

**MINUTES of the Court of Verderers held on 15th June 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 Manley	DEFRA Appointed Verderer
	Mr A H Pasmore	Senior Elected Verderer
	Mr D Readhead	Elected Verderer
	Miss A Sevier MBE	NFNPA Appointed Verderer
	Mr R Stride	Elected Verderer
	Mrs D Westerhoff	Natural England Appointed Verderer
IN ATTENDANCE	Miss S Westwood	Clerk to the Verderers

IN COMMITTEE in the Library

2022/12307	MINUTES OF THE LAST MEETING	RESUME
	The minutes of the last Court held on Wednesday 18 th May 2022 were approved and signed by the Official Verderer.	
2022/12308	NEW DECLARATIONS OF INTEREST	RESUME
	The Official Verderer declared an interest in Minute No: 12342 as his daughter is employed by the surveyors acting for National Grid.	
2022/12309	ANNOUNCEMENTS & DECISIONS	RESUME
	The Announcements and Decisions were approved.	
2022/12310	CONDITION OF STOCK	RESUME
	Report from the Head Agister	
	The Head Agister reported that he is very pleased with the condition of stock. Overall, everything looks very well. There are a lot of foals. This is to be expected as last year, twice as many stallions as in previous years were turned out. A foal count will be undertaken soon.	
2022/12311	REPORT ON THE WELFARE TOUR	DISCHARGE
	The Welfare Tour was once again very well attended with a number of new people who all said they gained a lot of information. There were lots of positive comments. A visitor from Defra remarked that the reason the ponies look so well is that they enjoy such a varied diet. Mr Readhead commented that in a study carried out some years ago, it was reported that gorse is extremely nutritious.	

2022/12312 MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2022</u>	<u>2021</u>
Forest Ponies	4604	4583
Forest Cattle	2083	1945
Forest Donkeys	120	117
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	6807	6645
Common Ponies	619	644
Common Cattle	814	1596
Common Donkeys	107	57
Common Pigs	14	68
Common Sheep	162	194
Total Common Stock	1716	2559
Ponies, Cattle & Donkeys on the Forest	6807	6645
Ponies, Cattle & Donkeys on the Commons	1540	2297
Total Ponies, Cattle & Donkeys	8347	8942
Total Stock – Forest & Commons	8523	9204

2022/12313 BREACHES OF THE BYELAWS DISCHARGE

The cob mare found on the Forest appears to have gone.

An aggressive mule was also removed.

A donkey foal was killed by some donkey geldings but the only witness was unfortunately unable to identify which donkeys were responsible. The owner of the donkeys involved has been informed.

2022/12314 ANGRY COMMONER RESUME

Members of the Court were disappointed to read in the Staff Committee Minutes that a commoner was unnecessarily rude to a member of the Verderers' Office staff whilst speaking to her on the telephone. Mr Deakin, the Chairman of the Staff Committee, was not at the last Staff Committee meeting. He said he intends to raise the issue again in the July Staff Meeting. It was agreed the Official Verderer should make an announcement in the July Court stating that such behaviour by anyone, but particularly a commoner, towards any member of the Court's staff is completely unacceptable.

Action RD

Action OV

OPEN COURT

IN ATTENDANCE: Mr Paul Grugeon, Land Agent (New Forest)
Miss Tess Tidman, Assistant Land Agent (New Forest)

APOLOGIES: Mr Craig Harrison, Deputy Surveyor

The Head Agister opened the Court with the usual proclamation

ANNOUNCEMENTS & DECISIONS

There were no announcements and decisions

ANIMAL ACCIDENT REPORT

2022/12315 THE ANIMAL ACCIDENT REPORT FOR MAY 2022

The Agisters attended 1 accident in May this year, compared with 7 in May last year.

No animals were killed.

1 pony was injured.

The accident occurred in the dark.

The driver reported having been involved in an accident.

The total number of commoners' animals killed and injured to the end of May is 16, compared with 11 to the end of May last year.

Until Monday night, the last death of an animal due to a road traffic collision was on 23rd February. That meant a record 15 weeks had passed without an animal fatality on the Forest's roads. Sadly, however, on Monday night this week, a foal was killed on the B3078 at Deadman's Hill.

PRESENTMENT BY THE DEPUTY SURVEYOR

There were no presentments by or on behalf of the Deputy Surveyor

PRESENTMENTS BY THE PUBLIC

2022/12316 OP MOUNTIE 8TH JUNE 2022.
Presentment by Mrs Gilly Jones

'Good morning Official Verderer, Verderers and members of the public.

I would like to take this chance to update you on our last Op Mountie, that took place on 8th June 2022.

We, for the first time took Op Mountie on tour, and covered 5 spots within the New Forest.

Over the day, 3 tickets were given out, 25 drivers were pulled in and given education. I am disappointed that one of those was a commoner, who has stock in that area, and I hope their reaction to me was out of embarrassment, and not out of disrespect for what we do for Forest Stock. Within this, we had one driver with incorrect

insurance, one with no MOT, one for an illegal number plate, one car was seized as the driver could not show proof of ever having a driving licence.

We covered Bramble Hill, Pigbush, Crockford Clump, Hawkhill and Ashley Walk.

There, at some stages, looked like there was a lot of officers there, but these are newly trained officers, they came out for some experience. These officers will now be able to go back within the areas they work, protecting people from speeding drivers within all the communities in and around the New Forest.

Up until yesterday, We are were at 14 weeks without a fatal New Forest Animal Fatal accident. In the over a decade, that I have been banging on about this, I have never known this to happen. The work done by the Animal Accident Reduction Group is at the heart of this, the combined working with Hants Police, FE, NPA, New Forest Roads Awareness and the CDA, I feel this hard work has made a difference on how people drive across the New Forest.

We, The Royal we, are here now, midway through a Community Speed watch op, we have covered a couple of sites already this morning, and on leaving here, we are going out elsewhere. None of this would or could of happened without PCSO Richard Williams, who with Sgt Carl Peverill, and the support of the district Commander Helen Andrews, has helped us to drive this forward.

We know that speed is not always the reason for an animal incident. A huge thank you has to go to everyone who has seen and shared our posts on social media. The change in peoples driving must be part of why we were at such a good stage. I feel we have changed the mindset for many who drive across the Forest.

Animal RTA's never used to be discussed, now it is headline news. I know how it is important to you as Verderers, as the Clerks report on RTA's is always high on the agenda.

Some will always drive across the Forest, or any other roads at speed, and with no respect. There is no one demographic, all ages, all genders. We hope they will take all our messages onboard before they are involved in an RTA.

I must thank the Roads policing unit, Victoria Day, Suzi Shilling, Charlotte Belcher, Jenny Tillyer, Erika Dovey and the agisters who have attended for their help and support.

Without them, this would not have happened.

Let's hope, for the livestock's sake, that the RTA levels remain low.

Thank you.'

The Official Verderer said that Mrs Jones very graciously thanked other people at the last Court and he has no hesitation in thanking Gilly for all the work that she has done in trying to reduce animal accidents.

2022/12317 ICE CREAM VAN AT BOLTONS BENCH
Presentment by Mr Tim Laine, Forest Glade Ice Cream

'Thank you for letting me address you today.

I am Tim Laine and, together with my son Simon, have an ice cream parlour in the High Street, Lyndhurst.

Forest Glade Ice Cream makes its own ice cream and sorbets on site in Lyndhurst and is now in its 12th year of trading. It is facing the severe cost pressures that all traders are currently experiencing.

However, our biggest concern is the mobile ice cream van that is now trading from the car park at Bolton's Bench.

This van benefits from visitors using Free Car Parking, pays no rates to the local Council and has an unfair advantage over businesses in the village. In addition to which, it deters tourists from visiting the High Street.

I believed that in the 'Local Plan' for Lyndhurst, that no retail selling was permitted beyond the boundary of the Park Hotel and the shops in the High Street. This Car Park is within the Lyndhurst boundary and thought that it would be covered by the local plan.

We rely on tourists almost exclusively, as do nearly all the shops on the High Street, so anything that dissuades tourists from walking into the Village and browsing would have a detrimental effect on the continuing success of the High Street. This is a view held by other High Street traders that I have spoken with and if you wish to have a list of them, it can be forthcoming.

I would respectfully ask that the permission for this Licence at Bolton's Bench be rescinded.

Thank you for your time.'

2022/12318 ICE CREAM VAN AT BOLTONS BENCH
Presentment by Hilary Brand

'Thank you, Ladies and Gentlemen, for letting me speak to you today. I am Hilary Brand the District Councillor for Lyndhurst and for the previous 4 years I was the Chair of the Lyndhurst Chamber of Trade.

I am here today to on behalf of Lyndhurst High Street shops, cafes and pubs, who have all contacted me with concerns about the new ice cream van situated at Bolton's Bench.

The last two years has been an exceptionally difficult time for Lyndhurst High Street. The majority of our businesses have been closed more than they have been open. This has obviously impacted turnover, takings and therefore profits and has been an extremely stressful time for all.

We have been looking forward to what we hoped would be a better year for us in 2022 but what with soaring price rises on everything from gas and electricity to all foods and anything that is generally imported and the increase in wages, this year is also proving to be very challenging.

Along with these issues the footfall in Lyndhurst appears to be down by approx. 20% on pre covid years. Meaning that we are all currently taking less on a daily basis. We are not sure if this is due to people holidaying abroad, not having any money or a bit of both.

You can therefore see that with an Ice cream van being allowed to trade at Boltons Bench this stops visitors from walking up the High Street to purchase their ice cream or drink and therefore also stops them from browsing and purchasing in the shops. Giving us another thing to compete against.

All in all our High Street is feeling the pinch of the current economic climate and changes in customer behaviour and asks you to reconsider allowing the Ice Cream van to trade at Boltons Bench and perhaps move them onto a more suitable site where they will not have an impact on the High Street. We would also like to understand how the Court came to their decision to allow the van to have a license and did they consider the impact on the High Street and wider community?

We would respectfully ask that if the court are asked to look at licenses for this sort of activity in the future could a mechanism be put in place where the High Street could have a say?

Thank you for your time today.'

2022/12319 OPERATION MOUNTIE
Presentment by Mrs Mary Gray

Mrs Gray expressed her appreciation on behalf of the Commoners for all the work that Gilly has done. She added that maybe the price of fuel has helped to slow down drivers but said if it was not for all the hard work of Op Mountie, the animals would not be as safe as they are at the moment.

2022/12320 COMPENSATION HABITAT FOR WORKS ON HOLMSLEY BRIDGE
Presentment by Mrs Charlotte Lines on behalf of the New Forest Commoners
Defence Association

'We understand that as part of the planning permission for the replacement of Holmsley bridge there was a requirement to provide compensatory habitat (on site and away) this was needed to compensate for the loss of designated habitat whilst also delivering an overall biodiversity net gain.

Having looked at the planning application and we note the applicants are now in the process of seeking to discharge conditions, the most recent request was to discharge conditions 6 and 13 attached to the planning permission.

Condition 13 is of particular interest to us, it is the 'production of a Landscape and Ecological Management and Establishment Plan' which requests 100 % natural regeneration.

Whilst we understand the principal of natural regeneration, we are not in agreement that the hoggin should be left in situ at these sites, experience has shown us that this approach doesn't work. Areas which have been left to self-regenerate has seen vegetation struggle to establish as it burns off in the summer months.

NE and FE have previously agreed to remove hoggin and concrete at other sites across the forest including, Stoney Cross, Bentley, Beaulieu Aerodrome and Leadon Hall. We can see no reason why the same approach of removing the hoggin and

reusing on other car parks within the Forest, cannot be applied the area at Cadnam Cricket pitch and some sites along the A35 to give vegetation a better chance of establishing.

Drawing number B2286/18/07LS as submitted states that as part of the 5-year Landscape and Ecology Management and established plan regular inspection and maintenance visits 4/5 per annum will be carried out to check the rates of grass, wildflower and native shrub and woodland species.

We note from the National Park ecologist response to the discharge of condition 13 that Natural England have not sought to provide detailed comments on this condition and as such we ask the Natural England Appointed Verderer to speak with officers to clarify the following:

1. Can the hoggin be removed at the sites (and reused at FE car parks) to give the grass and vegetation a better chance of establishing?
2. Can the NFCDA be included in future visits and discussions around compensatory habitats and grazing?
3. Can NE please consider the detrimental impacts associated with loss of grazing in their advice on planning applications and look to secure a net increase in grazing as well as biodiversity net gain.

We look forward to your response.'

2022/12321 **OVERNIGHT CAMPING IN FOREST CAR PARKS**
Presentment by Mrs Charlotte Lines on behalf of the New Forest Commoners Defence Association

'We would like to draw the courts attention to what we believe is an increase in overnight camping in some of the Forest car parks, NFCDA members have reported seeing the same camper vans in Moonhills, and the car park in front of Royal Oak at Hilltop, a camper van at James Hill Car Park has also been seen on consecutive nights.

In addition, we would also flag that we are aware of other activities taking place in some on FE car parks in the North of the Forest (Milkham, Cadnams and Ocknell Pond) which gives cause for concern.

Whilst we note the presence of NPA and FE staff patrolling during the day we are not aware that this happens after dusk, therefore we would like to request that FE and NPA deploy staff and rangers to lock some of the barriers on these car parks from dusk to dawn, and that vehicle movements are recorded and passed to the appropriate authorities for further action.

We look forward to your response.'

2022/12322 **CAMPSITES**
Presentment by Mrs Charlotte Lines on behalf of the New Forest Commoners Defence Association

We welcome the recent news that control of campsites in the New Forest has been returned to Forestry England. The New Forest Commoners' Defence Association (NFCDA) feel that this is an opportune time to work collaboratively on developing a future management plan for these sites, including looking at their longer-term viability.

Given the issues caused by having the campsites on the Open Forest and the damage seen to this fragile habitat (Protected Landscape), it is highly unlikely that the statutory authorities tasked with protecting the Forest would ever give such permissions now, indeed the SAC plan recognised the consequences of the campsites in 2001 and recommended closure.

Within the areas of the campsites there is a huge detrimental impact on the grazing and an increasing urbanisation of these campsites is changing the very fabric of the Forest.

This is reflected in the New Forest SAC plan 2001 which states the campsites impact on specific conservation features of the Forest. SAC Plan Part 4, 05b Enjoying the Forest, Access and recreation [A24]: 'We will explore the possibility of re-locating campsites within the Forest and restoring the vacated sites where this becomes necessary due to the decline of habitats within the SAC. The requirement was to implement this by 2003.'

Our biggest concern is the conflict between campers and our animals, in recent times the seriousness and number of incidents appears to be increasing. These incidents have the potential to threaten the continuing practice of commoning in the New Forest.

One of the options we would like to explore with the authorities is whether it would be possible to make the campsites smaller and install fencing to limit the interaction between campers and our animals when the season is open. During the closed season the animals would be allowed to have accesses and graze the campsites as normal.

We would also like to understand if the camping season can be made shorter.

We feel that we, as commoners with animals grazing over much of the land occupied by the campsites should be informed and consulted on the following points:

1. THAT Forestry England is in the process of inviting tenders for the management of 10 camp sites in the New Forest
2. THAT the said camp sites are on land over which the commoners have rights and the Verderers have jurisdiction under the various New Forest Acts.
3. THAT the Minister has the power to authorise the provision of camp sites on the open wastelands of the Forest but only with the agreement of the Verderers as provided for by S.18 of the New Forest Act 1949. The intent of the section is the protection of the rights of the commoners
4. THAT in the event that the Verderers are asked to agree to the grant of a license to manage a camp site on the open wastelands of the Forest, the Verderers should deal with the request in open session and consult the commoners and interested parties as to whether they should agree to a license at all or with conditions and should give written reasons for their decision.

We look forward to your response.'

2022/12323 CAMPSITES ON THE CROWN LANDS

Presentment by Mr Brian Tarnoff on behalf of the Friends of the New Forest (New Forest Association)

'We agree with and support the Commoners Defence Association's position on campsites in their presentment today. We strongly share concerns about the campsites' impact on commoning, habitat, and the correct involvement of the Verderers as specified in the 1964 and 1949 New Forest Acts. We welcome the more direct role of Forestry England, and the imminent surrender of the problematic lease with Forest Holidays.

However, we have wider concerns that Forestry England are allowing continued damage to the Forest to mar their legal obligations under the Habitat Regulations and the Minister's Mandate, and existing agreements with Natural England and the National Park.

Natural England's SAC Management Plan for the New Forest 2001 prescribed the closure or relocation of three of the Crown Lands campsites. This is part of the agreed management scheme to address the Unfavourable Declining condition of those SSSI units, the Pasture Woodlands of Hollands Wood, Denny Wood, and Longbeech. Unfavourable Declining means "special features are not being conserved or are being lost, so without appropriate management the site will never reach a favourable or recovering condition". The Plan required action by the Forestry Commission by 2003. Those Pasture Woodlands have seen a further two decades of decline. Our 2010 survey showed they retained less than 50% canopy than comparable woodland. During those 20 years Forestry blithely ignored the prescription for closure, the agency entered into a 75 year lease without consulting the Verderers, including those sites, and planned but thankfully dropped measures to further urbanize Hollands Wood with more infrastructure and a mobile shop.

It is also probable that over this time, growth of facilities off the Crown Lands may have already provided or exceeded provision necessary to replace capacity potentially lost from closing unfavourable sites.

While the establishment of campsites on the Crown Lands half a century ago was seen as an improvement on the previous free for all, they would likely not be permitted under modern regulation; nor would they be conceivable with our richer understanding of the importance of these habitats. Even now we are just beginning to appreciate other impacts including camping as a vector for invasive plant species. There is also more work to be done to evaluate the effects of noise and light pollution.

The SAC Management Plan narrowly considers only damaging factors within each SSSI unit, and so does not look at proximity. Forestry England's policy closes Car Parks (10 out of 130) in relation to Ground Nesting Bird sites from March to August. Forestry England already have the data in surveys they've commissioned, including data from Hampshire Ornithological Society, Wild New Forest and others, to be able to determine which further campsites should be closed for the protected SPA species Ground Nesting Birds by the exact same criteria.

Natural England should serve a management notice, their legal recourse to enforce the actions in their agreement with the Forestry Commission. In February 2010, the National Park adopted the Recreation Management Strategy 2010 – 2030 to which the Forestry Commission agreed as partners. This included actions to audit campsite provision, and the phased removal of the more damaging sites (explicitly referencing the three SAC Plan campsites). Forestry England should honour these agreements before engaging in new arrangements for the campsites.

The three campsites marked by Natural England for closure, Hollands Wood, Denny Wood and Longbeech, as well as any other campsites which would be shut if they were merely down to dusk Forestry England Car Parks should be phased out as quickly as possible. An impact assessment equal to that which would be required by the planning process should be performed on the remainder. Forestry England should commit to changing or removing campsites as indicated.

At May's Court the Deputy Surveyor announced that the tender process for a new operator had already begun. This should not have been done without prior agreement with the Verderers, and other stakeholders. Damaging campsites should not have been included in this tender, or only offered on limited terms. The campsites to be shuttered should be excluded from any tender or lease offer, or limited to a maximum of two years, the deadline for closure originally offered by the SAC Management Plan. Those rest requiring further assessment should have a maximum of five initial years to allow their impact to be judged.

Forestry England are in the untenable position of relying on revenue from an activity which is unquestionably damaging to the habitat that they are legally bound to protect. The nation must invest in the protection of this precious national asset, not sell it cheaply while driving it into further disrepair. This is the case that, sadly, must be made to government by Forestry England, by their Partners in the National Park, the Verderers and by all of us.'

2022/12324 CDA PRESENTMENTS
Presentment by Commoner Mr Brian Ingram

Mr Ingram supported all three of the CDA's presentments. He said camping in car parks happens regularly and he referred to 2 camper vans which he saw the night before this meeting which are still there this morning. Mr Ingram said the matter has been raised in OFAC where an FE employee said that campers cannot be moved on. Mr Ingram wanted to know why.

IN COMMITTEE (in the Library)

CONSIDERATION OF PRESENTMENTS

2022/12325 MRS GILLY JONES

DISCHARGE

The Court unanimously agreed that Mrs Jones' efforts go above and beyond what should be expected of a person offering their time voluntarily. She has done an excellent job in getting the Police onboard with providing even more assistance to reducing animal accidents. Mr Stride said Mrs Jones' efforts have been discussed in committee and the suggestion of a gift or monetary award has been raised. The Official Verderer asked if the CDA would be in a position to offer a gift, which is felt to be more appropriate because giving money is usually taxable. Just recognition could be given at the forthcoming New Forest Show in July and this was felt to be an excellent idea.

2022/12326 ICE CREAM VAN AT BOLTONS BENCH DISCHARGE

Mr Grugeon explained that the Ice Cream Van which is now trading from Boltons Bench Car Park is the one that was at Hatchet Pond. The van was moved from Hatchet Pond as part of the works to improve the habitat there.

When he was told he could no longer trade at Hatchet Pond, the operator of the van expressed concern that he would suffer a significant loss of revenue if he could not be offered another site where there is likely to be an equal level of custom. Forestry England suggested Boltons Bench.

The Court was asked to approve the Ice Cream Sales concessions for two years and that it did, in January this year. The Boltons Bench Car Park location was amongst those agreed.

The Court's duty is to consider the effect of proposals, such as ice cream sales, on the Forest and commoners' stock. The Court did not consider the impact such proposals may have on local businesses and it was agreed that it is not strictly within its remit to do so. Mr Grugeon pointed out that the Ice Cream Van operator pays a significant fee to be allowed to operate in a FE car park.

Mr Pasmore reminded the Court that a not too dissimilar situation arose some years ago when the Forestry Commission (as it was then) was taken to the Ombudsman. The complainant won. Mr Pasmore and the Clerk undertook to see if they could find the Ombudsman's report. If anything is found in the Report which could be considered relevant to the decision made regarding this current complaint, it will be circulated.

Action
AHP/Clerk

The Court advised FE that in future any such submissions should be by presentment in Open Court as that would give the public and others an opportunity to hear proposals and support or object accordingly.

2022/12327 COMPENSATION FOR HABITAT LOST DUE TO THE A35 HOLMSLEY BRIDGE REPLACEMENT RESUME

It was agreed that thick gravel on a hard pan could well take 30 years to regenerate. When giving consent for the new bridge works, the Court focussed on the land exchange which was required in respect of the new bridge, rather than mitigation required by Natural England.

The Clerk was requested to find out the details imposed by Natural England. HCC may be asked to remove excess hoggin.

Action Clerk

2022/12328 OVERNIGHT CAMPING IN FOREST CAR PARKS DISCHARGE

Mr Deakin said he regularly sees overnight campers in various campsites. It appears the proprietor of the public house at Hilltop (Beaulieu) gave permission for campers to stay overnight in the pub car park. Mr Grugeon said that the Estates Officer, Mr Sean Marsh is advising the publican that he is in breach of his licence if he allows campers to stay overnight. However, problems arise when camper

van drivers have been drinking and are over the legal drink-drive limit. It is believed one of the new Forestry England Keepers is willing to embark on a campaign to stop illegal camping, starting with a leaflet drop. This was welcomed by the Court. Action FE

2022/12329 CAMPSITES ON THE CROWN LANDS RESUME

FE was asked if there has been any follow up of the SAC plan 2003 deadline, which has obviously not been kept?

Proper consultation is considered essential, including with the commoners. The Verderers' view is that their consent is required for the new arrangements. It was suggested there could be a maximum agreement of 5 years in respect of Hollands Wood. FE is on notice that camping on 3 of the sites is very contentious, those sites being Hollands Wood, Longbeech and Denny.

The Official Verderer said that the question of indemnity for the Court and Commoners in case of incidents involving campers/the public and livestock must be resolved. The OV expressed concern that FE's Director of Estates and Legal was apparently, until recently, not aware of the potential claim against the Verderers in respect of the young boy injured by a pony on Ashurst Campsite. Action DS

The timetable at present is that July will be the end of the tender process. Interviews of prospective operators will take place in September with the successful applicants taking over the campsites from November.

The Court regards the process as contentious and therefore expects Forestry England to make its application for Verderers' consent by presentment. The Official Verderer will write to the Deputy Surveyor setting out what the Court expects to be taken into account. He added that at present, he does not see the published timetable is workable and that additional time will be needed. Action OV

The Court felt it is very important that Natural England has the details and goes through the tender documents and agreements.

DE-MINIMIS CONSENTS TO BE RECORDED AT THIS COURT

2022/12330 DM0150 NEW PARK MAIN ENTRANCE – CLANCY DOCWRA FOR SOUTHERN WATER DISCHARGE

Excavations will be in the A337 carriageway, both grass verges and on the adjoining open Forest. The excavations will be approximately 3m x .600mm, in each verge, 7.5m x .600mm in the carriageway and 3m x .600mm on the open Forest

UTILITY PROPOSALS OUTSIDE THE REMIT OF THE DE-MINIMIS SUB-COMMITTEE

2022/12331 BT PROPOSED CIVILS WORKS IN BROADLANDS, ARMSTRONG ROAD/CLOSE, NORTH & SOUTH WEIRS, BROCKENHURST DISCHARGE

The Fibre to the Premises project, Brockenhurst V9017 is approved.

MATTERS ARISING FROM PREVIOUS COURTS OF CONCERN TO FORESTRY ENGLAND

2022/12332	AVERAGE SPEED CAMERAS	RESUME
	Mr Manley reported that preparatory work on the feasibility study is underway. Site visits with FE and NE will be arranged if anyone else would like to attend. Siting and type of street furniture which will be needed will be discussed.	Action RM
2022/12333	PUBLIC SPACE PROTECTION ORDERS (PSPOs)	RESUME
	The Official Verderer said there is increasing enthusiasm for the introduction of PSPOs, but evidence is required to satisfy the statutory test. A statement as to why feeding ponies is unacceptable, and other evidence, should pass the statutory public interest test. Data should be available from various sources including Campsite Wardens and FE Rangers.	Action OV
	It was suggested the Dorset County Council website might be a useful information resource as DCC already had a number of PSPOs in operation.	
	Miss Sevier said that the proposal for PSPOs must go through New Forest District Council, which will have to include them in its budget. The need must, therefore, be overwhelming and clear.	Action AS
2022/12334	LOST LAWNS CONSULTATION	DISCHARGE
	The Burley area Lost Lawns Consultation has been deferred but not abandoned. Mr Deakin made an interesting observation when he said that it is important to remember that lawns change over the years as different management in the area is undertaken, or not as the case maybe. It is not always possible to recreate a lawn to a condition that it would have been in years ago, especially when drains have disappeared.	
2022/12335	BURLEY PARISH COUNCIL TREE PLANTING ON THE NEW FOREST	DISCHARGE
	The Deputy Surveyor said FE has agreed to meet Burley Parish Council to discuss where the trees that are not going to be planted at Cott Lane could potentially go. In response to the claim that there is a widespread issue of lack of natural regeneration, Natural England says there are a few units where there is no regeneration.	
2022/12336	DMMO 1231 RINGWOOD & BURLEY - APPLICATION TO ADD A RESTRICTED BYWAY TO THE DEFINITIVE MAP, ACROSS OPEN FOREST FROM (SANDFORD) BOUNDARY OF BISTERNE COMMON TO BURLEY	RESUME
	Submissions have been made by FE, the Verderers and an adjacent landowner. Interested parties have been advised they can object to the officer's report. It is thought it could go to a public enquiry. The argument against designation is that there is insufficient evidence of use to justify it. The route was created by commoners exercising their rights rather than the public. It is not possible to obtain	Action Clerk

prescriptive rights where there is already a permission in place. HCC will be asked where the process has got to now.

2022/12337 DMMO 1335 RINGWOOD (APPLICATION TO ADD A RESTRICTED BYWAY TO THE DEFINITIVE MAP, FROM BAGNUM TO CHARLES'S LANE IN THE VICINITY OF VALES MOOR DISCHARGE

The Commoners' Defence Association has objected to this track being designated as a restricted byway.

2022/12338 SQUEEZE GATES RESUME

In response to the Court's query as to why FE is installing squeeze gates in certain locations, Mr Grugeon said FE believes they are preferable to gates which can be left open. The Court, however, feels that in some instances, the squeeze is too large and may allow animals to escape. A further response from the DS is awaited.

Action DS

2022/12339 SOLAR ARRAY AT DENNY CAMPSITE RESUME

The Court is of the view that the solar array requires formal consent even if it is temporary. It does not entirely replace the diesel generator. The Court asked if the safety certificate confirms that the cables are safe where there is livestock, and a copy is requested. A formal application for consent is requested although on the information currently available the Court is minded to grant consent..

Action PG

SSSI RESTORATION WORKS

2022/12340 REPAIR AND MAINTENANCE/ENHANCEMENT LIST RESUME

The list, to which there is no change, was noted. The Court asked, however, that details be provided when bed levels are to be raised. In some cases, a site visit may be required. It is important to know the scale of the works and whether a material change to the originally agreed proposals is required.

Action FE

ENCROACHMENTS

2022/12341 ENCROACHMENTS LIST RESUME

There are no new encroachments.

ACTION LIST – ISSUES REPORTED TO FORESTRY ENGLAND

2022/12342 ACTION LIST RESUME

The list was noted.

ANY OTHER BUSINESS

- 2022/12343 NATIONAL GRID WORKS – REFURBISHMENT OF PYLONS IN THE NORTH OF THE FOREST: ANCHOR POINTS TESTING 2022 & REPLACEMENT OF CABLES MAY 2023 TOWERS 61-66 RESUME
- The proposals for the pylon at Woolmer Post / on the edge of Mays Firs is approved, subject to the access arrangements agreed at the site meeting. There remain some issues as respect the anchor points and access to the pylons on Plaitford Common, as there are important archaeological sites close-by. A method statement is awaited and another meeting is due to be held. Further details will be circulated when they are available.
- 2022/12344 SITING OF ICE CREAM VAN AT STONEY CROSS RESUME
- A request has been received from FE for consent for the van that was to operate from Janesmoor Pond CP, to move to Stoney Cross CP. This was approved but the van must be parked 30m back from the road, on the far side of the dividing line in the concrete surface. This is to ensure the safety of livestock and children.
- 2022/12345 NO CYCLING FROM THIS CAR PARK SIGNS RESUME
- The no cycling signs that have been removed from some car parks were part of monitoring undertaken under the HLS. 5 counters were put up to see whether the provision of signage made any difference to the number of cyclists leaving car parks from where there is no access to the approved cycle network. The counters have been removed hence the signs have been taken down as well. Mr Pasmore disagreed that the signs had been installed as part of a monitoring exercise and queried whether it was only those 5 signs that have been removed; he asked about Pig Bush in particular. Action FE
- 2022/12346 FIRE RISK SIGN AT THE FIGHTING COCKS DISCHARGE
- It was reported that this sign needs attention.
- 2022/12347 NEW FOREST ANIMAL DISEASE CONTINGENCY PLAN RESUME
- A list of defects on underpass gates has been drawn up and will be forwarded to FE. At the recent Welfare Tour of the Forest, an officer from APHA offered to help with the plan. Contact with him needs to be made. Action RD
- 2022/12348 A35 HOLMSLEY BRIDGE REPLACEMENT DISCHARGE
- Concern has been expressed that the slope leading down to the newly constructed underpass is too steep. It was suggested that a new fence should be constructed, similar to the high deer fence that was put up before, to prevent deer RTAs. Action Clerk/ Head Agister
- 2022/12349 SEWAGE PUMPING STATION, MILL LANE, BURLEY LAWN DISCHARGE
- Mr Dowsett reported that the proposals have been agreed and work should start at the end of August.

2022/12350 NEW ACCESS AT RUSSETS, NOMANSLAND RESUME

The Court asked for an update. There should be a formal planning application. Miss Sevier said she will check.

Action AS

Mr Grugeon & Miss Tidman left the meeting

MATTERS ARISING

2022/12351 FOREST CAMPSITES / CAMPSITES ON THE CROWN LANDS RESUME

The Official Verderer will write to the Deputy Surveyor advising him that the Court believes there are important items missing from the tender documents. They include:-

- doubts about the future of the 3 especially sensitive sites
- the need for indemnity for the Verderers and Commoners in respect of claims for compensation for damage/injuries caused as a result of interactions between campers and livestock, and
- the stringent management controls that apply on all campsites situated on the Crown Lands.

Action OV

The letter to the DS will be copied to the NFA, CDA and NE, although the OV pointed out that the latter must act independently as it has statutory powers.

Action DS

The Court asked for a timetable in respect of the likely award of the tender and stipulated that a presentment will be required before the Court will consent to the new arrangements.

2022/12352 LONG SERVICE AWARDS RESUME

Miss Sevier will discuss the production of certificates with Mrs Woodley.

Action AS

It was agreed there could be a further award to be made to anyone who has shown support for the Verderers above and beyond that which that may normally be expected.

2022/12353 ILLEGAL CYCLING RESUME

The OV reported on a further meeting with the Deputy Surveyor and his team, at which no agreement was reached on tackling illegal off route cycling. There are differing perceptions as to the nature and scale of the problem.

ENCROACHMENTS

2022/12354 ENCROACHMENT AT PICKET HILL RESUME

This matter is progressing, albeit rather slowly. Mr Pasmore asked to see the final particulars of claim.

Action
OV/AHP

HIGHER LEVEL STEWARDSHIP SCHEME & VERDERERS' GRAZING SCHEME

2022/12355 VERDERERS' GRAZING SCHEME DISCHARGE

The VGS committee meets on Wednesday 29th June 2022.

REPORTS FROM EXTERNAL COMMITTEES & WORKING GROUPS

2022/12356 ACCESS FORUM DISCHARGE

Miss Sevier attended a recent Access Forum. There are a number of new members. A useful discussion took place on the interactions of the public and livestock.

STAFF MATTERS

2022/12357 STAFF COMMITTEE MINUTES DISCHARGE

The minutes had been circulated.

2022/12358 AGISTERS' VEHICLES DISCHARGE

It is hoped that 3 new vehicles will be delivered in October. The other two have been ordered but are not expected until 2023.

2022/12359 DECAYING & DEFECTIVE ROADSIDE FENCES RESUME

Mr Deakin explained the Clerk spends a significant amount of time dealing with highway fencing problems. The Staff Committee considers the roadside fences are in places so bad, that they are nothing short of an accident waiting to happen. It was agreed the OV should write to Dr Julian Lewis MP and Mr Desmond Swayne MP, warning of the potential for fatalities and/or life changing injuries, asking if they can assist with securing more resources for main road fencing in the Forest.

Action
OV/Clerk

OTHER ADMISTRATIVE MATTERS

2022/12360 FINANCIAL STATEMENT & THE COURT'S FINANCIAL POSITION RESUME

The Official Verderer, Dr Ferris, Mr Deakin and the Clerk recently met to discuss the Court's financial position. A budget will be produced in time for July's Court. The reduction in marking fees will have a significant effect on the Court's income and it is necessary to look at how costs can be reduced.

Action OV

HEALTH & SAFETY & TRAINING

2022/12361 FIRST AID DISCHARGE

The Clerk is organising First Aid courses for the Agisters.

Action Clerk

ANY OTHER BUSINESS

- | | | |
|------------|---|-----------|
| 2022/12362 | FE HOUSING RENT REVIEW | RESUME |
| | As a member of the Panel looking at the housing/rent review of FE properties and the transitional arrangements, the OV has been approached by three tenants who have submitted appeals. | Action OV |
| 2022/12363 | BEAULIEU ROAD SALE YARD | DISCHARGE |
| | Mr Deakin explained that the Sale Yard repairs are not yet complete. The bill to date, is in excess of £70,000. The Livestock Society will be applying to Forestry England for the installation of two metal barriers in order to try to prevent a repeat of the incident where a stolen vehicle was driven up to the sale ring and set alight. | |
| 2022/12364 | DEPUTY SURVEYOR'S ATTENDANCE AT VERDERERS COURTS | DISCHARGE |
| | Mr Readhead commented that the current Deputy Surveyor appears to have been absent from Court meetings on a number of occasions. The Court understands the DS has other important commitments and hopes he will attend as often as possible | |
| 2022/12365 | HER MAJESTY THE QUEEN'S PLATINUM JUBILEE | RESUME |
| | The Court discussed the best way of marking the Queen's Jubilee. After some discussion, it was agreed the Court will request a suitable specimen tree be planted in the Queen's House garden. | Action OV |

The meeting ended at 13:45 hrs

Jan Marnell
20 July 2022