

**Minutes of the Court of Verderers held on 19th January 2023 at 9.30 a.m.
in the Verderers Hall, the King's House, Lyndhurst**

PRESENT	Lord Manners	Official Verderer
	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	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
	Mr C Chatters	Natural England Appointed Verderer
	Mr M Gammon	Forestry Commission Appointed Verderer
IN ATTENDANCE	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister

IN COMMITTEE in the Library

2023/12667 MINUTES OF THE LAST MEETING RESUME

The minutes of the last Court held on Wednesday 21st December 2022 were approved and signed by the Official Verderer.

2023/12668 NEW DECLARATIONS OF INTEREST RESUME

There were no new Declarations of Interest.

2023/12669 CONDITION OF STOCK RESUME

The Head Agister told the Court that the wet and cold weather is now definitely impacting the stock and ponies are losing condition. Mares with foals from last year and young ponies are being affected the most. Any animal whose condition falls below the Verderers standards will be removed.

Most cattle are home now with only a few herds being fed on their allocated feeding areas. There are concerns about the condition of a couple of herds and these are being closely monitored. As with ponies, any animals which fall below an acceptable standard are removed.

Agisters are helping commoners with TB testing, where they mark the animals for turning out in 2023.

Miss Sevier commented that she encountered a large herd of ponies licking the salt off the road between Deadman Corner and Godshill Cricket Pitch. She asked if there is a salt block near there. It is understood there was one at Deadman Corner last winter. Mr Deakin remarked that this is good feedback and he will check where the nearest block is and see if it is being used.

Action RD

2023/12670 MISSING PIGS DISCHARGE

Two pigs have gone missing in the Burley area. They were legally depastured but it is known they had been able to access private property via fencing that was not fully stock proof.

The Head Agister left the meeting.

2023/12671 MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2023</u>	<u>2022</u>
Forest Ponies	104	30
Forest Cattle	7	53
Forest Donkeys	0	0
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	111	83
Common Ponies	10	0
Common Cattle	121	0
Common Donkeys	0	0
Common Pigs	0	0
Common Sheep	0	0
Total Common Stock	131	0
Ponies, Cattle & Donkeys on the Forest	111	83
Ponies, Cattle & Donkeys on the Commons	131	0
Total Ponies, Cattle & Donkeys	242	83
Total Stock – Forest & Commons	242	83

2023/12672 CAMPING IN THE NEW FOREST DISCHARGE

It was agreed the minute book should contain a record of the Court's consent. Action Clerk

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2023/12673 SHOBLEY/FOREST OAKS RESUME

The Court approved a contribution to legal costs up to £10,000.

OPEN COURT

IN ATTENDANCE: Mr Craig Harrison, Deputy Surveyor
Mr Sean Marsh, Assistant Lane Agent (South East)

The Head Agister opened the Court with the usual proclamation.

ANNOUNCEMENTS & DECISIONS

2023/12674 CAMPSITES

At our November Court I announced that the Verderers are minded to consent to the New Forest Agricultural Show Society through its wholly owned subsidiary Camping in the New Forest Ltd taking over the running of the New Forest campsites for a 10 year period.

The Verderers have given their consent and we understand that the Show Society has now entered into an agreement with Forestry England and will therefore, be running the campsites from this season. We look forward to continuing our good and open working relationship with the Show Society.

2023/12675 NEOSPORA

Last year following a tragic incident of Forest cattle being infected with Neospora, the Verderers commissioned research from the University of Surrey into the occurrence of Neospora in faeces deposited on the Open Forest by dogs walked in the New Forest.

The Research was funded jointly by The Verderers, Forestry England and NF Dog.

The Research found that there were no detectable levels of Neospora in any of the samples of dog faeces tested.

Neospora continues to be a threat to the health of the Forest Herd and further Research would be needed to ascertain how Forest Cattle become infected with Neospora."

ANIMAL ACCIDENT REPORT

2023/12676 THE ANIMAL ACCIDENT REPORT FOR 2022

The Agisters attended a total of 82 accidents last year, compared with 103 in 2021.

34 ponies were killed and 10 were injured. 9 ponies were wearing reflective collars.

2 cattle were killed and 7 were injured.

2 donkeys were killed.

3 pigs were killed and 2 were injured

26 accidents occurred in daylight, 13 at twilight and 43 in the dark.

12 drivers failed to report having been involved in an accident with a commoner's animal.

The total number of commoners' animals killed and injured in 2022 was 60, compared with 59 in 2021.

PRESENTMENT BY THE DEPUTY SURVEYOR

2023/12677 NEW FOREST CAMPSITES

I would like to take this opportunity to update the court on New Forest Campsites.

As shared with the court last autumn, a national tender process has been underway to find a new operator for Forestry England campsites across England, including those here in the New Forest.

I am pleased to be able to confirm that an agreement has now been signed. We have formally appointed The New Forest Agricultural Show Society - through their trading company "Camping in the New Forest Ltd" - as the new operator for the New Forest campsites.

The initial priorities for the new operator will be to prepare for the 2023 season and the implementation of the existing management plans to care for the sites. Customers who have enquired about future bookings and seasonal pitches will shortly be contacted directly by the Society.

With a new operator in place, we will also be able in due course to begin the longer-term process of working on a more sustainable future for the campsites. This will include the consideration of a range of potential options and involve consultation with all key stakeholders.

I would like to take this opportunity to reiterate that our focus remains on finding a long-term solution for people to enjoy staying in the Forest, to better understand and value its special qualities, whilst also ensuring the landscape and its wildlife is protected from inappropriate activity.

THERE WERE NO PRESENTMENTS BY THE PUBLIC

The Head Agister closed the Court

IN COMMITTEE (in the Library)

MATTERS ARISING FROM PREVIOUS COURTS OF CONCERN TO FORESTRY ENGLAND

2023/12678 REPLACEMENT RAILWAY BRIDGES DISCHARGE

Miss Sevier has passed the question of the gradient on the new bridges to the Access Forum to consider, and potentially take up with Network Rail.

DE MINIMIS CONSENTS

2023/12679 UTILITY PROPOSALS AGREED BY THE DE-MINIMIS DISCHARGE
COMMIITTEE

DM0157 BT Openreach - Seamans Lane, Minstead - Cadnam
V8036/1 Civil works to connect Windrush and Oak End
via duct and cabling to two existing poles.

DM0158 SSE - Woodlands, Pikes Hill, Lyndhurst Underground
cable of 23 metres to be installed for a new low voltage
supply to from an existing to pole.

DM0159 SSE - 58 Woodlands Road, Woodlands 4 metres of
underground to be installed for a new low voltage supply.

DM0160 Paragon/Milestone Communications - Paddock House,
Wilverly Road, Burley (Durmast) Pole Swap. Approved
subject to proper fence and gate being erected to ensure
compound is stock proof and safe access.

DM0161 BT Openreach - Little Croft Farm Bull Lane, Lymington
57 metres of duct in the road.

DM0162 BT Openreach – 1 Beufre Farm Cotts, Beaulieu Estate.
Break into existing duct and then run a new 1.5m duct to
the property.

2023/12680 TROOLI DISCHARGE

Mr Deakin reported on a recent meeting with Trooli, a communications provider which started working in the area last year.

Mr Deakin has met with a representative of Trooli to discuss the protocols which must be followed when working in the New Forest. Most of the work Trooli will be undertaking involves threading cables through existing ducts and working in existing joint boxes. Trooli will advise Forestry England and the Court if it is necessary to excavate to clear any blockages in the ducts. Mr Deakin said he will prepare a note of their discussion, to be forwarded to Trooli.

Action RD

SSSI RESTORATION WORKS

2023/12681 THE REPAIR & MAINTENANCE/ENHANCEMENT LIST RESUME

The list was noted. Most of the works are planned between July and September 2023.

ENCROACHMENTS

2023/12682 ENCROACHMENTS LIST RESUME

The list was noted.

ITEMS REQUIRING ACTION BY FORESTRY ENGLAND

2023/12683 ACTION LIST RESUME

The gorse hedge has not been cut. The Deputy Surveyor said he will ensure it is. The hedge is on the left-hand side of the road going uphill from the Mogshade (A31) Underpass in the vicinity of Sluffers Inclosure.

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2023/12684 NEW ACCESS AT PROPERTY IN BURLEY RESUME
March

The occupier of Overmoor Farm has sought consent for a new additional access to his property. Mr Deakin and Dr Ferris made a site visit on behalf of the Court. The justification offered by the property owner for a new access is to facilitate driving his tractor into fields belonging to the property, without using the current gate and crossing the property's main driveway.

There is, however, some confusion as to the method of construction for the new access, which crosses a wet area in which there is currently running water. Mr Marsh explained that during his discussion with the property occupier, he was told that most of the work needed would take place on the property itself and only minimal works would be undertaken on the Forest side of the boundary. A culvert pipe, covered with hoggin would be required.

The Court felt the justification for the new access is somewhat questionable as the main access appears to be perfectly adequate.

		Action SM
	Mr Marsh will go back to the property occupier to identify exactly what he wishes to do and why. Once that information is available, the Court will make a decision on whether to approve the new access.	
2023/12685	THE NEW FOREST POINT TO POINT	DISCHARGE
	Mr Deakin thanked Forestry England for giving permission for the 2022 Point to Point. However, he expressed the view that not enough weight is given to the cultural heritage value of the event. Commoning underpins the whole management and ecology of the New Forest and for the commoners, the P2P is an extremely important part of the community.	
	The Deputy Surveyor said he recognises the importance of the P2P but he said that FE must take account of Habitats Regulations when considering anything that happens on the Forest which is within its control.	
	Mr Stride commented that reducing the number of cars which can be parked at the finish actually caused problems, as people parked in other places and walked to the finish. The result was spectators were actually walking on the course and getting in the way of the riders. He hoped this will be considered this year.	
2023/12686	OPENREACH CONSULTATION	DISCHARGE
	Mr Deakin told the Court that he and Mr Dowsett spent a considerable amount of time talking to Openreach regarding the NFNPA's consultation on Openreach's Habitat Regulation 77 application consultation. NE has now responded. Miss Sevier asked for a copy of the document.	Action Clerk
2023/12687	WATER LEVELS AT ROUNDHILL, BROOK	DISCHARGE
	This ongoing issue is very close to Canterton Manor land. Mr Marsh has been in touch with Wessex Water which carried out a repair. Unfortunately, the area appears to still be wetter than it should be. Mr Marsh will go back to the water company.	Action SM
2023/12688	BURNING PROGRAMME	RESUME March
	Concern was expressed that there is a lack of understanding of the importance to the Forest of Forestry England's annual burning programme. Mr Chatters said a paper is being written which will explain why not burning, would create serious problems for the Forest and its ecology. Supply of forage for animals, public safety and the risk to the Forest from damaging wildfires are all good reasons why it is imperative that the burning programme continues. Miss Sevier suggested the Fire Brigade could provide an input.	Action CC
2023/12689	ADVERTISEMENT FOR NEW OFFICIAL VERDERER	DISCHARGE
	Mr Harrison advised the Court that the advert is now live. It has been shared on social media.	

The Deputy Surveyor and Mr Marsh left the meeting**MATTERS ARISING**

2023/12690	COMPENSATION FOR VERDERERS' INCLOSURES	RESUME
	Mr Pasmore's paper has been circulated. The Official Verderer is trying to obtain information on the value of land for timber plantations. Input from other Verderers would be welcome.	Action OV
2023/12691	CAMPSITES	RESUME
	The suggestion was made that the Court should offer to talk to the campsite wardens before the season starts. This has been done before, in conjunction with the Fire Brigade. It was agreed the OV should write to Mr Dooley at Camping in the New Forest.	Action OV
2023/12692	CYCLING	RESUME
	Whilst serious concern was expressed at Forestry England's continued lack of enforcement of illegal cycling, it was agreed that as a dialogue has been started with cycling interests in the Forest, the Court should give consent for the Waymarked Cycle Network for a further year. This will be communicated to Forestry England.	Action OV
	Mr Manley said a further meeting of the cycling group is due to take place shortly. He will report back to the Court after that meeting.	Action RM
	Mr Chatters reported that a new Government Agency has been created, called the Office for Environmental Protection. It was created in November 2021, under the Environment Act 2021. Its website says its mission is to protect and improve the environment by holding government and other public authorities to account.	
2023/12693	AGISTERS' VEHICLES	RESUME
	The Clerk was asked to obtain quotes for 3 and 5 year contract hire terms for the Agisters' vehicles. Price as well as the backup service offered will be taken into account.	Action Clerk
2023/12694	VISIT BY THE HUMANE SLAUGHTER ASSOCIATION	DISCHARGE
	The Head Agister is in touch with the association.	Action JRG
2023/12695	NEOSPORA AND NF DOG	DISCHARGE
	No further action is required. Mr Manley continues to meet with NF Dog to discuss the group's ongoing work to encourage responsible dog ownership in the Forest. Mr Manley will report back to the Court after their meetings.	Action RM

HIGHER LEVEL STEWARDSHIP SCHEME (HLS) & THE VERDERERS' GRAZING SCHEME (VGS)

2023/12696 AGISTERS' TRAILERS RESUME

This will be discussed further at the next HLS meeting which is imminent. Action OV

2023/12697 HLS ROLLOVER DISCHARGE

The five year rollover agreement has been signed. As reported previously, there is an option to convert to an alternative environmental scheme at any time.

2023/12698 SUPPORT FOR COMMONERS POST BPS RESUME

Mr Manley expressed grave concern that there appears to be no alternative funding stream which will offer similar levels of support to commoners as the BPS. He felt more should be being done. The OV said that a lot is and has been done. Advice has been commissioned about a possible conversion from HLS to a Countryside Stewardship Scheme. A vision paper has been prepared by the Forest Farming Group and submitted to the relevant Government Agency. However, the absence of any clarity from the Government over a very long period of time as to what an ELMS might look like, means that it has been impossible for the Forest Farming Group to make more progress. Action RS

Mr Stride has some costings for keeping a small herd of cattle which he will de-personalise and share. The OV welcomed this news as this type of information is important. The CDA is working on other figures, so a comprehensive picture of the cost of depasturing cattle can be presented. This information will be needed to justify financial support.

It was agreed costings for ponies is also needed.

REPORTS FROM EXTERNAL COMMITTEES & WORKING GROUPS

2023/12699 SSSI STREAM RESTORATION MEETING – PENNY MOOR RESUME

Several members of the Court attended this site meeting. There was a lot of discussion and some opposing views regarding the works that should be carried out.

The Court supports Option 3 of the draft proposals but with Option 2 modified to leave a shallow depression. The removal of 2 bridges with fords being constructed in their place is acceptable.

Following the meeting, FE has invited further thoughts so that a fully worked up proposal can be provided for consideration and hopefully approval at the next Court.

Miss Sevier left the meeting.

STAFF MATTERS

2023/12700 STAFF COMMITTEE MINUTES DISCHARGE

The minutes had been circulated.

2023/12701 FENCING ISSUES AT COWLEYS COPSE DISCHARGE

There are continuing problems at Cowleys Copse, off Summer Lane, Exbury.

Ponies are getting into the Copse through private fencing and on occasions, out onto the road. Mr Deakin, the local Agister and several commoners have spent a lot of time retrieving ponies from the land and the road. The Clerk has written to owner of the parcel of land where the fencing appears to be in the worst condition, asking him to repair his fences. Two notices have been affixed to the main access gates explaining that land owners are obliged to fence against Forest stock and warning them of possible consequences if they don't.

OTHER ADMINISTRATIVE MATTERS

2023/12702 FINANCIAL STATEMENT RESUME

The Financial Statement was noted.

2023/12703 FIVE YEAR PLAN RESUME

The Clerk will check the figures and circulate the revised plan.

Action Clerk

It was agreed that in any future funding scheme for the Forest, it is important to seek financial support for the vital role performed by the Agisters. It was also agreed a financial reserve policy should be drafted for consideration, perhaps when the audited accounts are available for the current year.

Action CC

ANY OTHER BUSINESS

2023/12704 EQUAL OPPORTUNITIES POLICY RESUME

Following a couple of FOI requests for sight of the Court's diversity policy, Mr Deakin said he has been giving the matter further consideration.

The Court is not legally required to hold a diversity policy but it was agreed that situation should be reviewed. Mr Gammon agreed to undertake that task. A Diversity/Equal Opportunities Policy should apply to the whole organisation.

Action MG

2023/12705 POLICIES RESUME

Mr Chatters agreed to look at the Verderers' current policies.

March
Action CC

The meeting ended at 13:09 hrs

Judith Hanner
15 February 2023