

**MINUTES of the Court of Verderers held on 16th March 2022 at 9.30 a.m.
in the Verderers Hall, the Queen's House, Lyndhurst**

PRESENT	Lord Manners	Official Verderer
	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	Mr A B Dowsett	Forestry Commission Appointed Verderer
	Dr G Ferris	Co-opted Elected Verderer
	Mr R Stride	Elected Verderer
	Mr A H Pasmore	Senior Elected Verderer
	Mr D Readhead	Elected Verderer
	Miss A Sevier MBE	New Forest National Park Appointed Verderer
	Mrs D Westerhoff	Natural England Appointed Verderer
	Mr R Manley	DEFRA Appointed Verderer
IN ATTENDANCE	Miss S Westwood	Clerk to the Verderers – to Minute No. 17178
	Mr C Harrison	Deputy Surveyor
	Mr P Grugeon	Forestry England Area Land Agent
	Miss J Bayley	Assistant to the Clerk - from Minute No. 17179
APOLOGIES	None	

OPEN COURT

Agister Robert Maton opened the Court with the usual proclamation

ANNOUNCEMENTS & DECISIONS

2022/12131 WELCOME

I would like to take this opportunity to welcome you all back to our first Open Court in the Verderers' Hall since March 2020. Thank you for coming. Although life will never be quite the same again, I hope that we will be able to continue to hold all our Open Courts here where they should be held.

When the Court moves into committee at the end of the Open Court today, we are going to hold our meeting here in the Hall rather than in the rather cramped confines of the library in Queen's House. Therefore, once the Court is closed, I ask that people vacate the Hall promptly, so that we can move swiftly into committee.

2022/12132 USING BEHAVIOURAL INSIGHTS TO ASSIST THE MANAGEMENT OF PEOPLE AND ANIMALS IN THE NEW FOREST (SARAH MORRIS)

I would like to thank Sarah Morris for her most interesting presentment on using nudge techniques.

We and Forestry England are keen to learn more and we are setting up a meeting to understand how these techniques might best be deployed in the Forest.

2022/12133 BRAMSHAW CELEBRATORY TREE PROTECTIVE FENCING

We have considered carefully Bramshaw Parish Council's presentment seeking consent for a much larger tree protection enclosure on the Open Forest. We noted that it is larger than those used successfully in Pound Lane Burley. We have made a number of suggestions to Bramshaw Parish Council whilst making it clear that the Verderers will not consent to the larger enclosure.

2022/12134 TALLY HO RESTAURANT SITE ON THE A31 AT STONEY CROSS

At our last Court, Mrs Gray asked whether something could be done about the eyesore that is the site of this former restaurant. Regaining legal and physical control of this site has been difficult and time-consuming to achieve. However, I am glad to report that the site has been cleared and the area fenced. In due course, we hope it will be brought into the Forest. I am sure that we are all grateful to the various organisations responsible for this challenging task including the Police, Forestry England, England Highways, the National Park Authority and New Forest District Council.

2022/12135 NETWORK RAIL COMPENSATION LAND AT NORLEY WOOD

No objections were received in respect of the presentment made on behalf of the Deputy Surveyor at our January Court, to exchange an area of land at Woodfidley, for a parcel of land at Norley Wood. The land is required by Network Rail for an essential extension to a trackside substation. The Verderers therefore gave consent for this land exchange.

2022/12136 VISIT BY LORD BENYON

Last Thursday, on the joint invitation of the Verderers and the National Park Authority, we welcomed Lord Benyon, Parliamentary Under Secretary of State at the Department for Environment, Food and Rural Affairs, on his first visit to the Forest since becoming once again, a Government Minister. We visited a commoner's holding and walked him around Acres Down where he was shown some examples of the extra ordinary biodiversity of the Forest. A visit to Fletchers Thorns followed where he was very impressed with the quality of the stream restoration which he had first seen shortly after it was completed. Lunch at the Verderers Hall followed where he met a range of people involved in commoning and the management of the Forest including representatives from the Forest Farming Group. I am confident that the Minister well understood the importance of commoning to delivering and maintaining the biodiversity of the Forest. I am hopeful too that our discussions about the shape of a future Environmental Land Management Scheme for the Forest will result in a scheme that both fits and benefits the unique needs and characteristics of the Forest.

PRESENTMENTS

The Official Verderer reminded those attending that presentments should be: (1) relevant to some aspect of the New Forest or its management and (2) brief and (3) phrased in moderate language. Whether or not a presentment complies with this regulation shall be at the discretion of the chairman. Persons wishing to expand on their brief presentments may do so in writing, copies of which will be available for inspection. All persons making presentments are requested to hand written copies to the Clerk.

2022/12137 NEW DEVELOPMENT & BACK UP GRAZING

Presentment by Mr Mike Eccles, on behalf of the New Forest Commoners Defence Association

Background

The impact of new build development on sites designated as protected must be recognised in all proposals that are subject to Local Authority planning permissions. These impacts must be addressed in line with Regulation 63 of the Conservation of Habitats & Species Regulations 2010 (as amended).

In 2018 new European case law tightened the requirement to consider the potential impacts of development where there is significant uncertainty around what the impact on the environment might be. In particular, the tightening of the rules has meant that the wastewater implications (nutrient discharge) of new development should be assessed & mitigated – even if there remains uncertainty over the scale of additional discharge.

It is Natural England's view that there is a likely significant effect on several designated sites (Special Protection Areas, Special Areas of Conservation & Ramsar sites) due to the increase in wastewater from the new developments coming forward. One way to mitigate the likely significant effect is through ensuring development is 'nutrient neutral' (ensuring that no additional nutrients [Nitrate & Phosphate] enters the water environment).

The Impacts on Commoning

In practice this has seen an increase in developers across the Solent area (including the New Forest) buying land for mitigation purposes, larger landowners are setting aside land (taking it out of agriculture use) so they can sell nutrient credits to developers.

This has led to back up grazing being lost for commoning use, whilst we are not fully aware of the scale of this problem we are concerned that in an area where land is at a premium in terms of quantity & affordability this could have a significant impact on the Commoning community.

In addition to land use changes for nutrient mitigation we are also aware of cases where back up grazing has been lost due to planning policy requirement for Biodiversity Net Gain, we also have concerns that soon we will also see land use change to offset carbon emissions.

Whilst we understand the need to address the nature & climate emergency we ask that it is not at the expense of Commoning & urge the members of the court to consider this matter with some urgency entering into dialogue with the planners at NFDC, NPA & other neighbouring LPA authorities to ensure back up grazing can be safeguarded through Local Plan Policy.

2022/12138 FALLEN TIMBER

Presentment by Mr Mike Eccles on behalf of the New Forest Commoners Defence Association

The recent storms have seen a significant number of trees which have fallen in the forest, including many on verges and across tracks.

We are aware that there is a policy between FE, NE and the Verderers that ensures those trees which have fallen across tracks used for animal management purposes can be removed, with the rest left in situ.

We are asking that this policy is revisited in light of the volume of fallen timber in recent months.

Not only is some of the fallen timber dangerous (animals can step out from behind large trees and tree butts on to the road) but we feel that more timber could be supplied to local craftsman, local log suppliers and sawmills at no detriment to ecosystems which rely on wood decay.

We are aware that some local log suppliers and rural craftsman have to source wood from as far afield as Kent and Essex. Having a sustainable supply chain locally would have multiple benefits, not only would it help support the local economy, but it would also reduce carbon emissions from the reduction of transportation.

We ask the court to give careful consideration to this and that a suitable way forward can be found which offers sustainable and pragmatic solutions.

2022/12139 THE DISAPPEARANCE OF THE NEW FOREST (PERAMBULATION)
Presentment by Mrs Margaret Tillyer

'I am Mrs Margaret Tillyer and courtesy of my family who do the work I am still a practising Commoner. I am here today because I am being increasingly saddened by the disappearance of the New Forest – no, not on the ground, but on paper.

I have here a very useful handbook version of the Ordnance Survey map of the New Forest but nowhere does it define the perambulation of the New Forest – it defines only the boundary of the National Park.

The best map I know of for showing the perambulation is one that was produced around 2008 and showing the Agisters' Areas. This appears to have been created in junction with the then Forestry Commission.

I am wondering if this map could be re-issued in conjunction with the Verderers as a helpful and positive reference to the actual perambulation in its own right. Hopefully commercial copies could be produced and sold to Commoners and any other interested people as a way to keep the identity of the true New Forest alive. Thank you.'

2022/12140 ANTI SPEEDING OPERATIONS IN THE NEW FOREST
Presentment by Mrs Gilly Jones, New Forest Roads Awareness

'Good morning Official Verderer, Verderers. After last month's Court, I would like to take the chance to update you all on the anti speeding operations going on within the New Forest.

With my NFRA hat on - Years ago we started to raise the profile and try to get recognition of livestock RTAs. We feel our work has shown results. Social media and working with mainstream media, has raised Livestock deaths to now becoming headline news.

Due to the work of PCSO Williams and PC Peverill, with the support of Chief Inspector Helen Andrews, we have created Op Mountie to reduce the amount of animal accidents on the B3078 Roger Penny Way. That now includes cars impounded, breath tests and drug swipes, which show there are many driving offences going on. We have had many operations on the B3078. From 6am starts to 10pm finishes, we have tried to be there as much as we can. Hants Police Roads Policing Unit has also been a main stay. 86 drivers have been stopped. 18 tickets have been given out. 71 drivers have been given education on why their speed is unacceptable for the road. The speed camera van, that you part fund, has caught 112. 3 cars have been seized.

Op Mountie has now been thrown Forest wide and we hope we can update you all on how that goes.

The NFNPA, FE and NFDC and the Agisters have attended these ops as partners and help give the education, without which, the whole thing would not work. Whether it is company vans, from people that turn out, or locals who should know better, or the standard line of 'I know where the ponies are' I think we have heard it all.

We are lucky that we have a great team as part of the AARG and now to have these agencies working together is a boost, and has worked on other things, but there are drawbacks. One or the other of us will post on social media, which now gets picked up by local media. Trolling can start, be that on social media or in person. I can give you another example, I have been abused outside my field and been called scum by a local resident, after throwing my hands up in the air after he sped past a donkey in the road at speed and no space given. Seeing this he stopped and reversed back to give me that gob full. I think what I am aiming at is, there are a small amount of people who work hard, some too hard personally, trying to help solve Forest issues. We all know that FE and the NPA do not have enough staff to be everywhere at all times. I would like to see all the staff have some sort of recognition, because it's a hard and thankless job.

If I want to be honest, on a personal note, after 10 years of this, I have almost hit burnout, and have no idea how, for my own sanity, I can keep going forward, after demands on me to 'do' things for people, that they could do themselves is wearing. What can be done? It would help if everyone opened up, explained who is responsible for what, who does what and made the general public's access to them easier, because I do think the most people do what they could do to help in one way or another, but they just have no idea what is going on sometimes.

I have within my rant digressed, and I will go back to livestock RTAs. March 4th 2019, I changed the numbers on the boards on the B3078 to 32, in 2022 to date it's 15. Still not great in any way shape or form, but is at least lower.

New Forest Roads Awareness CSW and Op Mountie are continuing, and I am happy to keep you updated.' In the words of Sgt Dave Hazlett, Road Safety Officer for Hampshire & Thames Valley Police "We can't be everywhere but we can be anywhere".

2022/12141 DAMAGED GATE ON EXBURY ROAD, BLACKFIELD
Presentment by Mrs Alison Tilbury, Commoner

Mrs Tilbury reported that at the beginning of March the gate on Exbury Road at Blackfield was temporarily repaired by local commoners, following damage caused when a vehicle was driven through it. An extensive length of fence was also involved. The Court was asked to get onto Hampshire County Council Highways requesting permanent repairs before animals get out of the Forest and an accident occurs.

2022/12142 BURLEY PARISH COUNCIL TREE PLANTING PROPOSAL IN
COMMEMORATION OF H M QUEEN'S PLATINUM JUBILEE
Presentment by BPC Cllr Robert Clarke FRICS

Following the Official Verderers' earlier remarks about the acceptable length of presentments, Mr Clarke did not make his presentment in full. It was however, provided in writing as follows:-

Personal Introduction

Good morning. Thank you for this opportunity to speak personally today on behalf of Burley Parish Council in response to the Official Verderer's letter of 22 January - and also the relevant Court minutes.

Whilst I recognise many of you here today, this is my first 'Presentment' and I'm sure some of you at least, may not recall meeting me before. Please allow me, therefore, to introduce myself initially and help you understand what I intend to explain to you. I am Robert Clarke, a permanent resident in Burley since 2003, Clerk to the Parish Council for 5 years from 2005 and Cllr. from 2010 - since when I have been principally responsible for Planning & Tree matters that come our way.

I like to think I bring a very wide-ranging, professional property background to our team of cllrs. headed by our chairman, Philip Daubeney, who is here supporting me today.

My intentions & purposes this morning are: -

1). To thank you for your Consent to our application to plant 10 further replacement oak trees in Pound Lane, subject, of course, to conditions - with which we are familiar following our planting of 6 similar trees there in 2018 .

2). To apply for your formal Consent to the planting of a single oak tree on the site identified in Cott Lane Burley (as we were invited to do in the OV's letter of 22 January) for the principal purpose of Burley villagers' commemoration of Her Majesty's Platinum Jubilee.

3). To seek to persuade you to think again about granting consent for planting the full 12 trees identified in our original application for that commemoration purpose - but also to demonstrate Burley villagers' recognition of the current plight of our mature Open Forest trees.

Consequently, I have these further sentiments & information for you to consider: -

(However, I think I should warn you that the detailed points made by Lord Manners do seem to demand some detailed responses from us now)

So Firstly, I want to express our appreciation of your understanding & positive reception of our plan for further tree planting in Pound Lane and your ensuing Consent, whilst also acknowledging the very considerable help given to us by Forestry England people in this regard. I only wish to follow this by confirming that Natural England have now duly given their approval to this work, which should be executed shortly. But this can only be part of an ongoing process for the Lane.

Secondly. I'm here to make the suggested application for your consent to planting a single c. 2m-high English oak (*quercus robur*). This in all other respects is like our initial 12-tree original application on the Jubilee commemoration site identified off Cott Lane, Burley. That was submitted here on our behalf by Leanne Sargeant of Forestry England on 20 January 2022. I'm assuming at this stage that you will not require further paperwork in that respect. But you must surely recognise the danger in putting one's faith in a single small tree.

Your response has firmly indicated that we should look "...to plant on the Open Forest only if there is no other suitable location on Parish or private land." After further reflection, however, we do hope you will understand that such planting would not be a viable or appropriate alternative for us because: -

A. Our entire village is within the Open Forest with nothing to prevent any Commoners' animals roaming through the village centre whenever they so desire. Consequently, we only have Crown Land here in the form of roadside 'Forest Waste' or open forest that may be easily visited.

B. And the only site actually owned by BPC is one purchased from HCC in 1999, (behind the Fire Station), which is let & used as a Pre-School Day nursery, to which public access may not legally be allowed for other purposes.

C. The planting is intended to be a very public gesture of the villagers' sense of loyalty to her Majesty and appreciation of our monarch's long reign. Consequently, BPC cllrs believe we must be as sure as possible that this tree planting measure will remain visibly accessible and approachable, in the same manner as our 1977 Silver Jubilee copse, which this latest planting is intended to adjoin & extend i.e. next to the Burley Cricket Ground car park.

And, who knows, a member of the Royal Family may wish to inspect our planted tree when a visit is next planned to the New Forest. BPC will certainly be confirming this

tangible token of appreciation when we write our customary letter of congratulation & good wishes to HMQ closer to 2nd June. (but I can't now help thinking - how much better it would be to have a proper copse to inspect – and see all it will stand for – but more of that in a moment)

Such notifications do not go unrecorded in the Royal Household. This probably explains why Her Majesty is always so well briefed if it is ever organised for you to meet her...

D. Planting Commemorative Trees has been a recorded Burley tradition for at least 125 years. You'll see that we have photos to confirm that. And only once, apparently, has a single tree been planted on private land in the past (in commemoration of King George VI's 1937 coronation) but consequently BPC couldn't retain control or input on the way the tree is managed.

E. At this point I should point out that village youngsters have always shared in the ceremonial process – as the photographs confirm.

We plan it will be likewise in 2022, with the involvement of children from the Primary School opposite our proposed site and the Scouts HQ, further along Cott Lane.

But this time we are looking to involve these youngsters more closely over the longer term to help us monitor the continued well-being of the young trees, at least over the early post-planting stages.

We know they all understand the important role performed by trees in helping to counter-act Global Climate Change and believe there is much to be gained in seeing what it takes in getting them fully established i.e. how their planting failure rate can be minimised.

So thirdly then: We still earnestly believe that at least 12 initial tree plantings will ultimately be required to provide an adequate copse as a sincere long-term gesture within the many acres comprising the 'Open Forest'.

I now make the following points to cover those you have raised - and pose some questions for you: -

F. Burley villagers wish to be seen by our monarch, and the wider British public, as honouring the very long & outstanding service of Her Majesty to this country, knowing that She herself wishes to see the occasion taken as a real opportunity to increase the tree cover of our country to a generous and meaningful extent.

Is that not then a reasonable aspiration for any NF villager? And one worthy of encouragement?

G. The Verderers "are concerned to preserve the grazing and vegetation which is vital for the stock and delivers other ecological benefits". But surely the same at least could be said of the way our open forest broad-leafed trees function? Just look at Pound Lane!

H. We know that, under FE's current 'Forest Design Plan', great effort and expense is being invested in restoration of former open heathland that will again provide pasture for the Commoners' animals. Moreover, the timber plantations are being rebalanced away from coniferous-dominated commercial woodland (providing very limited undergrowth pasture) to

Indigenous broad-leafed tree species with location benefits & patterns much more compatible to the needs of browsing ponies & cattle – and bio-diversity.

May I ask you then at this point - have you actually quantified how much the available Forest Grazing on the Open Forest has changed over the past decade (assisted by Wetland & Wet Lawn restoration etc. plus coniferous tree felling) as against the permitted increase in Commoners' stock?

I. Meanwhile, you should be aware that the 'Open Forest' woodland has had very little active tree management (except for the felling & lopping of roadside trees to meet Health & Safety requirements). Consequently, it would seem that since c.1985 very little – if any - has been expended on replacement planting by FE.

J. Could not that have exacerbated the effects of an ever-increasing rate of loss of our veteran oaks, beech and other broad-leafed species through old age & disease? Those which have been such a vital part of the designated 'Ancient & Ornamental' tree areas?

K. Much of them represent the most self-evident and distinctly characterful elements of the New Forest. Exactly – most may think – what residents & visitors alike expect to see in our forest woodlands. Moreover, they are part of the main shaded & secluded areas that animals seek to shelter in at different times of the year

L. **Who then is to pay & manage the future long-term conservation of this quintessentially vital element of the New Forest ?**

If Forestry England, The Verderers and the Park Authority feel that does not require their on-going attention and investment, who can we look to? Especially when even the 39 parishes of the NF are discouraged from taking such action?

M. And right now we must face the awful reality of the effects of the 4 recent storms that have felled 126 trees around the village [excluding the loss of those blown down or severely damaged on private property and in the FE Inclosures].

N. **I have today provided you with a map & descriptive list identifying each of these tree disaster incidents collated voluntarily by one of our extraordinarily able & committed villagers: Dr Anna Lawrence, whom I would like to publicly thank for completing such an onerous task so quickly and competently.**

O. And to understand the sheer scale of some of the devastation that has taken place I would like to invite you all to visit Church Lane sometime soon (just to the north of the Cricket Ground) to see for yourselves the wholesale wind-blown felling of a large group of aged Beech Trees that has occurred - and contemplate how long it will take for them to rot down and regenerate afresh. Can you foresee any public body volunteering to make a priority of otherwise dealing with such situations to help the browsing Commoners' stock?

P. **So how can there not yet be scope to then plant more replacement trees on the open forest? FE certainly felt unable to guide us to a more suitable area than Cott Lane.**

Q. You have said in the same para. I referred to previously that our "proposal, when coupled with the existing planting would...result in 21 more trees covering, when mature, an area of approx. 1 acre on the Open Forest". Assuming 21 tree canopies averaging say 12 metres in diameter that makes the arithmetic difficult to grasp. The reality is 1/50th acre for 10 years.

R. But where is the real loss of pasture in our existing 9-tree Silver Jubilee copse? Is it not apparent that after 45 years there is still reasonably good & diverse pasture growing beneath those canopies, which comprises grass, brambles, ivy and a host of less aggressive species? – all of which seem to be kept in a certain order by the browsing ponies etc.

S. Compare that then with the recently cleared area of gorse that forms the area next to the 1977 copse that we had been encouraged to think would be an acceptable area for a new and very similar oak-planting area. Here now the area is covered in grass & bare gorse stems. And most of that will remain in place after tree planting, even with 2m sq. frames.

T. Can there be any doubt that, left un-attended, the gorse will grow back vigorously?

And that whilst gorse undoubtedly has its nutritional benefits for animals at certain times, does that to any great degree match what is evidently providing reasonably year-round satisfactory pasture under the canopies of the adjoining oak tree copse?

U. And is there, in fact, any noticeable shortage/decline of gorse on the forest, which also needs regular reduction when it reaches a mature stage? Gorse & bracken are well known for their rampant tendency to grow ever more expansively and resist the predations of all animals.

V. Not so our young broad-leafed trees like oak and beech. And now we're told that we can expect Ash (which has the ability to propagate so effectively) to start dying back comprehensively. What a tragedy that would be – akin no doubt to Dutch elm disease.

W. Natural England used to tell us (at least until 2018) that we could safely leave future tree growth to 'Natural Regeneration'. But it should surely now be very clear to any close observer that the hunger of Forest ponies, cattle, pigs and deer leave very little chance for vulnerable tree seedlings to grow to maturity. And yet Oak trees in particular make such a contribution to animal welfare and our wider ecology.

May I end by saying we would welcome the opportunity to sit down with you to further discuss the points I have raised this morning, since I can understand if you may feel I have over-stated the present open forest tree issues.

So who better to help correct any mis-apprehensions we may have than the people who champion the cause of Commoners, whose animals make such a contribution to the forest we see & love?

The way ahead – a proposal for the short term

We certainly don't believe Burley PC is out of line with local public feelings at this time in light of recent press coverage and the views we hear expressed within our village.

May I then ask you again to reconsider your decision and grant us permission to plant our desired 12 tree copse adjacent to our 1977 plantation - for the sake of her majesty's pleasure, and a meaningful token of our concern for the future of our open forest trees.

But more than that, if the Verderers have not yet themselves decided upon a suitable expression of loyalty and appreciation on this unique occasion, may we, the Burley Parish Cllrs., invite you to join us and add your name in what is surely a very appropriate New Forest offer of homage to Her Majesty.

The Official Verderer offered his thanks for the wide range of subjects included in today's presentments.

IN COMMITTEE

CONSIDERATION OF PRESENTMENTS

2022/12143 NEW DEVELOPMENT & BACK UP GRAZING RESUME

The Court shares the CDA's concerns and it was agreed a letter should be written to the local planning authorities, including those on the boundaries of the New Forest. Mrs Westerhoff offered to prepare a draft letter.

Action DW

2022/12144 FALLEN TIMBER DISCHARGE

There is some disagreement regarding the amount of fallen timber and dead wood that should be left on the Forest, the majority view now being that there is probably more than is necessary for ecological reasons. However, there is agreement that road and tracksides and lawns should always be cleared and that Forestry England should sell that wood. Fallen trees with large heads must be cut up as animals do become trapped and die if that work is not carried out. Forestry England was asked to ensure this happens.

- 2022/12145 THE DISAPPEARANCE OF THE NEW FOREST DISCHARGE
(PERAMBULATION)
- The Clerk said she is trying to obtain a new Agisters' map especially now that Michael Maton has joined the team.
- Mr Dowsett thought an approach to Ordnance Survey in Southampton may result in the perambulation being added back onto the Outdoor Leisure series map which covers the New Forest. It disappeared in favour of the National Park Boundary not long after the National Park was designated. Mr Dowsett suggested commoner Mr Tony Vanderhoek could be contacted about the OS map as he has recently retired from that organisation.
- Action BD
- 2022/12146 ANTI SPEEDING OPERATIONS IN THE NEW FOREST DISCHARGE
- The Court will pay tribute to Mrs Jones' invaluable contribution by way of an announcement at the next Court.
- Action OV
- 2022/12147 DAMAGED GATE/FENCE ON EXBURY ROAD, BLACKFIELD DISCHARGE
- This damage was reported promptly to HCC. The Clerk will chase up the repairs.
- Action Clerk
- 2022/12148 BURLEY PARISH COUNCIL TREE PLANTING PROPOSAL IN COMMEMORATION OF H M QUEEN'S PLATINUM JUBILEE RESUME
- BPCs presentment will be considered following April's Open Court, in order to allow the opportunity for supporting or counter presentments to be received.

ADMINISTRATIVE MATTERS

- 2022/12149 NEW DECLARATIONS OF INTEREST RESUME
- Miss Sevier declared an interest in the Hyde celebratory tree application as she is the Parish Council Chair.
- 2022/12150 MINUTES OF THE LAST MEETING RESUME
- The minutes of the last Court held on Wednesday 16th February 2022 were approved and will be signed by the Official Verderer at the earliest opportunity.
- 2022/12151 CONDITION OF STOCK RESUME
Report from the Head Agister
- The weather overall this Winter has been very kind to the Forest and this has helped the stock to continue to hold their condition well, although the last few weeks have been wetter and cold and that has had an impact on some of the animals.
- The Agisters have been removing some ponies that have lost condition, mainly 2 and 3 year olds and some of the few mares with yearlings still on them, but not huge numbers at this stage. We have also had to ask for some cattle to be taken in. These cattle are either being fed on their feeding areas or returning to the holding, so it is

surprising they have lost condition. It can only be due to poor quality feed or just not enough of it. As I write this, I do not know of any cattle recently turned out, and hopefully that situation will continue for the time being, as there is nothing out there yet for cattle to live off without supplementary feed.

We continue to receive reports of donkeys that need attention to their feet, and chase the owners to get them attended to as soon as we find and identify them.

The only other thing to mention is the large number of trees that have been blown down over the last few weeks. Some have come down over gateways and fences, one beech tree narrowly missing the new pound at Busketts, but of more concern is that we have had a number of ponies trapped in the 'heads' of some of these trees. The ponies push their way in to nibble at the bark, or perhaps some ivy or Holly that comes down amongst the branches, and they are then unable to get out. Unless found quickly, so we can get there and cut them out, they can stay there and die. I appreciate the numbers involved, but would ask that Forestry England makes it a priority to have the trees made safe, particularly large oak and beech trees.

We also unfortunately found a 4 year old filly dead, underneath a large fallen tree in the Rushpole Wood area.

NEW SUBMISSIONS BY FORESTRY ENGLAND

2022/12152 BROCKENHURST CRICKET CLUB CONTAINER

DISCHARGE

Over the past few years, Brockenhurst CC has remained active but had limitations under English Cricket Board and Hampshire Cricket regulations by not allowing any use of the internal changing rooms or showers due to Covid precautions and the current pavilion has been used for storage. Planning permission has been obtained to extend the pavilion, but this work has not yet taken place due to the pandemic and on-going fundraising. Last year a concrete base for the extension was added but the Club is not in a position to do anything further this year. In order to ease the situation within the pavilion and allow the changing rooms to now be used, the Club is seeking consent for the siting of a storage container measuring 6.1m Length, 2.44 Width x 2.59 Height, on the Open Forest next to the Pavilion for this season only.

The temporary storage container will be required until the end of September and then it will be removed. The container will be green, so will sit alongside the existing pavilion. The surrounding trees and bushes will also provide additional cover during the summer months.

In view of the exceptional circumstances, the Court approved the siting of the container for a maximum 6 month period, commencing 1st April. The container must be removed on or before 30th September.

UTILITY PROPOSALS

2022/12153 WESSEX WATER PUMPING STATION, MILL LANE, BURLEY RESUME

SSE's request to install an additional pole at this site was not approved and Mr Dowsett agreed to attend a site meeting. Action BD

2022/12154 UTILITY PROPOSALS AGREED VIA EMAIL REQUIRING RATIFICATION DISCHARGE

The following proposals were ratified:-

- 12.1 BT Openreach Proposed Civils Works for Hainswood Lodge, Linwood near Ringwood - Fibre to the Premises (armoured cable) projects - Ringwood V9228
- 12.2 BT Openreach Proposed Civils Works in Toms Lane/ Black Heath, Linwood near Ringwood - Fibre to the Premises (armoured cable) projects - Ringwood V9034
- 12.3 BT Openreach Proposed Proposed Civils Works in Minstead Area - Combined Fibre to the Premises projects - Cadnam V8034 and V8036 including Furzey Gardens and Cartref
- 12.4 BT Openreach Proposed Civil Works in North & South Weirs, Brockenhurst - Fibre to the Premises Projects Brockenhurst V8007

2022/12155 DE-MINIMIS CONSENTS TO BE RECORDED AT THIS COURT DISCHARGE

The following proposals have been approved:-

- DM0144 BT Openreach Beaulieu Enterprises Ltd, Bucklers Hard Yacht Harbour –
20 Metres of PVC duct at a depth of 600mm and 1 jointing chamber with all associated cables, wires and attachments
- DM0145 BT Openreach Jct Rhinefield Rd & NF Drive, Brock 21m new duct
- DM0146 Network Rail (via Sean Marsh FE) New Access at Setley Bridge, Jealous Lane, Sway
- DM0147 West Wellow Parish Council request for a barrier on the end of the track opposite Corner Cottage as part of car free defences on Plaitford Common

MATTERS ARISING

2022/12156 USING BEHAVIOURAL INSIGHTS TO ASSIST THE MANAGEMENT OF PEOPLE AND ANIMALS IN THE NEW FOREST RESUME
May

A meeting is being arranged. Action Clerk

2022/12157 NEOSPORA & FOREST CATTLE INCLUDING IMPROVED SIGNING RESUME

The Clerk reported she has had no success in interesting one of the Veterinary bodies in undertaking some investigations on the presence of neospora on Forest grazing. It was agreed she should approach some Veterinary Colleges. Meanwhile, Mr Manley said he will approach the local veterinary surgeon who was involved in Action Clerk
Action RM

testing the commoners' cattle. The Court and Forestry England agreed to contribute £500 each to a study.

2022/12158 INFECTIOUS DISEASES CONTINGENCY PLAN (ANIMALS) DISCHARGE

Mr Deakin reported he has now been in touch with Mr Jonathan Blanco (FE). Later in the meeting Dr Ferris asked if the plan can please be shared once it is complete. The Deputy Surveyor confirmed it will be.

2022/12159 DIBDEN INCLOSURE REFENCING RESUME
May

The Deputy Surveyor thanked the Court for the incident data with which he had been provided. He will now give further consideration to whether refencing Dibden Inclosure is the best option.

2022/12160 LONG TERM STRATEGY FOR FORESTRY ENGLAND INCLOSURES AND THE FOREST DESIGN PLAN DISCHARGE

The Deputy Surveyor explained the plan is being looked at in conjunction with Environmental Impact Assessments and Natural England Assents that are in place. Some surveys continue but the outcomes should not affect the 10 year plan. The Vision from 2001 remains unchanged.

2022/12161 VISIT BY LORD BENYON DISCHARGE

It was agreed Lord Benyon's visit has proved to be very fruitful. He is keen to engage with the Forest and understands the importance of ELMS benefiting the Forest and not only Farmers. Lord Benyon was very impressed with Fletchers Thorns and Acres Down.

SSSI RESTORATION WORKS

2022/12162 REPAIR AND MAINTENANCE/ENHANCEMENT LIST RESUME

The list was noted.

ACTION LIST – ISSUES REPORTED TO FORESTRY ENGLAND

2022/12163 BRIDGES DISCHARGE

The bridges at North Gate and Pondhead have not yet been repaired. There is a safety issue with Bolderford Bridge.

The Clerk said that there are several other matters that will be added to the Action List before the next Court.

ANY OTHER BUSINESS

2022/12164 FENCING DISCHARGE

Concern was expressed that if HCC does not speed up fence repairs, once the grass starts to grow, animals will escape onto the roads. The Clerk will remind HCC of the need to ensure its fencing is stockproof.

Action Clerk

2022/12165 NEW DRIVEWAY AT NOMANSLAND DISCHARGE

Mr Deakin was unhappy that a new private property driveway has been constructed on grazing on Forestry England land without prior approval. Mr Deakin reported the matter to Mr Sean Marsh (FE Estates Officer) who, some months ago, had advised the landowner in writing of the requirement to obtain consents. Despite this the landowner undertook the construction prior to obtaining formal permission. Mr Deakin wondered what can be done to make sure the property owner is made aware that he was in the wrong. The Encroachments Working Group reported this to the Planning Enforcement Officer at the NPA.

2022/12166 GROUND NESTING BIRDS SIGN DISCHARGE

A very large notice advising of the presence of Ground Nesting Birds has been erected on Yew Tree Heath. The Court said it hopes Forestry England will permit the CDA to use similar style signage when warning the public to keep away from the livestock. The Deputy Surveyor noted the request.

2022/12167 CONTROLLED BURNING DISCHARGE

The Court asked Forestry England to robustly defend controlled burning in the next few weeks whilst the programme is hopefully completed. The Deputy Surveyor said the teams are fully aware of the important bird and reptile sites and do their utmost to positively avoid them.

2022/12168 NEW FOREST CAMPSITES DISCHARGE

The Deputy Surveyor advised the Court that Forestry England has bought back the campsites from Camping in the Forest (CiTF) in order that it is better placed to control them. CiTF will operate the sites this year but a tender exercise will be undertaken in time for 2023. It is possible that different operators will run campsites in different parts of England. The Court welcomed this news and hoped the Management Plans will be adhered to more closely in future. The Deputy Surveyor added that FE will enter into a new arrangement but in the Forest, it is expected to be for a shorter duration.

The Deputy Surveyor and Mr Grugeon left the meeting

MATTERS ARISING

2022/12169 NEW FOREST SHOW RESUME
May

The design for this year's stand is progressing.

2022/12170 REVIEW OF THE MEMORANDUM OF UNDERSTANDING WITH FORESTRY ENGLAND REUME
May

It was agreed that before deciding whether a review is needed, the list of the various recreational events which are permitted by Forestry England will be considered and monitored.

2022/12171	CAMPSITES	RESUME
	Following the departure from the meeting of the Deputy Surveyor and FE Land Agent, a further brief discussion on the campsites took place. The letter to Forestry England, drafted in conjunction with the Friends of the New Forest and concerning the campsite lease, was approved and will now be sent.	Action OV
2022/12172	PARTNERSHIP PLAN	DISCHARGE
	There was nothing further to discuss and this item is therefore discharged.	
2022/12173	AVERAGE SPEED CAMERAS – OFFICER STEERING GROUP	RESUME
	Mr Manley agreed to attend the next meeting which is scheduled to be held on 31 st March 2022.	Action RM
2022/12174	FOREST FARMING GROUP	DISCHARGE
	The Official Verderer will circulate the vision paper which was handed to Lord Benyon.	Action OV
ENCROACHMENTS		
2022/12175	ENCROACHMENTS WORKING GROUP	RESUME
	The Official Verderer reported that the Encroachments Working Group met recently. Mr Pasmore reminded the Official Verderer that he would like to attend the meetings again.	Action OV
2022/12176	SHOBLEY	RESUME
	Shobley is ongoing. Evidence is being collected and documents drafted.	Action OV
OTHER AGENDA ITEMS		
2022/12177	HYDE PARISH COUNCIL APPLICATION FOR PERMISSION TO PLANT A CELEBRATORY TREE	DISCHARGE
	The Court raised no objection to the planting of one tree in accordance with its Policy.	Action AS
2022/12178	COWS & CALVES	DISCHARGE
	The advice to commoners which has been given on two past occasions will be dealt with by way of an announcement at the April Court..	Action OV

The Clerk left the meeting and her Assistant, Miss Justine Bayley joined and continued with the minute taking

HIGHER LEVEL STEWARDSHIP SCHEME & VERDERERS' GRAZING SCHEME

2022/12179 HLS DISCHARGE

The Official Verderer said the Fresh Water River Forum met last week. Footprint Ecology's Monitoring Plan will form the template for future wetland restorations.

2022/12180 VGS RESUME

Verderers Grazing Scheme forms have been posted out this week.

The National Trust has not renewed its HLS. The Official Verderer and Mrs Charlotte Lines, Chairman of the New Forest Commoners Defence Association, are meeting with the Oliver Cooper, Senior Estate Manager of the Trust, to discuss the situation.

Action OV

EXTERNAL COMMITTEES & WORKING GROUPS

2022/12181 ACCESS FORUM DISCHARGE

Miss Sevier said the Access Forum had met on Monday but she was unable to attend due to another commitment.

OTHER ADMISTRATIVE MATTERS

2022/12182 MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2022</u>	<u>2021</u>
Forest Ponies	669	742
Forest Cattle	192	504
Forest Donkeys	16	52
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	877	1298
Common Ponies	67	206
Common Cattle	51	821
Common Donkeys	0	15
Common Pigs	0	0
Common Sheep	0	62
Total Common Stock	118	1104
Ponies, Cattle & Donkeys on the Forest	877	1298
Ponies, Cattle & Donkeys on the Commons	118	1042
Total Ponies, Cattle & Donkeys	995	2340
Total Stock – Forest & Commons	995	2402

2022/12183 STAFF MATTERS INCLUDING MATTERS ARISING FROM THE STAFF COMMITTEE MINUTES RESUME

Mr Deakin said the main topics discussed in the last staff meeting were roadside fencing, grid fencing and bridges.

	<p>The loss of the stallion grazing is a matter of concern. The Official Verderer had a zoom meeting with Aldred Drummond on other topics and raised the impact the lost grazing will have on the Forest, but he believes the tree planting is a done deal. The Official Verderer suggested the Court should write to Cadland to thank them for the stallion grazing that we have had for 20 years and to re-iterate the importance of the stallions to the Forest. Mr Deakin said the stallions will not survive on the offered grazing alone and it has been suggested that owners keep the animals at home. Mr Pasmore suggested Pound Bottom may be a suitable site.</p>	Action OV
2022/12184	HCC PROPOSALS FOR HIGHWAY VERGES	DISCHARGE
	<p>Mr Pasmore is concerned that HCC's plans for wild flower verges on the A35 will remove valuable screening at Warwickslade. He asked that HCC be reminded of the importance of maintaining the existing screening.</p>	Action Clerk
2022/12185	VETERINARY ADVICE	RESUME
	<p>Following the retirement of the Verderers' retained Veterinary Surgeon, Mr Philip Hughes, the Court has yet to seek a veterinary advisor. Mr Manley will approach Dave Coombs at Cedar Vets.</p>	Action RM
2022/12186	FINANCIAL STATEMENT	RESUME
	<p>The Official Verderer said that some tough financial decisions may have to be made this year. Marking fee income is significantly reduced and expenditure has crept up.</p>	Action OV
2022/12187	TRAINING	RESUME
	<p>The Assistant Clerk is looking into first aid training for the Agisters and office staff.</p>	Action Asst Clerk
2022/12188	HEALTH & SAFETY	RESUME
	<p>The possibility of a review was discussed. Mr Deakin will contact Julie Brown at Jaybe Safety for a quote.</p>	Action RD
2022/12189	THORNEY HILL TO BURLEY ROAD	DISCHARGE
	<p>The Official Verderer said that the road from Burley to Thorny Hill will be closed for 5 days commencing 21st March for a watermain repair.</p>	
2022/12190	EMPLOYEE LONG SERVICE	RESUME
	<p>Mr Deakin asked if the Court felt it should have a long service policy for employees to recognise and reward long service. The Assistant Clerk will circulate staff service information to all Verderers.</p>	Action Asst Clerk
2022/12191	VERDERERS' ELECTION	RESUME
	<p>Dr Ferris said the Verderers' Election Sub-Committee needs to be arranged. Comments in advance to be given to the Official Verderer and the Clerk.</p>	Action OV

2022/12192 INFORMATION FOR THE PUBLIC / VERDERERS WEBSITE FAQs RESUME

Dr Ferris said there is a real issue with local people not knowing who to call on different issues within the Forest. He asked about the possibility of producing an information leaflet. The possibility of updating the FAQ's on the Verderers' website was discussed. Action GF

2022/12193 VERDERERS' ELECTION & THE NEWSLETTER DISCHARGE

Mr Stride was disappointed that the Verderers newsletter did not report on the Verderers Election. This was a missed opportunity to encourage commoners to register their vote in the future, especially in light of the low number of commoners who registered their vote on this occasion. He continued that the Court photos used in the newsletter are out of date and new photographs need to be taken. Mr Pasmore said he would have liked the election result to have been included in the minutes including the number of votes for each candidate.

The meeting ended at 13:35 hrs