

MINUTES of the Court of Verderers – Wednesday 21st October 2020

At the time of this Court, the UK outbreak of novel Coronavirus, known as Covid-19 continues. Government advises the population to avoid meetings where the disease could potentially be passed from person to person and homeworking is recommended wherever practical. 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	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
	Mr R Manley	DEFRA Appointed Verderer
	Mr A H Pasmore	Senior Elected Verderer
	Mr D Readhead	Elected Verderer
	Mrs D Westerhoff	Natural England Appointed Verderer
ABSENT	Miss D Macnair MBE	Elected Verderer
IN ATTENDANCE ONLINE	Miss S Westwood	Clerk to the Verderers
IN ATTENDANCE ONLINE from Minute No. 11285	Mr Bruce Rothnie Mr Paul Grugeon	Deputy Surveyor of the New Forest Forestry England Land Agent (New Forest)

2020/11266 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on Wednesday, 16th September 2020 were approved and will be signed by the Official Verderer at the earliest opportunity.

2020/11267 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.

2020/11268 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

2020/11269 BYELAW ENFORCEMENT

RESUME

There are no current byelaw infringements.

2020/11270 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.

2020/11271 HAMPSHIRE COUNTY COUNCIL HIGHWAY FENCING

Mr Vanderhoek made a presentment regarding the poor state of much of the Forest's highway fencing that is the responsibility of Hampshire County Council.

In particular, he drew the Court's attention to the fence along the A337 opposite the Cadnam Cricket Ground in Shave Wood. This has now been repaired.

The Verderers and others regularly report to HCC, areas of fencing that need attention. As Mr Vanderhoek rightly says, there is quite an extensive list of fences that require attention. Concerns about the state of highway fencing and the lack of a rigorous inspection regime have been raised with HCC on a number of occasions in recent years. It seems that the financial constraints under which HCC operates means that whilst urgent repairs do get dealt with, albeit not always expeditiously, there is little prospect of a wholesale renewal using the type of fencing that has been erected along the A31, or of regular inspections.

In the meantime, reports of inadequate fencing will be made and followed up wherever possible.

2020/11272 PONDHEAD - RESPONSE FROM FORESTRY ENGLAND TO THE POINTS RAISED IN MRS TEAR'S PRESENTMENT

I am grateful to Mrs Tear for raising this matter with us. As the events took place in 2018 investigating what happened, and why, has taken some time. We have worked closely with Forestry England to provide the answers to the questions raised in the July presentment.

1. to confirm that FE's stated "standard practice" is for top soil and stream beds, NOT peat bogs.

The June response to the Presentment of 20 May 2020 included a method statement for avoiding over-compaction of soils along a machinery access route, where top layers of soil are moved to one side during working practices. This was incorrectly described as 'the standard practice when working in a wet area'. Forestry England's standard practice for wetland restoration projects is to use low ground pressure tracked excavators, rubber tracked dumpers and bog mats (where the ground is particularly wet). If the ground is too wet or heavy rain is forecast, its standard practice is to postpone or suspend work until ground conditions are suitable, to ensure habitats are protected from unnecessary damage.

2. to explain how Natural England's (NE) very clear operational plans to improve the SSSI unit's status, which appeared to be understood and shared by Forestry England (FE) in 2015, were ignored on site in 2018?

The stream restoration works in this area (SSSI Unit 387 – Matley Inclosure Bog) were carried out to improve the condition of the adjacent riverine woodland habitat, which was negatively affected by an over-deepened channel and associated spoil banks. By restoring meanders, raising the level of the stream bed and removing associated spoil banks, the project aimed to increase seasonal inundation and improve interaction with the floodplain.

Natural England's written response to the planning application, dated 10 May 2016, was supportive of the work and stated: "The proposal will deliver benefits to the site (SSSI units 386 and 387 in particular) reversing the effects of artificial drainage."

Forestry England and its contractors take their responsibilities seriously when carrying out wetland restoration works in the New Forest. Before work started at Pondhead, Forestry England had planned to use the south side of the stream for access in SSSI unit 387. However, conditions were extremely wet along parts of the south bank during the works in 2018. Forestry England and its contractors reassessed the options for an access route and made a decision to access the site through the riverine woodland along the north bank of the stream avoiding known features of ecological and archaeological interest. Once the access route on the north bank had been agreed work continued. During a subsequent site inspection visit by the FE officer it became clear that there was ground damage occurring and work was stopped. Unfortunately, by that stage damage to the wetter soils had occurred. After investigating the issues raised in this Presentment, Forestry England acknowledges that its standard practices were not followed in full on this occasion. Notwithstanding the factors present at the time, machines should not have crossed the areas of wet peat soils on the north bank of the stream. Forestry England is reviewing its operational procedures before any subsequent work takes place to ensure this does not happen again.

3. to ensure that FE not be allowed to return to this site to do anything unless or until they specify what and how they are going to access the site and carry out 'repairs' – no more heavy plant in the SSSI Unit bog please!

Any further work carried out at this site will be planned carefully to ensure that no machinery crosses the wet peat soils on the north bank of the stream.

4. to specify under which form of contract these jobs are let between FE and the contractor?

Framework agreement and call-off contracts. The framework agreement is based on the NEC3 Engineering and Construction Short Contract (April 2013).

5. provide FE's officers' daily notes on their interaction with the contractors, (particularly those which give consideration to the bog or NE advice)

A PDF version of available notes is attached (names of individuals have been redacted to comply with GDPR) covering 30/07/2018 to 31/08/2018. Despite searching and having spoken to the relevant officer (who left Forestry England in 2018) Forestry England cannot find any notes either stored electronically or manually from the first week in September.

6. please confirm whether the Verderers who visited the site and found no "cause for concern" saw the gouges out of the new re-meanders, and the newly arrived gravel banks that have pushed off the now exposed pink clay plugs, each of which were clearly visible at the time of their visit? I assume these are what FE wish to return to repair. Visiting the site alone without knowing how it was beforehand is a waste of time

The Verderers who visited the site did indeed notice the matters mentioned in this question. They considered that these were the type of issue that can arise following a restoration and would be satisfactorily remedied through the 'snagging' works which were already planned to take place.

7. to invite Peter Greenslade of NE who was familiar with the site, or an independent, fully qualified ecologist to assess the site

Peter Greenslade no longer works at Natural England. We have appointed an independent ecologist, Neil Sanderson, to assess the site (part of SSSI unit 387). The assessment included identifying the habitat types present along the northern (left-hand) bank of the stream, assessing how the habitats are responding to the stream restoration, and assessing

whether the stream restoration works – particularly machinery movements through the woodland and the placement of hoggin – have caused irreparable damage to the SSSI. The main findings were as follows:

Q1: what habitat types are present along the northern (left-hand) bank of the stream?

Q1 Answer: the north bank of the stream supports a complex floodplain and mire habitat, with twin influences from a strong springline rising on the northern edge of the floodplain, with highly acidic water and flooding from the river, with much less acidic water. This restricts Riverine Woodland habitats proper, with Alder and Ash on alluvial gley soils to a narrow better drained natural levee along the river. The bulk of the floodplain has developed soft wet peat soils fed by the springline to the north. This supports three main vegetation types. There is Aldermoor (the local name for Alder dominated wood on peat), with transitional vegetation from Riverine Woodland to Bog Woodland where the influence of winter floods leads to less acidic vegetation. Further from the river this is succeeded by much more acid Bog Woodland, presumably away from the influence of flooding stream water. Finally, there is a strip of open Valley Bog vegetation along the springline. Due to past coppicing the woodland supports a limited county value lichen assemblage typical of disturbed young growth woodland in the New Forest, as found in the 19th Inclosures.

The complexity of this part of site is not fully described in the Biodiversity Statement (Heath, 2015), with the existence of extensive peat deposits and the Bog Woodland and the associated transitional Aldermoor not described. The scoping survey of the lichen interest over states the lichen interest as a common epiphytic lichen was miss-recorded as a Vulnerable Red List species. Off the area of survey upstream the descriptions of the grassland oddly refer frequently to semi-improved grassland where there are actually rather species rich typical New Forest grasslands.

Q2: how are the habitats responding to the stream restoration?

Q2 Answer: within the Riverine Woodland/Aldermoor complex along the stream the recovery of the vegetation is impressive, despite the extensive disturbance of the works and access way. The vegetation of disturbed and undisturbed adjacent areas are now difficult to distinguish and only slight species differences could be detected occasionally. The speed of this recovery is remarkable and appears to reflect a degree of resilience within the habitat that the author had not fully appreciated. This probably reflects the dynamism of the floodplain habitat. On a brief look at the upstream works, this recovery is much faster than the recovery of the upstream Wet Lawn habitats. Here, although clearly well on the way to recovering, the access routes can still easily be determined from the vegetation.

Q3a: have the stream restoration works, particularly the machinery movements through the woodland and the placement of hoggin, caused irreparable damage to the SSSI?

Q3a Answer: no irreparable damage to the SSSI vegetation could be detected in this survey.

Q3b: has the hoggin used on the access route has created an impermeable layer that will compromise the integrity of the site?

Q3b Answer: there is a substantial amount of hoggin left on site as a now buried access way. As far as could be observed by this walk over survey this access way is now buried below the water at the time of survey, so the water will normally flow over it. There was ponding of water at the surface at the time of survey across the mire well away from the access way to the north and this appears the normal condition of the mire when wet. The mire is naturally ponded against the stream levee, so flow is probably mainly on the surface anyway.

Q3c: where possible, assess the soil profile from points along the 'access route' and in adjacent areas, to assess whether the natural soil profile has been lost or altered irreparably.

Q3c Answers: the natural soil profile has been lost irreparably along the access route but this has had surprisingly little influence on the vegetation, which is responding to the surface water and soil conditions not the depth of the peat.

A copy of the report will be provided to Mrs Tear and be made publicly available.

[question from previous presentment]

What was the original quote for that element of the project and what was the final cost?

The quote for operating costs (including VAT) to carry out all the works under the Pondhead HLS Wetland Restoration Project (Planning Application Number 15/00294) was £255,567. A separate breakdown of costs for this element of the project was not required as part of the quote.

By the end of 2019, the final operating cost (including VAT) for implementing the full Pondhead HLS Wetland Restoration Project, not just the section in question, was £253,062.

ANIMAL ACCIDENT REPORT

2020/11273 THE ANIMAL ACCIDENT REPORT FOR SEPTEMBER 2020

The Agisters attended 13 accidents in September, compared with 12 in the same period last year.

2 ponies, 2 cattle and 1 pig died and 1 pony and 2 cattle were injured.

1 of the ponies which died was wearing a reflective collar.

2 accidents occurred in daylight, 3 at twilight and the other 8 in the dark.

2 drivers failed to report having been involved in an accident.

The total killed and injured to the end of September was 44, compared with 67 in the same period last year.

PRESENTMENTS BY THE DEPUTY SURVEYOR

2020/11274 PANNAGE SEASON EXTENSION 2020

Following requests from both the Commoners' Defence Association and the Verderers, I can announce that I have agreed to an extension of the pannage season this year in response to the quantities of fallen acorns present this autumn.

The pannage season will now close on Monday 21 December 2020, an extension of 36 days. All pigs must be removed from the Forest by this revised end date.

Breeding sows, that is pigs in pig, may be allowed the privilege of remaining on the Open Forest after the end of the pannage season but only if authorised in writing by the Deputy Surveyor for the period specified in the consent.

PRESENTMENTS (received by email)

2020/11275 NEW GATE AND STEPS IN PROPERTY BOUNDARY AT IPLEY Presentment by Mr Mike Eccles, Commoner

Mr Eccles brought to the Court's attention, a new gate and steps hewn out of the bank on the boundary of an adjacent property, to give access to the Open Forest at Ipley Green. Mr Eccles said he wonders if this bank has any historical geological or archaeological merits?

2020/11276 THE VERDERERS DECISION NOT TO MARK CATTLE

Presentment by:-

Ms Debbie Stokes – Practicing Commoner and Cattle Owner

Robert Stride – Practicing Commoner and Cattle owner

Mrs Charlotte Lines - Practicing Commoner

We would like to commend the Verderers and Agisters on their professional and Covid safe approach to the pony drifts this season. We are however at a loss to understand why these now established protocols cannot be applied to cattle marking, which is equally important as pony welfare. It is disappointing that that there was no consultation with cattle owners before the decision was made.

The marking of cattle requires only the owners and the Agister to be present, as well as the Vet if carried out in conjunction with the annual TB test. Social distancing is possible and the procedure on most holdings is undertaken outside.

We are concerned that the cattle will not be subject to the same welfare checks as the ponies. It is imperative that the Agister assesses both the temperament and condition of the cattle at close quarters before they are approved for turnout. In addition, it also gives new cattle owners the opportunity to seek expert advice from the agisters. If cattle will not be marked, what new procedures have the Verderers put in place to ensure only healthy animals are turned out?

We ask that the Court:

1. Re-considers the decision not to mark cattle for 2021.
2. If this decision is not reversed, we ask that the Verderers identify mitigating actions to ensure only animals meeting the DEFRA condition standards are turned out.
3. Provides reassurance to commoners that this will not be a long-term change and that the traditional role of the Agister as marksman is maintained.

CONSIDERATION OF PRESENTMENTS

2020/11277 NEW GATE AND STEPS IN PROPERTY BOUNDARY AT IPLEY

This matter will be discussed with Forestry England but it is thought the bank belongs to the private property.

DISCHARGE
(See Minute
No: 11304
below)

2020/11278 MARKING CATTLE

DISCHARGE

Mr Manley suggested the decision not to mark cattle for 2021 should be reviewed and Mr Deakin welcomed the opportunity to discuss it further.

The presentment was received from the three commoners listed. It is not made on behalf of the CDA.

The Covid-19 situation is deteriorating and the Court feels that unfortunately it is likely to get worse as the winter progresses. After much discussion in the Staff Committee, the decision was made not to mark cattle this year because of the potential risk to the health and safety of the Agister team. Relevant factors include the conditions on commoners' holdings where some have better cattle handling facilities than others and how much assistance a commoner requires. It is felt, however, that it would not be fair or reasonable to discriminate on the basis of what facilities are available or how much Agister help might be needed.

Making a comparison with the drifts, whilst understandable, isn't really appropriate because on the drifts, the Verderers and Agisters have control

of the pound and full PPE is made available every time. On a private holding, control is much more limited.

As respects ensuring cattle are only turned out when their condition is acceptable, it was pointed out that in some cases, many weeks pass between the day they are marked and the day they are turned out. Mr Deakin pointed out that this spring, some cattle were turned out looking well but they then lost condition and had to be taken back in.

The question of whether the Agisters should visually check cattle before they go out was also discussed. Mr Greenwood felt very strongly that cattle should be inspected by the Agister before they are depastured. In the end, it was agreed that Agisters patrolling their areas inspect the stock on the Forest as part of their everyday duties and any animals found to be below an acceptable standard will be removed.

Subject to the consideration of any counter presentments at the November Court, the decision not to mark cattle for 2021 is upheld.

This is not intended to be a long-term decision and we very much hope that it will be possible to return to normal for 2022.

DE-MINIMIS CONSENTS RECORDED AT THIS COURT

2020/11279 DE-MINIMIS CONSENTS APPROVED

DISCHARGE

DM0097 SSE New supply to Eden Cottage, Joys Lane, Norleywood
DM0098 SSE New 2m supply to Wheelwrights Cottage, Bramshaw

MATTERS ARISING FROM THE MINUTES OF PREVIOUS COURTS not of interest to Forestry England

2020/11280 DE-LINKING BPS PAYMENTS

RESUME

The letter to Dr Julian Lewis MP from the Rt Hon George Eustice MP regarding the delinking of BPS payments had been circulated. It was agreed to ask Dr Lewis to facilitate contact with Mrs Victoria Prentis MP.

Action OV

2020/11281 NEW FOREST TOUR BUS ADVERTISEMENT CONTRIBUTION FROM THE VERDERERS

DISCHARGE

The Court's usual £1,000 contribution towards the cost of this advertisement was confirmed. The Clerk reported that other contributors are being sought as several of those who have been able to assist in the past have said they regret they cannot contribute this year.

2020/11282 MARKING FEE REVIEW

DISCHARGE

Mr Deakin proposed that marking fees in 2021 should remain unchanged. Mr Readhead seconded this proposal which was carried unanimously.

2020/11283 STAFF SALARY REVIEW

RESUME

The Official Verderer will arrange a meeting of the Remuneration Committee which consists of himself, plus Mr Deakin and Mr Manley. If any other Verderers wish to participate they are welcome. The Court confirmed it is happy for the committee to make a recommendation, to be ratified at the November Court.

Action OV

2020/11284 AGISTERS' VEHICLES

RESUME
January
2021

The Clerk reported that significant problems are now being experienced with most of the vehicles suffering serious defects. Organising recovery of broken-down vehicles and the supply of loan vehicles (in accordance with the contract) is proving to be complicated and very time consuming due to the appalling service now being received from SHB, which has been taken over by Enterprise.

The current lease-hire agreement does not expire until early 2022 and in view of the difficulties being experienced, it was agreed a sub-committee consisting of Mr Readhead, Mr Dowsett and the Clerk should look at the possibility of ending the contract early. The sub-committee will make a recommendation as to the best way forward.

Action
DR/BD/Clerk

The Deputy Surveyor and Mr Grugeon joined the meeting.

NEW SUBMISSIONS AND OTHER MATTERS RAISED BY FORESTRY ENGLAND

2020/11285 RENEWAL OF THE CROWN LANDS WAYMARKED CYCLE NETWORK

RESUME

An application for the renewal of the Verderers' consent for the Waymarked Cycle Network for a further two years has been received from Forestry England.

Mr Pasmore drafted a paper, in which he again raised the continuing and widespread issue of off-track cycling and the lack of any enforcement. He suggested a possible way forward for FE to invoke its byelaw which forbids cycling on the Forest except on the waymarked cycle network.

The Court supported Mr Pasmore's argument that something needs to be done to control off-track cycling which is out of control. Members of the Court expressed their frustration at the apparent lack of action on behalf of FE and it was widely agreed that without an action plan for tackling the problem, the Court will be very reluctant to consent to the continuation of the waymarked cycle network.

In response, the Deputy Surveyor agreed there has been a significant escalation in off-track cycling, particularly this year when the public were encouraged to exercise locally during the pandemic restrictions.

The Deputy Surveyor went on to say there may be opportunities through mitigation funding to bolster the staff resources which are essential if the varying issues affecting the Forest are to be satisfactorily tackled. This is yet to be tested as an appropriate call on these funds which are deployed by the relevant Planning Authority.

The Court decided to hold back any decision on renewing its consent for the Waymarked Cycle Network until the November Court. Meanwhile FE will prepare a plan for a focussed campaign to intercept off-track cycling.

Action
DS

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

2020/11286 COMMERCIAL DOG WALKING

RESUME
January
2021

The Deputy Surveyor said FE is continuing to look at options for how it could licence commercial dog walkers. He is hopeful a way forward will be clearer shortly. It was agreed that there are some very good dog walkers but also

some who just arrive in a car park and release a pack of dogs which are allowed to run amok, causing various problems. It is agreed that a licencing system will have a number of advantages, including ensuring that licensees have relevant insurance and place a limit on the number of dogs that they can reasonably be expected to control. This will benefit dog owners as they will be confident their walker is responsible. It will also benefit the Forest by ensuring there are fewer out of control dogs.

Action DS

2020/11287 BURLEY GOLF CLUB LICENCE RENEWAL

RESUME
December

The Golf Club has made some requests for changes to the course. Therefore, before a new licence can be approved, a site meeting will be needed. Mr Grugeon was asked to arrange this.

Action PG

There is concern that there are increasing pressures on the Forest Sports Clubs to become commercial and to compete with private facilities. The result can be that they become significantly more detrimental to the Forest than they are currently. Whilst it is understood the income from Sports Club licences is of significant interest to FE and it may provide for additional Forest management resources, the effects on the Forest of intensification of use by Sports Clubs is not beneficial to the Forest.

2020/11288 BROOMY PLAIN ROAD PASSING PLACE SIGNAGE

RESUME

The HCC Road Safety Audit Stage 3, made the recommendation to continue to monitor the scheme and did not stipulate that signage is needed on each passing place. Members of the Court are concerned at the detrimental impact signage will have on the landscape, particularly as such signs have to meet Dept of Transport specification. Concern was also expressed that the provision of signs might encourage drivers to race to the next passing place and thereby actually increase the risk of collision, whether with other vehicles or potentially Forest stock.

One suggested solution is signs at each end of the scheme advising motorists that there are passing places ahead at regular intervals and a post with reflectors at each passing place. It was agreed a site meeting should be requested with Mr Martyn Milner of HCC. Mr Dowsett and Cllr Heron will attend for the Court, together with Mrs Jayne Albery from FE.

Action
BD/EH

2020/11289 BT PROPOSAL FOR THE PROVISION OF BROADBAND FIBRE SPINE AT EAST END

RESUME

The Clerk advised BT that the Court cannot approve a proposal that includes a large number of new poles without a presentment. This communication was acknowledged but nothing further has subsequently been heard.

Cllr Heron has obtained per metre costings for the various options and it is clear that putting a duct under a metalled highway is extremely expensive.

The Court is unsure whether the suggested option to place the duct under the verge has actually been pursued with Natural England. Mrs Westerhoff offered to ask NE if it has been asked about that option.

Action DW

The Court remains of the view that if the pole option really is the only one available, because of the detrimental effect it will have on the landscape, BT will must submit its proposal by way of a formal Presentment.

2020/11290	SPECIAL BY DESIGN	RESUME
	<p>The Official Verderer reported on the current position. Discussion is currently taking place concerning what should go on Forestry England's 27 new gateway signs. The signs will be in the form of a ladder board similar to the current design and the bottom board is available for messages/logos. To date, the Special by Design group, has been unable to reach agreement on what should be on the boards. Discussions continue. The Court suggests that the most obvious and most needed sign is one which alerts the public to the fact that they are entering an area where there is free roaming stock. Furthermore, consideration should be given to the messages on these signs being changeable, to react to current conditions.</p>	Action OV
2020/11291	MINSTEAD CRICKET CLUB LICENCE RENEWAL	RESUME
	<p>The Parish Council holds the licence for this ground. It has a meeting on 2nd November after which a proposal will be brought to the Court.</p>	Action PG
2020/11292	RECREATIONAL PRESSURES – PROPOSED PUBLIC SPACE PROTECTION ORDER (PSPO)	RESUME December
	<p>The Deputy Surveyor had nothing further to report.</p>	Action DS
2020/11293	REVIEW OF THE MEMORANDUM OF UNDERSTANDING	RESUME December
	<p>Mr Deakin said he has read through the MoU and can find nothing that relates to the type of activity for which the Court felt its consent is required. It was agreed the MoU is out of date and needs to be revised.</p>	Action DS/OV/RD
2020/11294	IPLEY CROSSROADS	RESUME
	<p>The suggestion to take up a small area of tarmac at the junction near to Wootton Bridge was accepted in principle. However, the Court requested a formal, detailed proposal be made by HCC in order to ensure there is a proper record of what is agreed. Mr Grugeon will go back to HCC and request this is provided for the next Court.</p>	Action PG
2020/11295	FORESTRY ENGLAND FENCING	RESUME
	<p>Mr Deakin said that he has spoken to Jonathan Blanco but they really need a face to face meeting round the table with the large maps. This is difficult to achieve because of the Covid-19 situation. The Deputy Surveyor said he would see whether he can find a means by which this could be progressed in a Covid secure way.</p>	Action DS
2020/11296	BRAMSHAW GOLF CLUB	RESUME
	<p>A meeting with the Golf Club has been arranged for 4th November at 10.30 a.m. on site. Mr Grugeon responded to the question of whether the Club has been sold by stating the rent is still being paid by Brook Enterprises.</p>	Action Those attending
SSSI RESTORATION WORKS		
2020/11297	REPAIRS AND MAINTENANCE LIST / ENHANCEMENT WORKS RECORDING SHEET	RESUME
	<p>The current list was circulated.</p>	

2020/11298 WOODCRATES 2 DISCHARGE
This has been postponed until 2021. FE will bring it back to the Court in due course. Action DS

ACTION LIST

2020/11299 ACTION LIST RESUME
The Action List was circulated prior to this meeting.

2020/11300 GIBBET WOOD DISCHARGE
A 50 yard stretch of fence has not been done and some posts have been left on the ground. The Deputy Surveyor said he will check what is happening and ensure the work is finished. Action DS

COVID-19

2020/11301 COVID-19 AND THE IMPACT OF THE VIRUS ON FORESTRY ENGLAND IN THE NEW FOREST DISCHARGE
The Deputy Surveyor reported that Queen's House remains closed with staff working from home as much as possible. Short visits to the offices may be made when essential for tasks that cannot be done from home.

ANY OTHER BUSINESS OF CONCERN TO FORESTRY ENGLAND

2020/11302 BT PROPOSALS & THE DE-MINIMIS SYSTEM DISCHARGE
Problems are being encountered when BT submits minor works that can be approved by the de-minimis system but then adds to them, resulting in proposals that far exceed what should be approved under the system. There are also issues with BT's site surveys which are often incomplete and result in multiple site visits being required.

Mr Alex Orttewell, FE's Consultant Land Agent who deals with the Utility Companies is talking to BT about improving its surveys and how it manages larger schemes.

As many BT proposals cover ducting/cabling over 50m, the Court authorised the de-minimis committee to now deal with submissions for utilities up to 100m in length providing no new poles are included.

2020/11303 POSSIBLE FENCING OF DIBDEN INCLOSURE RESUME
Natural England's response is positive and is welcomed. Discussions are now needed to consider practical issues in the hope that a workable solution can be found. Mr Deakin and Mr Readhead will look at the paper from Natural England and report back to the Court. The DS will review the possible line of the proposed fencing and will arrange a site meeting. Actions RD/DR DS

2020/11304 NEW GATE AND STEPS IN PROPERTY BOUNDARY AT IPLEY DISCHARGE
Reference was made to this morning's presentment by Commoner, Mr Mike Eccles. Mr Grugeon said he is aware of the new gate and steps and if it is a new access, discussions with the property owner will take place regarding an access licence. See also 2020/11277

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2020/11305 BROOMY PLAIN ROAD PASSING PLACES MITIGATION – CONCRETE REMOVAL ON STONEY CROSS RESUME

It was thought that as part of the mitigation for grazing and vegetation lost as a result of the construction of the passing places on Broomy Plain Road, the concrete stub ends of the old runways were to be taken up. This does not appear to have happened and Forestry England is asked to provide a report on the exact position. The Deputy Surveyor recalled that the survey identified all areas of concrete that have lower heritage interest and could be removed at some point, but only part of that total area was required as mitigation and the areas agreed for the Broomy Plain Road works were completed.

Action DS

2020/11306 RESTORATION OF TURF HILL RESUME

A very fine job has been done on restoring two areas on Turf Hill but an area of 7 to 8 acres in between has been left out. The Deputy Surveyor undertook to find out why.

Action DS

The Deputy Surveyor and Mr Grugeon left the meeting

2020/11307 CYCLING DISCHARGE

Members of the Court expressed disappointment at FE's lack of any plan for tackling off-road cycling. It is hoped the Deputy Surveyor will bring forward a paper for discussion at the November Court in order that the Verderers' can give consent for the continued use of the Waymarked Cycle Network.

The Court is keen to make it clear that it is not anti-cycling per se but it is anti-cyclists who break the rules and cycle off the waymarked network because of the damage and disturbance such cyclists often cause.

The waymarked cycle network covers some 100 miles on Crown Land, plus there are many more miles of bridleways and small lanes. It was pointed out that a number of bridleways terminate on Open Forest which is a problem. Cllr Heron suggested that if cycling can be properly controlled, consideration could be given to extending the present network.

MATTERS ARISING NOT INVOLVING FORESTRY ENGLAND

2020/11308 REGULATION OF DEPASTURED STOCK NEXT STEPS. REVIEW OF THE VERDERERS' BYELAWS RESUME
December

The Official Verderer said he would like to ask Defra to draft two new byelaws, one stipulating the minimum age calves may run on the Forest and the other concerning the minimum age that young animals without their mothers may be on the Forest. The latter byelaw is felt to be non-contentious.

A detailed discussion took place regarding the minimum age for calves with differing views being expressed. If passed, such a byelaw would have a significant effect on how some commoners manage their herds. This has to be balanced against the risk to the public from cows with baby calves, when the cows can be very protective. It is noted that some commoners

have already taken steps to alter their herd management to avoid calving on the Forest. Others have found that very difficult to achieve.

At this point the Court adjourned for lunch.

Mrs Westerhoff, Mr Greenwood and Mr Readhead gave their apologies as they were unable to return to the meeting.

The Official Verderer asked for a show of hands by those in favour of the principles behind the proposed byelaw and of asking Defra to proceed with drafting the revised byelaws. Mr Deakin, Mr Greenwood, Cllr Heron, Mr Pasmore and the Official Verderer all indicated they would like Defra to proceed. Mr Manley voted against. Once the wording of the byelaw has been finalised a further debate can take place to decide whether to proceed with formal consultation.

Action OV

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2020/11309 SHOBLEY, PART OF HIGHTOWN HILL, ENCROACHMENT

DISCHARGE

Mrs Westerhoff reported that some fencing remains on the common, along with some feed buckets.

The Official Verderer said he has been in touch with the CDA, which will be writing to the owner of the property again. A further letter will be sent by the Court.

Action
OV/Clerk

HIGHER LEVEL STEWARDSHIP SCHEME (HLS)

2020/11310 HLS BOARD MEETING

RESUME

A board meeting is due to be held in November. The list of areas for stump removal and dealing with ridge and furrow will be discussed.

The Official Verderer said he hoped the HLS will be rolled over for another year.

VERDERERS GRAZING SCHEME (VGS)

2020/11311 VGS MEETING

RESUME

There is a VGS meeting on Wednesday 28th October 2020

MATTERS ARISING FROM EXTERNAL COMMITTEES & WORKING GROUPS

2020/11312 FUTURE FOREST GROUP

DISCHARGE

The results of Defra's ELMs consultation is awaited.

The new Chairman of the FFG is David Bence and the Vice Chair is Oliver Cook.

2020/11313 RECREATION MANAGEMENT STRATEGY STEERING GROUP – VERGE PARKING

RESUME

HCC's paper was not particularly helpful and indicated the County Council is unwilling to assist with the verge parking problems, citing the cost of implementation and enforcement as the reason. HCC is, however, happy

to delegate the issue to the NFNPA. The Official Verderer has therefore sought the advice of a transport planning consultancy in Basingstoke. Action OV

2020/11314 RECREATION MANAGEMENT STRATEGY ADVISORY GROUP DISCHARGE

Mr Dowsett attended the last meeting which discussed the same topics as the steering group. The Official Verderer said he will circulate a draft 'infographic' which is being created, on the benefits and impacts of recreation. He added that he feels some of the wording in the draft is too woolly. The wording of the negative impacts needs to be definitive and more punchy. The Official Verderer and the Clerk have therefore suggested some significant improvements to the draft. Action OV

FINANCIAL MATTERS

2020/11315 FINANCIAL STATEMENT RESUME

The Financial Statement for September was noted.

STAFF MATTERS

2020/11316 STAFF COMMITTEE RESUME

The Staff Committee minutes had been circulated.

HEALTH & SAFETY

2020/11317 COVID-19: VERDERERS & STAFF DISCHARGE

The administrative staff continue to work from home, making occasional trips to the office. It is thought this is unlikely to change in the foreseeable future.

2020/11318 CATTLE AND THE PUBLIC DISCHARGE

Mr Deakin reported another incident which has occurred since the last Court involving a cow and young calf at Wootton. Fortunately, the family involved are commoners and understand cattle and they were able to drive the cow away but only with difficulty.

2020/11319 DRIFTS DISCHARGE

The drifts end next week. With some exceptions, from the pony catching aspect, the drifts have been fairly successful. On the Covid side of things, the precautions put in place have worked well. Mr Deakin thanked all those Verderers and staff who have found time to help.

ANY OTHER BUSINESS

2020/11320 MISS DIONIS MACNAIR RESUME

Miss Macnair was noted as present at the March and April Courts which were managed by email and post. May was the first time the Court was held via Zoom, in which Miss Macnair did not participate. Courts since May have all been via Zoom. Despite offers of assistance and the provision of papers by post, Miss Macnair has stated she is unable to embrace the technology. She has therefore, been recorded as having tendered her apology or noted as absent. Either way, Miss Macnair has not participated

MINUTES of the Court of Verderers - Wednesday 21st October 2020

- in the business of the Court for the past 6 months. The Official Verderer will now visit Miss Macnair to discuss her future as a Verderer. Action OV
- 2020/11321 NEW FOREST NATIONAL PARK AUTHORITY CHAIRMAN DISCHARGE
- Professor Gavin Parker has been appointed Chairman of the NFNPA. The Deputy Chairman is Patrick Heneghan. It was agreed that the Official Verderer should invite Prof. Parker to sit in on part of a Court meeting. Action OV
- 2020/11322 RE-APPOINTMENT OF THE NEW FOREST NATIONAL PARK AUTHORITY'S APPOINTED VERDERER DISCHARGE
- The Official Verderer was pleased to announce that Cllr Edward Heron has been appointed for a further year, until October 2021.
- 2020/11323 COMMERCIAL DOG WALKING DISCHARGE
- The Court feels that commercial dog walking is an activity rather than a 'facility'. The need for its consent is, therefore, possibly questionable.
- 2020/11324 HIT & RUN REWARD SCHEME / RTA - PUBLICITY DISCHARGE
- Mr Manley said that regrettably he has been unable to interest BBC South in a filmed interview.
- The Clerk reported that the NFNPA, on behalf of the Animal Accident Reduction Group, is about to issue a press release, warning drivers of the additional risk of accidents with commoners' stock after the clocks change this coming weekend. The press release is circulated widely and it is hoped one of the news channels will pick it up and seek an interview.
- 2020/11325 MR READHEAD'S ZOOM CONNECTION DISCHARGE
- As Mr Readhead's Zoom connection is so unreliable, the Clerk will ask whether he would appreciate some technical assistance from the Court's IT Managers, IT Computers. Action Clerk
- 2020/11326 YOU TUBE DISCHARGE
- Cllr Heron encouraged the Official Verderer to consider recording a video of him reading his announcements and decisions. The OV said he will give the suggestion further consideration. Action OV

The video conference ended at 14:38 hrs with thanks to the Clerk for arranging the meeting in this way.

John Manley
18 November 2020