

MINUTES of the Court of Verderers – Wednesday 16th September 2020

At the time of this Court, the UK the outbreak of novel Coronavirus, known as Covid-19 continues to affect normal life. Government restriction have eased but the advice remains that the population should avoid meetings where the disease could potentially be passed from person to person. For this reason, once again, 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 proceedings.**

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

2020/11200 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on Wednesday, 17th July 2020 were approved and will be signed by the Official Verderer at the earliest opportunity.

2020/11201 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.

2020/11202 REPORT ON MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2020</u>	<u>2019</u>
Forest Ponies	4965	4979
Forest Cattle	5155	5243
Forest Donkeys	138	132
Forest Pigs	13	15
Forest Sheep	0	0
Total Forest Stock	10271	10369
Common Ponies	832	758
Common Cattle	2403	1810
Common Donkeys	135	136
Common Pigs	88	79
Common Sheep	223	212
Total Common Stock	3681	2995
Ponies, Cattle & Donkeys on the Forest	10258	10354
Ponies, Cattle & Donkeys on the Commons	3370	2704
Total Ponies, Cattle & Donkeys	13628	13058
Total Stock – Forest & Commons	13952	13364

2020/11203 BYELAW ENFORCEMENT

RESUME

Several commoners have failed to pay their marking fees and the Clerk has been asked to write the usual warning letters.

2020/11204 HIT & RUN REWARD SCHEME – RTA ON 20TH JUNE 2019 – ROGER PENNY WAY DISCHARGE

As a result of information provided by a witness to this accident, the driver who failed to stop has been successfully prosecuted. The Court agreed a reward of £5,000 should be paid to the witness, who wishes to remain anonymous. A press release will be issued shortly and Cllr Heron suggested Mr Manley and/or the Head Agister should try to interest the local television news in broadcasting a short interview about the reward.

Action Clerk

Action EH

2020/11205 ANNOUNCEMENTS & DECISIONS

RESUME

The Announcements and Decisions were approved.

Cllr Heron suggested the Official Verderer should think about putting the announcements and decisions on YouTube. The OV agreed to investigate the suggestion and requested Cllr Heron's support on the technical aspects.

Action
OV/EH

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

2020/11206 IPLEY CROSSROADS RE-ALIGNMENT

At our June 2020 Court we received a presentment under Section 17 OF THE NEW FOREST ACT 1949 relating to Ipley Crossroads from Michael Renouf, Solicitor, Senior Legal Adviser for Head of Law and Governance and Monitoring Officer, Hampshire Legal Services, Hampshire County Council

The Highway Authority made an application under section 17 of the New Forest Act 1949 for the agreement of the Verderers to an additional area of land at Ipley Crossroads within the New Forest being used as highway.

There have been a high number of serious collisions at Ipley Crossroads and attempts to improve road safety at the junction have been unsuccessful. This has resulted in the need to change the layout. Full details of the accident record at the crossroads and of the proposed works were set out in the presentment which forms part of the Minutes of the June court.

No counter presentments were received in July and given the need to improve road safety the Verderers have given their consent to the proposals at Ipley crossroads.

2020/11207 RECREATIONAL PRESSURES - VERGE PARKING

We considered, with Forestry England, Lindsey Stride's presentment regarding use of closed campsites for overflow car park capacity in order to alleviate some of the verge parking pressures we observed during the summer. Whilst there was undoubtedly merit in this idea, it was felt that, in practice, it would not have been workable for a number of reasons. Firstly, it would have been very difficult for Forestry England to have provided sufficient staff resources and physical barriers to limit parking to hardstanding areas and prevent parking and consequent wear on grazed areas. To manage these sites effectively would have drawn limited resources away from other locations across the Forest where most of the pressure was occurring. Secondly, the sites are not always close to locations

that have traditionally attracted high numbers of visitors in the summer, so there was some doubt that they would have drawn sufficient numbers from the key pressure locations.

2020/11208 CYCLING

At our July Court Mrs Mary Gray suggested that additional cycle paths alongside the fenced roads would be welcome in order to improve connectivity. Whilst the Court agreed with Mrs Gray, this idea has been previously investigated and a number of issues were identified that are likely to make this difficult to achieve.

The verges are all designated SSSI sites, containing a variety of important habitats, particularly around Cadnam. Tree roots will quickly create very uneven surfaces. Additionally, members of the Court wondered how much use such paths would actually see. It is thought the Ashurst to Lyndhurst path is in fact rarely used. Most cyclists want to be on the Forest.

The Court once again expressed its serious concern that cycling off the waymarked routes in the Forest is out of control and will only get worse.

2020/11209 THE DRIFT SEASON

After careful consideration, the Verderers decided that in the interests of managing the welfare of the pony herd, it is essential to carry out the annual drifts this year.

In the light of the pandemic and increased number of members of the public visiting the Forest this year, we have reduced the number of drifts and deferred the start of the drift season from mid-August to the beginning of September.

A detailed Covid risk assessment has been prepared in order to ensure that this important work is carried out as safely as possible and in accordance with Government Guidelines.

2020/11210 HIT AND RUN DRIVER CONVICTED

In August a van driver Nilesh Sorathia was convicted for failing to stop after a collision with a pony on Roger Penny Way in June 2019. The mare was so badly injured that she had to be put down by an Agister. The driver was fined £1000 and disqualified from driving for six months. He was also ordered to pay court costs of £410.

This conviction was made possible by information provided by another motorist. The Verderers operate a reward scheme with support from the New Forest Commoners' Defence Association and the New Forest Pony Breeding and Cattle Society, whereby a reward of up to £5000 is offered for information leading to a conviction of a hit and run driver.

In this instance, we will be paying the full amount of £5000 to the witness (who wishes to remain anonymous) who provided the information that led to the conviction of the driver responsible for an appalling act of cruelty.

This is the second reward has been paid out this year. In February this year, a reward of £4000 was paid to a witness of another hit and run accident involving a commoner's animal.

I would like to take this opportunity to thank the CDA and the Pony Society, as this scheme would not be possible without their support.

2020/11211 RESPONSIBILITY FOR THE MAINTENANCE OF CATTLE GRIDS - A31

There are 16 cattle grids which form part of the fencing of the A31 trunk road which bisects the Forest. For many years these have all been maintained by Highways England and before that Hampshire County Council. Some 12 months ago, Highways England denied that it was responsible for nine of those grids on the basis that they were on land which did

not belong to the Highway Authority. Initial attempts by Forestry England to explain to Highways England why it was that Highways England is responsible for all the grids which prevent stock accessing the A31, were rebuffed.

The Verderers got involved and after protracted correspondence with the Secretary of State for Transport and Highways England, Highways England has accepted that it is responsible for maintaining all the grids. Proper maintenance of these grids is essential to ensure the safety of the many thousands of vehicles using the A31 and of course, the Forest stock. In this matter, the Verderers were greatly assisted by the land agency team at Forestry England and one of our Forest MPs, Sir Desmond Swayne, who tabled a Parliamentary question as well as corresponding with the Secretary of State for Transport. I would like to express our appreciation of those efforts and assistance which contributed greatly to achieving this satisfactory result.

ANIMAL ACCIDENT REPORT

2020/11212 THE ANIMAL ACCIDENT REPORT FOR JULY & AUGUST 2020

The Agisters attended 15 accidents in July and August, compared with 31 in the same period last year.

2 ponies, 2 cattle and 1 donkey died and 6 ponies, and a cow were injured.

8 accidents occurred in daylight and the other 7 in the dark.

All the accidents bar 1, were reported by the drivers involved.

The total killed and injured to the end of August was 36, compared with 58 in the same period last year.

PRESENTMENTS (received by email)

2020/11213 INADEQUATE FENCES A337/A35

Presentment by Tony Vanderhoek, New Forest CDA Co-opted Committee Member and Practising Commoner

'During a routine check of our ponies, my wife Jacqui and I discovered a stretch of fence along the A337 opposite the Cadnam Cricket Ground in Shave Wood in a very poor state. Some of the fence posts are rotted and many staples holding the two-strand plain wire and stock netting fence were missing. Two brace posts are falling down leaving a gap wide enough for stock to push through to the busy main road. We also noticed that livestock were pushing their necks through to eat grass on the other side of the fence further damaging it. Jacqui also witnessed visitors from the Cadnam Cricket Ground car park crossing to the green opposite (Shave Wood) and climbing through the fence with pushchairs and their dogs, further weakening it. In one area near Shave Wood car park a tree has fallen down and pushed the fence to ground level.

We made good the damage as best we could, replacing staples to loose wire etc., as ours and other Commoners' stock were in that area, but on our later return further damage had occurred.

This problem was referred to Hampshire County Council on 13th July 2020 and we revisited the site several times since, the last being 8th August 2020 and still no action had been taken by Hampshire County Council in repairing/replacing this fence.

This fence is not the only one in a poor state along the fenced Forest roads and I understand that others have previously been reported to Hampshire County Council on a number of occasions. There is now quite an extensive list of fence repairs along these roads that are not being attended to. Some have apparently been on the list for years.

We understand that COVID 19 has stopped many projects; however our request to the Verderers is to insist that Hampshire County Council replaces these fences with great urgency, as they are a tragedy waiting to happen especially at the speeds some motorists drive along these roads.

After a motor cyclist's death hitting an escaped pony on the A31 about 6 years ago, Highways England replaced the A31 fencing with quality wooden post and rail and stock netting. We request the Verderers insist that Hampshire County Council now commences a similar programme along the A337 and A35, replacing this cheaper wooden post and wire/stock netting with similar quality post and rail/stock netting fencing, as the current fencing is not really fit for purpose.

We would urge through the court that Hampshire County Council prioritise this as a matter of urgency before another fatality occurs.

Furthermore, through the Court we request the Verderers insist that Hampshire County Council has a standard method of regularly checking and maintaining these fences by perambulation, as this is the only fool-proof way to ensure their integrity. Ad hoc reporting by chance discovery is unsatisfactory in safeguarding Commoners' stock and the public.'

CONSIDERATION OF PRESENTMENTS

2020/11214 INADEQUATE FENCES – A337/A35

DISCHARGE

The Clerk reported that the Head Agister met recently with Hampshire County Council Highways to discuss the poor condition of some of the highway fencing in the Forest. At the meeting, HCC confirmed the A337 fence north and south of Shave Wood, referred to in Mr Vanderhoek's presentment, will be replaced as a matter of urgency. It is believed this has been completed. Additionally, approximately 60m of fencing south of Brockishill Road and a section between the Burley turning and Markway Bridge on the A35 is to be renewed.

Cllr Heron advised the Court that HCC does not have a budget to replace long stretches of fence. It can, however, work on smaller sections where there is an imminent danger that stock will escape. Mr Deakin commented that he and the Head Agister met HCC in March, just before the Covid-19 lockdown. He calculates that only about 10% of what was promised has been done. Cllr Heron pointed out that the lockdown has inevitably caused delays. Mr Deakin went on to say that HCC agreed to consider using local contractors to undertake the work, in order to ensure the fencing is built to the required standard. The Clerk confirmed she has supplied contact details for three contractors.

As respects the A31 fence and the incident referred to by Mr Vanderhoek, it was pointed out that the fencing of that road is the responsibility of Highways England, not HCC. HE has a significantly larger budget for highway maintenance than the local authority, hence the fence on that road is generally constructed and maintained to a much higher standard.

Mr Pasmore added that the RSPB has completed miles of excellent fencing on its fairly recently acquired estate at Franchises Wood. He suggested the same contractors might be able to assist with highway fencing.

NEW SUBMISSIONS AND OTHER MATTERS RAISED BY FORESTRY ENGLAND

2020/11215 PROPOSED CHANGES TO HATCHET POND CAR PARK

RESUME
November

Leanne Sargeant, FE Senior Ecologist joined the meeting for this topic.

Hatchet Pond is the New Forest's largest body of fresh water and one of Britain's top 7 ponds in terms of its ecological value. It supports many rare and endangered species lost from many other parts of the country. Consequently, it is designated, in its own right, as a Site of Special Scientific Interest and a Special Area for Conservation.

Action FE

Significant issues have been identified with Hatchet Pond. There is disturbance of sediments in the water from recreational use and the activity of non-native bottom-feeding fish; pollution of the water from sediments draining off the lower car park area; increasing nutrient levels; baiting of fish and feeding of birds; and presence of exotic plants. The lower parts of the car park will flood after prolonged rainfall and there is a pollution risk from the toilet block. The increased visitor pressure during the recent easing of lockdown has increased the pace of decline and the pond has failed its condition assessment.

In order to address the issues identified, a number of actions are proposed and Forestry England requested the early views of the Verderers, before a more detailed planning application is submitted and prior to a public information day planned in October.

Having discussed the various outline proposals, the Court is generally supportive of the proposals, subject to further detail and discussion.

Forestry England was advised that because of the potentially controversial nature of the proposals, they must in due course be submitted to the Court by presentment.

2020/11216 BT PROPOSAL FOR THE PROVISION OF BROADBAND FIBRE SPINE AT EAST END

RESUME

This project falls outside the remit of the Verderers' de-minimis sub-committee. The proposal was originally to underground a new fibre spine. This was felt likely to be acceptable. However, due to HCC declining to cover the cost involved in burying the lines under the tarmac road, a new proposal has been submitted involving the erection of in the region of 16 new telegraph poles. If consent is refused, BT may withdraw the proposal altogether.

Cllr Heron explained the background to this application and also explained that further similar proposals may be forthcoming because the contract between BT Openreach and HCC, which helps to fund the provision of broadband in hard to reach parts of the Forest, has effectively come to an end. Schemes already in the pipeline are being implemented whilst funding remains available. Additional funding will not be forthcoming.

BT draws up schemes and 'costs per premises' for delivery of superfast broadband and submits the proposals to HCC. Undergrounding is significantly more expensive than overhead provision. Natural England prefers lines to be put under roads rather than in verges. The concern is that eventually a point may be reached where cheaper schemes go ahead but more expensive schemes are dropped.

Mr Dowsett suggested that BT be asked to investigate the option of burying this line in the verge, if Natural England will agree and providing there are no other services in the verge which prevent this being done.

The Court wishes to know the cost differential for this particular scheme and Cllr Heron said he will approach Mr Glenn Peacey at HCC and request the detailed costings. Meanwhile, the Clerk will advise BT of the result of this discussion.

Action
EH/ Clerk

Above ground schemes are contrary to the Court's policy and are controversial. A lot of money is being invested in undergrounding existing lines, both BT and electricity. To build new overhead schemes, which may subsequently be undergrounded, doesn't appear to make financial sense. For these reasons, if overhead is the only option, the submission will have to come to the Court by presentment.

DE-MINIMIS CONSENTS RECORDED AT THIS COURT

2020/11217 DE-MINIMIS CONSENTS APPROVED

DISCHARGE

DM0092 – Honeypot Childrens Nursery, Exbury Rd, Blackfield – BT new duct

DM0093 – Malwood Walk Stables – BT 223m duct and 2 new jct boxes

DM0094 – Wood Sorrel, Highwood (Rockford Common) – BT new 350m duct

DM0095 – Peartree Farm, Emery Down, BT new 310m duct

DM0096 – Homestead, Lucky Lane, Pilley – SSE short u/g connection

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

2020/11218 APPLICATION FOR NEW RIGHTS OF WAY FOR CYCLISTS

RESUME

Mr Grugeon has heard nothing more about the proposals. In any event, they are unlikely to be top priority, given the present difficulties resulting from Covid-19.

It is understood that UK Cycling is hoping to achieve some upgrading of footpaths in various parts of the country, presumably including the New Forest, but again no proposals have been submitted.

The application process for new cycle routes will be subject to the same procedures as upgrading of existing rights of way. Mr Grugeon and Mr Mike Graham (FE) will prepare a note of the current situation for the October Court.

Action
PG/MG

2020/11219 SPECIAL BY DESIGN

RESUME

A virtual meeting has been scheduled for next week. The Official Verderer, Mr Dowsett and the Clerk will attend.

Action
OV/BD/Clerk

2020/11220 MINSTEAD CRICKET CLUB LICENCE RENEWAL

RESUME

At present the Minstead cricket pavilion is in a poor state of repair. The fenced area adjacent to the pavilion is overgrown and appears to be unused.

Mr Grugeon was asked to find out whether Cadnam Cricket Club, which also manages the Minstead Cricket Ground, needs two pitches. If it does,

the Court may require the Minstead ground to be tidied up prior to a new licence being issued. A query was also raised concerning the soakaway. The Court wishes to know whether the sewage disposal arrangements are by a sealed tank or operate with a soakaway or overflow onto the Forest. The Court questioned whether the current system has Environment Agency consent? Its close proximity to Dogben Gutter means it is important to ensure there is no risk of pollution.

Action PG

2020/11221 A35 HOLMSLEY BRIDGE REPLACEMENT

DISCHARGE

Some archaeological work is due to be undertaken after this year's Wootton Drift. The start of work on the actual bridge construction is a little way off.

2020/11222 RECREATIONAL PRESSURES, VERGE PARKING, MANAGEMENT OF THE PUBLIC

RESUME

A long discussion took place again as the Court remains extremely concerned at Forestry England's inability to effectively manage recreation on the Forest. Cycling off the waymarked cycle network is completely out of control and continues to be a huge issue which is increasing. The tranquil areas of the Forest are being very negatively impacted and there is some evidence of physical damage.

At the request of the Court, the Deputy Surveyor undertook to investigate further, the introduction of a PSPO (Public Space Protection Order) which could potentially assist with behaviours which have a significant negative impact on the Forest, including illegal cycling, out of control dogs, wild camping, fires and anti-social behaviour.

Action DS

Members of the Court recognise that Forestry England's staff do an excellent job but they are sometimes constrained by policy which affects their effectiveness in some situations.

2020/11223 RECREATION MANAGEMENT STRATEGY

DISCHARGE

No progress has been made in obtaining the Local Development Order (LDO). Efforts are being made to overcome the problems which have been identified. The RMS Group meets via Teams on Monday 21st September 2020. Following the retirement of Oliver Crosthwaite-Eyre from the NFNPA the group will need to elect a new Chairman.

2020/11224 IPLEY CROSSROADS RE-ALIGNMENT – PROPOSALS FOR WILVERLEY JUNCTION

RESUME

Proposals for the mitigation offered at Wilverley and Heads of Terms are awaited. A few legal issues remain unresolved and the project has therefore not yet commenced.

Action
HCC/PG

2020/11225 CROWN FREEHOLD PROPERTIES

DISCHARGE

The revised system for allocating Crown Freehold properties to tenants has been accepted by the Minister and will be implemented as and when properties become vacant. The Deputy Surveyor thanked everyone who participated in the discussions.

2020/11226 A31 CATTLE GRIDS

DISCHARGE

Highways England has now accepted responsibility for all the cattle grids which are constructed on public highway on roads which join the A31.

2020/11227	FOOTPRINT ECOLOGY REPORT – DEVELOPER FUNDING CONTRIBUTIONS AND MITIGATION	RESUME Nov
	<p>The Deputy Surveyor explained that Forestry England has met with the New Forest National Park's Head of Planning, in order to understand how the mitigation strategy works and how FE can tap into funding which will be made available to reduce the impact on the Forest of future developments. Further work is necessary as respects developments outside the National Park, which are dealt with through New Forest District Council's planning team.</p>	Action DS
2020/11228	TRAIL RUN EVENT FROM HOLLANDS WOOD CAMPSITE AND THE VERDERERS CONSENT FOR SUCH ACTIVITIES / REVIEW OF THE MEMORANDUM OF UNDERSTANDING	RESUME
	<p>The Official Verderer and Mr Deakin will review the Memorandum of Understanding between Forestry England and the Court as respects where Verderers consent is required. The Deputy Surveyor said the MoU is quite dated and requires review and updating. The Official Verderer suggested that in the first instance the Verderers should discuss this.</p>	Action OV/RD
2020/11229	GIBBET WOOD	DISCHARGE
	<p>The fencing around Gibbet Wood has been removed and some Coppice of Linwood inclosure fencing repaired. Some materials have been left behind but they will be removed.</p>	
SSSI RESTORATION WORKS		
2020/11230	REPAIRS AND MAINTENANCE LIST / ENHANCEMENT WORKS RECORDING SHEET	RESUME
	<p>The current list was circulated.</p>	
2020/11231	PROTOCOL FOR SSSI CONSULTATION SITE VISITS	DISCHARGE
	<p>A draft protocol for site visits had been circulated. Mr Pasmore was not happy with the list of consultees as there appears to be no local representation, unless a Parish Council member is a commoner. Mr Deakin stated that at least one representative of the Verderers, Forestry England and Natural England must be present. The Deputy Surveyor confirmed that once proposals have been formulated, consultation with the local community including Parish Councils will always take place.</p> <p>It was agreed that once proposals are agreed, final minutes will be produced promptly.</p>	
2020/11232	PONDHEAD	RESUME
	<p>The response to Mrs Tear's presentment is not quite ready. Meanwhile, the Official Verderer will send a holding letter.</p>	Action FE
2020/11233	HABITAT RESTORATION AT WOODCRATES – PHASE 2	Action OV RESUME
	<p>A consultation site visit is being arranged.</p>	

ACTION LIST

2020/11234 ACTION LIST RESUME

The Action List was circulated prior to this meeting.

COVID-19

2020/11235 COVID-19 AND THE IMPACT OF THE VIRUS ON FORESTRY ENGLAND IN THE NEW FOREST RESUME

The Deputy Surveyor gave a brief explanation of the protocol for the occupation of Queen's House and promised to provide the Clerk with a copy. Action DS

The current 'Rule of 6' is meant for social situations. It allows some flexibility in work situations subject to 2m social distancing being observed.

ANY OTHER BUSINESS OF CONCERN TO FORESTRY ENGLAND

2020/11236 BROKEN CONCRETE ALONGSIDE DOCKENS WATER DISCHARGE

Mr Greenwood reported broken concrete alongside Dockens Water, halfway between Holly Hatch Cottage and Splash Bridge and asked Forestry England to ensure it is removed. It was requested that this also be added to the Action List. Action DS

2020/11237 BROKEN BRIDGE AT BLACKFIELD DISCHARGE

Mr Deakin thanked FE for its prompt action in repairing a broken bridge that he reported recently, but added he is unsure of the best way of reporting such problems.

In response, the Deputy Surveyor said reports via email to southern.enquiries@forestryengland.uk is the best way of reporting issues to FE, as this will ensure they are passed to the correct FE team.

2020/11238 HOLLY POLLARDING AT BOLDERWOOD & SHIPTON HOLMES DISCHARGE

It is intended that some fencing will be removed to see how allowing access by animals affects the holly after it is pollarded.

A site meeting was shown the experimental pollarding and coppicing work at Bolderwood Hollies, where the re-growth has been protected by fencing. This fencing has been very effective. Portions of the enclosure will now be thrown open to assess whether or not the re-growth can survive the return of animals. A comparison of areas deer fenced as opposed to pony fenced alone is being made. Similar de-fencing is to be undertaken at the Shipton Holmes experiment. Mrs Westerhoff said she will ask Mr Dave Morris (FE) to provide minutes of the recent meeting, together with a plan. Action DW (DM-FE)

2020/11239 FORESTRY ENGLAND'S DEFECTIVE FENCING RESUME
November

Several issues have arisen as a result of poor Forestry England fencing.

At Wilverley Lodge a pony was caught in wire after it was able to access the private fields where the perimeter fencing was not stockproof. The problems have now been rectified.

Some inclosure fencing at Amberwood and Highland Water was reported to FE to be in a state of disrepair, presenting a significant hazard to stock. Some of the fencing at Amberwood was removed but this is fencing that is required for drifting purposes. FE has promised it will be rebuilt by the time of the drift on Friday 23rd October.

The question of responsibility for fencing which is no longer required by FE to protect trees but has historically formed part of the infrastructure relied upon by Agisters and commoners when catching stock, has still not been resolved. Mr Deakin will contact Mr Jonathan Blanco (FE) again with a view to agreeing a way forward.

Action RD

2020/11240 BRAMSHAW GOLF CLUB

RESUME

Unfortunately, a number of issues have been identified with regard to the management of the golf course. These include stock being allowed to access grass cuttings, a harrow left on Open Forest, quantities of discarded tees and the fencing of greens. Mr Readhead produced a paper setting out the issues which he feels need to be addressed. A copy of the Management Plan and Licence will be circulated to Mrs Westerhoff, Mr Greenwood and Mr Readhead in order that compliance with the conditions contained in those documents can be checked.

DW/JG/DR

2020/11241 INCIDENT ON ASHURST CAMPSITE

DISCHARGE

A letter has been received from a firm of solicitors acting for a young boy injured by a pony on Ashurst Campsite in August 2019. A response is currently being drafted.

Action
OV/Clerk

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2020/11242 STUMP CUTTING AND REMOVAL

DISCHARGE

The Court is keen that whilst HLS funding remains available, as much stump cutting and removal as possible should be undertaken on areas which are, or will be, thrown open. This should apply to thrown open Statutory Inclosures as well as Verderers' Inclosures. The Deputy Surveyor was asked to provide details of areas already complete. He said FE is following the Forest Design Plan which covers work to be undertaken.

Action DS

2020/11243 WHO DOES WHAT IN FORESTRY ENGLAND

DISCHARGE

The Deputy Surveyor undertook to provide the Clerk with up to date details of Forestry England staff and their responsibilities.

Action DS

The Deputy Surveyor and Mr Grugeon left the meeting

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2020/11244 SHOBLEY, PART OF HIGHTOWN HILL, ENCROACHMENT

DISCHARGE

Mrs Westerhoff reported that some fencing remains on the common and animals are being fed. The Official Verderer will ask the New Forest Commoners' Defence Association to write again to the owner of the area of common involved. The Clerk will also write, expressing the Court's disappointment that the encroachment has not been abated, explaining once again that Forest stock must not be fed and that in fact, doing so represents a breach of the Verderers' byelaws.

Action
OV/Clerk

MATTERS ARISING NOT INVOLVING FORESTRY ENGLAND

2020/11245 HYDE TELECOMMUNICATIONS MAST DISCHARGE

Cllr Heron reported that this is almost resolved. The mast should be gone before the temporary licence expires, probably by the end of December. The mast operator is in touch with Natural England regarding the restoration which will be required.

2020/11246 FOREST FRIENDLY FARMING GROUP RESUME
November

The Commoners' Defence Association's paper – 'Principles for future support to New Forest Commoning' was circulated to members of the Court.

The Official Verderer reported that the Chairman of the Group has stood down. The new Chairman is David Bence, from the National Park Authority, with Oliver Cook as vice Chair. The group will be formulating Terms of Reference. The next meeting will be held after the results of Defra's ELMS (Environmental Land Management Scheme) consultation has been published. At that meeting, the next step will be discussed and agreed.

2020/11247 ENGLAND TREE STRATEGY DISCHARGE

Mrs Westerhoff reported that following consultation with members of the Court, she has sent the Court's response to the consultation.

2020/11248 BASIC PAYMENT SCHEME RESUME
November

It is clear that Defra is not doing any more now to fix the reference period. The date when BPS subsidy starts to reduce is approaching. An ELMS should replace it but at present there is nothing for commoning.

Cllr Heron suggested the Official Verderer ask one of the local MPs to facilitate a discussion with the Minister setting out the concerns in the Forest.

2020/11249 STOCK FEEDING AREAS DISCHARGE

The inspections have been completed by the Head Agister, the VGS Administrator, Leanne Sargeant from FE and Jenny Thomas from Natural England. No problems were identified. The VGS Administrator will be asked to send a courtesy note to the CDA as their input is awaited.

Action
RD/TW

2020/11250 KINGSTON GREAT COMMON FENCE DISCHARGE

It is believed the dangerous wire has been removed, for which the Court is grateful.

OTHER AGENDA ITEMS

2020/11251 REQUEST TO DEPASTURE THREE PIGS UNDER LICENCE DISCHARGE

The decision to allow Mr Dominic May to depasture his three sows under licence for the pannage season was ratified.

MATTERS ARISING FROM EXTERNAL COMMITTEES & WORKING GROUPS

2020/11252 RMS ADVISORY GROUP DISCHARGE

Mr Dowsett attended this Group's virtual meeting on behalf of the Court.

The list of achievements was compared against the Partnership Plan.

2020/11253 CONSULTATIVE PANEL DISCHARGE

Mr Dowsett also watched the virtual meeting of the Consultative Panel. The Deputy Surveyor, Mr Steve Avery, Head of Planning at the NFNPA and Cllr Alison Hoare from NFDC all summarised the ways in which their organisations are responding to the difficulties presented by Covid-19.

FINANCIAL MATTERS

2020/11254 FINANCIAL STATEMENT RESUME

The Financial Statements for July and August were noted.

STAFF MATTERS

2020/11255 STAFF COMMITTEE RESUME

The Staff Committee minutes had been circulated.

2020/11256 DRIFTS DISCHARGE

On behalf of the Court, the Official Verderer thanked Mr Deakin and the Head Agister for their work on preparing risk assessments to enable the drifts to take place in a safe way. Mr Deakin thanked the administrative staff for attending the drifts to assist with Track and Trace and for obtaining and taking along essential PPE.

Action RD

2020/11257 POSSIBLE APPRENTICE AGISTER DISCHARGE

This matter has not been progressed due to Covid-19 taking precedence.

Action
RD/JRG

2020/11258 AGISTERS' VEHICLES RESUME

Mr Deakin reported that there have been significant problems with vehicle unreliability and issues with the company which has taken over the firm which originally supplied the Agisters' vehicles. As a result two Agisters' Land Rovers have been off the road for extended periods.

Action RD

2020/11259 CATTLE, TB TESTING & COVID-19 DISCHARGE

In view of the difficulties posed by Covid-19, cattle were not marked at the beginning of this year prior to being depastured. Commoners have been providing their Agisters with ear tag numbers. As a result of the cattle not being inspected by the Agisters prior to turnout, the standard may have dropped in some cases, resulting in more cattle than usual having to be removed from the Forest due to deteriorating condition.

Mr Deakin, Chairman of the Staff Committee, said cattle should be marked this year if at all possible. Additionally, TB testing will be carried out, as

Vets are now undertaking this task. A Covid-19 Risk Assessment is needed for Agisters marking cattle and assisting with TB testing.

Action
RD/JRG

HEALTH & SAFETY

2020/11260 COVID-19: VERDERERS & STAFF

DISCHARGE

The administrative staff continue to work from home, making occasional trips to the office. It is thought this is not likely to change for some time.

ANY OTHER BUSINESS

2020/11261 ATTACKS ON THE PUBLIC BY CATTLE

DISCHARGE

It is believed there may have been a recent incident on Hale Purlieu but no reports have been received. Agister Naphine walked round Hale Purlieu with his dog but the cattle he saw showed no sign of aggression and no interest in the dog.

Mr Deakin said he has been made aware of an incident in which a lady was injured by a cow with a calf. The lady has not formally reported the incident and is taking the view that the incident was her fault and not the cow's. No details of location or the animal involved have been provided.

2020/11262 BEAULIEU ROAD SALES

DISCHARGE

The Livestock Society has regrettably concluded that Covid-19 means it is not possible to hold any sales this year.

2020/11263 FOAL NUMBERS

DISCHARGE

In response to a request by Mrs Westerhoff, Mr Deakin said he will ask the Agisters for this year's foal counts.

Action RD

2020/11264 CALVES BORN ON THE FOREST & VGS PAYMENTS

DISCHARGE

It was agreed that as allowing cows to calve on the Forest is not a breach of the VGS rules, no penalties will be applied. The VGS Committee will discuss any review of the rules when it next meets.

2020/11265 DIONIS MACNAIR

RESUME
November

The Court noted that Miss Macnair has not attended any Court meetings since February. The Court's business in March and April were managed via email and from May onwards via Zoom video conferencing. The Official Verderer was asked to visit Miss Macnair to discuss her situation.

Action OV

The video conference ended at 14:06 hrs with thanks to the Clerk for arranging the meeting in this way.

J. Mannell
21 October 2020