefit of re-joining the central area of the triangle to the forest.

The combination of 663 square metres of new carriageway and a total of 1,434 square metres of land being made over to forest would represent a net gain to the forest of 771 square metres. This net gain would be used as a land bank to set off against increases in highway land if additional land is needed in future for highway improvements in the New Forest.

#### 5. Management of the works

Various options regarding traffic management, timing and sequence of works are being investigated. My client is liaising with all parties in order to minimise impact during the works period on road users, on businesses, and on this sensitive area of Hampshire – this includes the Verderers, Forestry Commission, Natural England, New Forest District Council and the New Forest National Park Authority.

Some temporary road closures are unavoidable but these would be kept to a minimum:

- the C97 west arm would be closed for the duration of the works, which will depend on the construction conditions set in the planning application and is likely to be a period of two to three weeks
- traffic signals would only be used on the C63 Beaulieu Road when necessary
- the C63 Beaulieu Road and the C97 eastern arm would be closed for one or two nights at the end of the works for resurfacing.

Proposed timetable for the works:

- planning application mid-July
- works put out to tender late July
- planning permission anticipated 1 September
- works carried out in October (at Wilverley Cross first, followed by Ipley Crossroads).

#### 6. Objections

There will be three parallel procedures relating to this scheme. Anyone wishing to object should raise objections with the relevant authorities.

Verderers Court : Anyone who believes that the Verderers should not agree to the area of land at Ipley Crossroads being used as new highway may raise their concerns with the Verderers before the date of the next hearing of the Verderers Court (15 July 2020).

Highways : The adjustment to the highway boundary at Ipley Crossroads would be dealt with under either section 256 or section 116 of the Highways Act 1980 (the decision will be taken at a later date as to which procedure is used).

- Under the section 256 procedure, anyone who objects to the proposed scheme would be able to appeal directly to Southampton and New Forest Magistrates Court in accordance with 256(3) of the Highways Act 1980, within two months of first publication of a notice of the proposed scheme (the s256 notice would be published in the Hampshire Independent newspaper). If no appeal is brought within two months, the proposed scheme may be implemented without Court approval. If an appeal is dismissed by the Court, the proposed scheme may be implemented.

- Under the s116 procedure, approval of the Magistrates Court would be required to 'stop up' the public right of way over the highway at Ipley Crossroads. Before the section 116 application can be made to the Magistrates' Court a notice would be published in a local newspaper and the London Gazette. Anyone who uses the highway at Ipley Crossroads and any other person who would be aggrieved may attend the hearing of the application at Southampton and New Forest Magistrates' Court and make representations.

Planning application : The proposed scheme will be the subject of a planning application to the New Forest National Park Authority, to whom comments may be sent.

## 7. Conclusion

The Highway Authority considers that the proposed scheme would result in the maximum increase in road safety and cause the least detriment to the forest.

The Verderers are asked:

- to agree to the use of land at Ipley Crossroads as new highway; and
- to announce their decision as early as possible and at the latest at the open hearing of the Verderers Court on 16 September 2020.

*NB – Photographs are not included in the minute book. They are, however, retained in the Verderers' files.*

## CONSIDERATION OF PRESENTMENTS

2020/11099 IPLEY CROSSROAD JUNCTION REALIGNMENT

RESUME

The presentment includes the full proposal for the re-alignment of the road, including mitigation at Wilverley.

A site meeting is due to take place on Friday 19<sup>th</sup> June at Ipley, to discuss and agree the details of the fencing including the reptile fence which needs to be in place several weeks/months before work to build the new road can commence.

Action  
OV/RD/PG/  
JRG/Clerk/  
HCC

The return of part of the highway at Wilverley, as mitigation for the area of land which will be lost at Ipley, is considered to be acceptable in principle. However, HCC will be asked to consider altering the proposed new road layout at Wilverley, to ensure timber lorries, other large vehicles and caravans are afforded adequate turning space without damaging the verges.

In order to allow time for any supporting or opposing Presentments, a final decision will not be made until the July Court.



**NEW SUBMISSIONS AND OTHER MATTERS RAISED BY FORESTRY ENGLAND**

2020/11100 TRAFFIC MIRROR OPPOSITE MATTHEWS LANE, EAST BOLDRE DISCHARGE

Whilst there may be a potential safety issue due to parked cars on either side of the entrance to Matthews Lane, in the absence of a specific recommendation from Hampshire County Council (HCC) Highways Dept on safety grounds, the Court is not minded to grant permission for a mirror. Previous requests for mirrors in other places around the Forest have been refused. The Court suggested the Parish Council seeks an alternative solution, such as double yellow lines either side of the entrance to Matthews Lane to prevent parking and hence solve the visibility problem. Parking spaces for shop customers are provided opposite and residents could feasibly park within their own properties.

**DE-MINIMIS CONSENTS RECORDED AT THIS COURT**

2020/11101 DE-MINIMIS CONSENTS APPROVED DISCHARGE

- DM0082 - BT Openreach – renew existing joint box, near Old House, Burley
- DM0083 - BT Openreach – renew existing joint box near ‘The Spinney’ Linwood
- DM0084 - Southern Water – replace outfall pipe leading from Lyndhurst Water Treatment Works
- DM0085 - Well of Sacrifice War Memorial, Nomansland – restoration of the Roll of Honour

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

2020/11102 CROWN FREEHOLD PROPERTIES RESUME

The Deputy Surveyor said this matter has been held up by Covid-19 but is now progressing. Action DS

2020/11103 REQUEST FOR VERDERERS’ OPEN COURTS TO BE HELD ONLINE DISCHARGE

There doesn’t appear to be a lot of support for Open Courts to be held online. To do so would be complex and it isn’t thought a lot will be achieved over and above the present arrangements where Presentments which have been submitted by email are published on the Website very quickly after each Court held by video conference.

The July Court is the last meeting prior to the summer recess and it was agreed to wait to see whether the Covid-19 restrictions are eased and the situation improves such that Open Courts in some physical form can resume.

2020/11104 STUMP CUTTING PROGRAMME AND RIDGE AND FURROW RESTORATION WORKS – MILLERSFORD PLANTATION – REPORT FROM SITE MEETING DISCHARGE

The Court requested a very wet area, identified by Mr Pasmore who witnessed a pony up to its belly in mud, be fenced until it consolidates and is no longer a hazard to stock.

Following a site meeting attended by the OV, Mr Dowsett, Mr Pasmore and Ms Leanne Sargeant of FE, Forestry England agreed to fence the area for three years and to maintain the fence for that period in good stock proof condition. The situation will be kept under review and the fence will be removed before the end of the 3 years if it is deemed safe to do so.

Action DS

2020/11105 A31 CATTLE GRIDS

RESUME

Unfortunately, the letter to the Minister and Sir Desmond Swayne's question in parliament has not produced a positive result. The Official Verderer has contacted Sir Desmond, to see if he is willing to write to the Transport Minister himself.

2020/11106 BROOMY PLAIN ROAD

DISCHARGE

The Safety Audit is awaited. This item will be resumed when its findings are known.

2020/11107 DENNY CAMPSITE CONTAINER

DISCHARGE

The container has been removed.

2020/11108 EAST BOLDRE VILLAGE HALL

DISCHARGE

The planning application which has been submitted by East Boldre Village Hall Committee throws up a number of questions and concerns.

It is generally felt it is a shame that the EBVH Cttee didn't wait until further progress had been made with regard to a possible exchange of land.

Issues resulting from intensification of use, such as the need for additional car parking, conflicts between users of the proposed shop and livestock which shade close to the current building, management of rubbish and litter were all identified as matters which would have to be resolved to the satisfaction of Forestry England, the Verderers and Natural England. All this is in addition to the fundamental principle that a commercial enterprise, such as a shop, on the Open Forest is unlawful.

The Official Verderer and the Clerk will draft a suitable response to the planning application. The draft letter will be circulated for consideration and approval by all members of the Court before it is sent. Meanwhile, Mrs Westerhoff will seek an extension to the deadline for comments to the end of next week. Mr Grugeon said Forestry England will also write, explaining there are legal complications and there is no likelihood of an imminent land exchange.

Action  
OV/Clerk

DW

PG

**SSSI RESTORATION WORKS**

2020/11109 REPAIRS AND MAINTENANCE LIST / ENHANCEMENT WORKS  
RECORDING SHEET

RESUME

The current list was circulated.

2020/11110 HABITAT RESTORATION AT WOODCRATES – PHASE 2

RESUME

A number of Verderers felt it is difficult to assess the scale of the proposed works from the plan provided. The Clerk was asked to go back to Lucy Andrews, HLS Terrestrial Officer, and ask for a site visit to be arranged. It was suggested that the New Forest Commoners' Defence Association should be invited to attend.

**ENCROACHMENTS INVOLVING FORESTRY ENGLAND**

2020/11111 ENCROACHMENTS LIST

RESUME

The current list was circulated.

Mr Dowsett said he will ask for an update on the shingle that has been spread at Green Lane, Bartley.

Action BD

It is thought that a temporary permission may have been granted for the material left outside Godshill Wood Inclosure.

**ACTION LIST**

2020/11112 ACTION LIST

RESUME

The Action List was circulated. The Deputy Surveyor said work on the bridge at Tantany Wood is in hand but as a result of the Covid-19 virus, work is only now recommencing. The bridge is due to be replaced in August/September. It will be needed if the drift in that area takes place.

Action DS

**COVID-19**

2020/11113 COVID-19 AND THE IMPACT OF THE VIRUS ON FORESTRY ENGLAND IN THE NEW FOREST

DISCHARGE

The Deputy Surveyor provided an update on the impact of the Covid-19 pandemic on the finances of Forestry England during the current financial year of 20/21. The closure of Forestry England's recreation sites nationally during lockdown will have a significant impact on the income of the organisation and consequently the organisation will have to make adjustments to mitigate that impact. This will involve some reduction or deferment of expenditure across some operational programmes; a deferment of capital investment programmes, and , under instruction of government, some use of the current Covid-19 relief schemes such as the furlough scheme. Some staff in Forestry England's South District were placed on furlough for one month, but a change of movement restrictions by government on the public (which allowed them to travel for exercise) in the middle of the month meant that Forestry England recalled some staff to cope with managing this pressure. By the end of the month all staff were recalled from furlough. Forestry England will continue to monitor its income and expenditure during the year to ensure it remains within newly agreed budgets adjusted for Covid-19 impacts.

The Deputy Surveyor was thanked for his report.

## ANY OTHER BUSINESS OF CONCERN TO FORESTRY ENGLAND

### 2020/11114 MANAGEMENT OF THE PUBLIC

RESUME

A long discussion then took place, during which members of the Court expressed their extreme frustration and concern at the abuse the Forest is suffering at the hands of some members of the public. Cyclists are crossing open heathland habitat with complete disregard not only for the legislation but also the flora and fauna. Ground nesting birds are being disturbed and damage is being caused to the ground with evidence of cycle tracks everywhere; vehicles are being parked not only on verges but also further onto Open Forest grazing. A mountain-biker was witnessed riding straight at a herd of deer. A number of fires have been started by BBQs and open fires, despite notices saying no BBQs or fires; overnight camping is continuing unchecked in many car parks and tents have also been found on the Open Forest and in inclosures. The fear is that post-Covid behaviours learnt during this period will continue into the future.

Members of the Court feel very strongly, that enforcement of Forestry England's byelaws is essential. Their revision, particularly where they apply to the New Forest, is essential. If they cannot be made to work, other effective methods of controlling damaging behaviour by the public must be found.

With respect to illegal parking, if Hampshire County Council cannot come up with an effective method of controlling verge parking, it will be necessary to seek political support for more rigorous controls backed by legislation. The Court strongly urges Forestry England to utilise its byelaws

The Court thanked the Deputy Surveyor for the efforts being made by FE staff and members of the Court said they realise they are doing their best to manage the situation. The Court offered support to Forestry England in trying to obtain additional resources, if that would be helpful. The Deputy Surveyor said it would.

### 2020/11115 VERGE PARKING

RESUME

Mr Manley requested a report on the newly introduced car stickers and asked whether the National Trust has been provided with information concerning the stickers.

The Deputy Surveyor said he needs to obtain feedback from staff. He added it is difficult to judge the effect of the stickers but he will provide some information to the Clerk. He will also find out whether the National Trust is also using the stickers.

Action DS

Mr Dowsett said the Recreation team has issued a significant number of stickers. It is thought vehicle registration numbers are being logged. This will help identify persistent offenders.

In response to Mr Manley's request as to whether the Court could assist with contributing towards the cost of the stickers, the Official Verderer responded that providing it falls within the Court's statutory powers that should be possible.

Action OV

- 2020/11116 BARBECUES AND FIRES DISCHARGE
- The new No Fires, No BBQs signs are felt to be very good. They are more visible than earlier signs. In addition, the large red ladder board signs warning of the high fire risk, are very welcome.
- 2020/11117 FOOTPRINT ECOLOGY REPORT AND DOGS RESUME
- This report has been welcomed. It is hoped it will lead to wider debate on the impact on the Forest of recreational pressure and, in particular, out of control dogs and commercial dog walking. It is hoped that Public Space Protection Orders may in time be enforceable by Forestry England staff. The Deputy Surveyor said a paper has been prepared on this. He will provide a copy to the Clerk for circulation to members of the Court.
- Action DS/Clerk
- Mr Pasmore referred to a notice a friend had spotted on MoD land which says commercial dog walkers are banned unless they have a licence. He enquired why Forestry England cannot also enforce licencing. In response Mr Dowsett pointed out that the MoD has its own police force. Mr Pasmore remarked that in the past all the Keepers were Special Constables.
- 2020/11118 TRAIL RUN EVENT FROM HOLLANDS WOOD CAMPSITE RESUME
- Mr Deakin asked the Deputy Surveyor, whether the Court's consent is required for events such as the trail run with 500 participants which is being advertised as starting from Hollands Wood campsite? This event is due to take place when the campsite is not open and it therefore effectively turns the campsite into a car park. In addition, commercial activities including the sale of merchandise will take place.
- In response, the Deputy Surveyor said the event has been cancelled. He added that when considering whether permission should be granted for such events, a Habitats Regulations Assessment is required to assess whether the event meets the criteria for consent to be issued. The criteria assesses the suitability of location, timing and numbers of participants. The Deputy Surveyor said he will have to check whether the Verderers' consent is required.
- Action DS
- 2020/11119 CARAVANS ON OCKNELL CAMPSITE RESUME
- Mr Greenwood reported that there are at least 9 caravans together with generators and cabling on Ocknell Campsite. The number seems to have increased since the beginning of the Covid-19 lockdown and it was questioned whether all the caravans really belong to Wardens from the other Campsites. He added that there are wardens on some of the other campsites as well. The Deputy Surveyor said he will find out.
- Action DS
- 2020/11120 QUEEN'S HOUSE AND COVID-19 DISCHARGE
- The Clerk asked for clarification concerning the occupation of Queen's House at this time. In response the Deputy Surveyor said that Queen's House is closed for normal business but a limited number of staff are visiting where they cannot undertake tasks at home. The visits must be as short as possible. Everyone is required to enter and exit via the front door and sign in and out in case any 'track and trace' requirement needs to be met. This is so that if someone does test positive for the virus, anyone who was in the building at the same time can be contacted.
- Action DS

The Deputy Surveyor said a protocol is being drawn up for how the office could be operated safely. This is likely to involve reduced capacity to deliver social distancing. The Deputy Surveyor will share a copy of the protocol when prepared with the Clerk, but currently it is not expected that Queen's House will be open for full occupancy for several months.

#### ANY OTHER BUSINESS CONCERNING FORESTRY ENGLAND

2020/11121 NETWORK RAIL SWITCHGEAR AT ASHURST

DISCHARGE

It is understood that Network Rail is under the impression that it can install new switchgear at a location at Ashurst under permitted development conditions. It is thought NWR may not be adhering to the Habitats Regulations or the New Forest Acts. Mr Grugeon said he will tell NWR they cannot proceed with anything that affects the Forest without agreement.

Action PG

The Deputy Surveyor and Mr Grugeon left the meeting

#### MATTERS NOT INVOLVING FORESTRY ENGLAND

2020/11122 DAMAGE TO FENCING AND HEDGING BY CATTLE

DISCHARGE

No counter presentments have been received on this subject.

It was agreed a letter should be sent to the two cattle owners who had turned their animals out too early to make them aware of the Court's views.

Action  
RD/Clerk

The Estate owners and their tenants will also receive communications, reinforcing that fences must be stock proof. In addition, an announcement will be drafted for the next Court.

Action  
OV/Clerk

As respects Pylewell Estates admission that its fences are poor but suggesting that the problem of cattle accessing its land is due to increased numbers of animals, a polite response will be sent saying that it is not a new problem and the Estate fences have been in poor condition for years.

Action  
OV

2020/11123 HYDE TELECOMMUNICATIONS MAST

RESUME  
September

It is understood that both HCC and Natural England have made it clear to Waldon, the agent for the mobile phone company, that the mast cannot remain after the end of the 18-month temporary period. No extension will be granted.

Natural England is deciding how to deal with the damage which has been caused by the installation and is threatening legal action. NE has asked for the mast to be removed and the ground restored by the end of June but it is thought this is unlikely to happen. It is understood the 18 months is up at the end of 2020.

2020/11124 FUTURE FINANCIAL SUPPORT FOR THE FOREST POST BPS

DISCHARGE

A letter has been sent to Victoria Prentis, DEFRA Under Secretary of State, by the Official Verderer and the Chief Executive of the New Forest National Park Authority, seeking a video conference with her to explain the importance of setting the reference period for BPS.

2020/11125 SEMI-WILD EQUINE FORUM DISCHARGE

It was agreed to ask Mr Dave Readhead and Head Agister Jonathan Gerrelli to engage with Defra in this respect. Action Clerk

2020/11126 INCLUSION OF PHOTOGRAPHS IN PRESENTMENTS ONLINE AND IN THE MINUTES DISCHARGE

Photographs have never been included in the formal Court Minutes, primarily because of the limitations of reproduction of such material. It was felt that this policy should not change for a number of reasons; with modern technology photographs can easily be altered and they are in any event a snapshot in time which may quickly lose any practical relevance. There may also be copyright issues. This does not prevent the maker of any presentment making copies available if they so wish.

2020/11127 UNDERGROUNDING OF ELECTRICITY LINES DISCHARGE

Mr Greenwood has kindly taken the lead and has completed applications for SSE to underground two electricity lines which are felt to be particularly intrusive in the Forest landscape. One runs from Brockenhurst to Hinchslea and on to Wootton. The other runs from Dorridge to North Hollow. The latter is very close to the boundary between Crown Land and National Trust land but Mr Pasmore said he believes it is nearly all on Crown Land.

SSE will assess the feasibility of these proposals and if it feels it can proceed, the necessary permissions will be sought. Mr Greenwood will report back to the Court when further information is available. Action JG

2020/11128 BT LINES AT HOLMSLEY PASSAGE DISCHARGE

It is proposed that these lines should also be put underground. Heavy horses may be used to remove the poles in order to avoid damage to the ground by machines as it is a wet area. A formal proposal will be forthcoming.

2020/11129 LEADERSHIP GROUP UPDATE DISCHARGE

The Official Verderer reported on the progress of the Partnership Plan.

#### HIGHER LEVEL STEWARDSHIP SCHEME & VERDERERS' GRAZING SCHEME

There was nothing to report at this meeting.

#### MATTERS ARISING FROM EXTERNAL COMMITTEES & WORKING GROUPS

2020/11130 FOREST FARMING GROUP & POSSIBLE FUTURE FINANCIAL SUPPORT FOR COMMONERS RESUME

Mr Greenwood said he feels insufficient information on Environmental Land Management Schemes (ELM) is available to know whether such a scheme would be workable in the Forest. He said that an ELM scheme pilot cannot run alongside a rolled over HLS so that would be a problem.

FFG is investigating what is involved in a pilot.

2020/11131 FRESHWATER HABITATS FORUM

DISCHARGE

Mrs Westerhoff referred to the recently produced leaflet and thanked those who commented on the draft for their contributions. It is hoped the final version will be improved by our suggestions.

## FINANCIAL MATTERS

2020/11132 FINANCIAL STATEMENT

RESUME

The Financial Statement was noted.

The Clerk advised that she has yet to invoice Forestry England for the grant and compensation for loss of grazing. This will be done shortly.

## STAFF MATTERS

2020/11133 STAFF COMMITTEE

RESUME

A virtual staff committee meeting took place on 27<sup>th</sup> May. Another will be held in early July.

2020/11134 PONY POUND REPLACEMENTS

DISCHARGE

Three pounds have been found to be outside the HLS area and therefore their rebuild cannot be funded by the VGS.

The three pounds are Latchmoor (Brockenhurst), Weirs and New Park. Latchmoor has already been rebuilt, funded out of Verderers funds. Mr Deakin said he would like to rebuild the other two in the next year or so but the Court's approval is required as the cost is in the region of £5,400 for each pound. He added that maintenance costs for pounds is now much reduced thanks to the improved specification for new pounds.

The expenditure was approved.

## TRAINING

No training has taken place since the last Court.

## HEALTH & SAFETY

2020/11135 COVID-19

RESUME

The Clerk reported that face masks have been purchased and are available for any member of the Court who is in need of them. Bottles of hand sanitizer and disposable gloves are also available on request.

2020/11136 AGISTER ROBERT MATON

DISCHARGE

Unfortunately Agister Maton has had a fall and is currently recovering in hospital. It is expected that he will be discharged fairly soon. He is likely to be signed off work for several weeks.



2020/11137 CATTLE INCIDENTS & COWS WITH CALVES

DISCHARGE

A person walking a dog has reportedly been killed by cattle on the North York Moors.

Mr Deakin said the advice regarding cows and calves may need to be reiterated. Several cattle commoners have not heeded the advice to keep cows with young calves off the Forest and are calving on the Forest. However, some Commoners have altered their herd management in order to avoid young calves being on the Forest during the busy visitor season.

ANY OTHER BUSINESS

2020/11138 BOVINE TB

DISCHARGE

Mr Greenwood said that Defra has issued an edge area consultation regarding the potential vaccination of badgers against TB and cull zones. He felt it may be worth investigating what is planned for the Forest area. Any action taken would affect both Forest and private neighbouring land. Mr Greenwood did not think the Court needs to respond to the consultation.

2020/11139 BEAULIEU ROAD SALES

DISCHARGE

Mr Deakin informed the Court that the September pony sale has been cancelled by the Livestock Society as it has not been possible to hold a sale whilst complying with current social distancing guidelines. A decision on future sales will be made in time.

2020/11140 DRIFTS

DISCHARGE

The current Covid-19 restrictions also mean that at present the drifts cannot take place. It takes two to three people to brand a pony, all working closely together. Whilst it is understood some exceptions have been made in agriculture, with asparagus picking for example, where 60 people may be in one field. The difference with the Forest is that the public cannot easily be controlled. In an agricultural setting on a private farm, employees can be managed.

The drifts are important for the welfare of the pony herd. Foals left out over winter will be a problem. In addition, the sheer number of people that are out on the Forest and are still likely to be as the drift season approaches, means that trying to hold drifts will be more problematic than normal. The situation will be monitored as the year progresses.

2020/11141 FOOTPRINT ECOLOGY REPORT

RESUME

Mr Deakin asked what it is proposed the Court should do as respects this report. In response, the Official Verderer said he has not had the opportunity to read it thoroughly but it does identify the damage caused by certain aspects of the recreational pressure. He asked members of the Court to read it with a view to discussing the issues raised at the July Court. He believes it does provide support for better management of car parking and measures to address the damage which is being caused by recreation.

Action ALL

The video conference ended at 12:53 hrs with thanks to the Clerk for arranging the meeting in this way.

*J.H. Manser*  
15 July 2020