

**Minutes of the Court of Verderers held on 17th May 2023 at 9.30 a.m.
in the Verderers Hall, the King's House, Lyndhurst**

PRESENT	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	Dr Graham Ferris	Co-opted Elected Verderer
	Mr R Manley	DEFRA Appointed Verderer
	Mr A H Pasmore	Senior 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
	Mr E Heron	Official Verderer Designate
APOLOGIES	Mr D Readhead	Elected Verderer
IN ATTENDANCE	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister

IN COMMITTEE in the Library

2023/12869 ELECTION OF CHAIRMAN DISCHARGE

In the absence of a formally nominated Official Verderer, the Clerk asked the Court to elect a chairman for the day's proceedings.

After careful consideration it was agreed that Mr Deakin would chair the Open Court and Mr Heron would chair the Committee.

2023/12870 MINUTES OF THE LAST MEETING RESUME

The minutes of the last Court held on Wednesday 19th April 2023 were approved and signed by the Official Verderer.

2023/12871 NEW DECLARATIONS OF INTEREST RESUME

Mr Heron will complete a Declaration of Interest form.

2023/12872 CONDITION OF STOCK & THE SPRING WELFARE TOUR RESUME

The Head Agister reported that the Welfare Tour on 8th May was well attended. He said the tours provide a very good opportunity to explain how the Forest works, particularly to those who have not attended before. A lot of stock was seen and the comments received were good.

Mr Deakin made his usual introduction before the coaches set off, explaining that the winter and spring this year have been tough for the stock.

A new representative from APHA attended and a meeting is to be arranged to discuss the TB plan and other issues.

The Head Agister said that conditions on the Forest have improved in the past few weeks. The grass is growing at last and everything looks better although there are still a few animals which will have to be removed from the Forest due to their condition. The stallions are out. There is a good crop of foals again.

The Head Agister left the meeting**MARKING FEES**

2023/12873 MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2023</u>	<u>2022</u>
Forest Ponies	4582	4604
Forest Cattle	1821	2083
Forest Donkeys	81	120
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	6484	6807
Common Ponies	441	619
Common Cattle	1077	814
Common Donkeys	41	107
Common Pigs	18	14
Common Sheep	35	162
Total Common Stock	1612	1581
Ponies, Cattle & Donkeys on the Forest	6484	6807
Ponies, Cattle & Donkeys on the Commons	1559	1540
Total Ponies, Cattle & Donkeys	8043	8347
Total Stock – Forest & Commons	8096	8523

2023/12874 BREACHES OF THE BYELAWS RESUME

The two commoners who were in breach of the byelaws have removed their animals from the Forest. The Agisters had to provide a fair amount of help for one.

Two Kune Kune pigs have been found on the Forest. They have been impounded by a commoner and advertised by the Clerk. If they are not claimed after 14 days, they will be rehomed.

A further byelaw breach occurred in the North of the Forest where approximately 20 cattle allegedly jumped out of a field. Some of the animals were in poor condition. Marking fees had not been paid and the animals had not been marked.

Some commoners have not yet paid their marking fees.

Action
Agisters

It was suggested a policy for dealing with impounded animals should be drawn up.

Action
RD

OPEN COURT

IN ATTENDANCE: Mr Craig Harrison, Deputy Surveyor
Mr Paul Grugeon, Land Agent

The Head Agister opened the Court with the usual proclamation.

Mr Deakin Chaired the Open Court

ANNOUNCEMENTS & DECISIONS

2023/12875 APPOINTMENT OF THE OFFICIAL VERDERER

Unfortunately, due to a regrettable but unavoidable delay in the appointment process, the appointment of the Official Verderer has not yet been confirmed. I am, however, able to announce that a recommendation has been made by the appointment panel and that this recommendation has been approved by the Minister of State. It is anticipated that the letter of appointment will be signed by the His Majesty the King in time for an announcement to be made before our next Court on the 21st June.

2023/12876 RE-APPOINTMENT OF DEFRA VERDERER

I am pleased to be able to announce that Mr Richard Manley has been re-appointed for a second and final four year term as Defra Verderer.

2023/12877 STALLIONS

18 stallions were turned out onto the Forest on Tuesday 9th May.

The stallions will be turned out this year from Tuesday 9th May for a period of 8 – 9 weeks. They will start to be taken home from Monday 3rd July and must be removed from the Forest no later than Monday 10th July.

The areas in which the stallions run, are carefully decided in order to avoid inbreeding. The list is on our Website and social media.

Members of the public are reminded that they should always keep away from the ponies, but this is particularly important during the stallion season. It is also important to keep dogs under close control as the ponies are more likely to run about at this time of year.

It is also worth mentioning that stallions do not always remain in the areas in which they are first turned out and so it is wise to be particularly aware of the behaviour of the ponies at this time of year.

ANIMAL ACCIDENT REPORT

2023/12878 THE ANIMAL ACCIDENT REPORT FOR APRIL 2023

The Agisters attended 2 accidents in April the same number as in April last year.

1 Pony was killed.

1 cow escaped injury.

One accident happened in daylight, the other in the dark.

Both accidents were reported by the motorists involved.

The total number of animals killed and injured in the year to date is 11, compared with 15 in the same period last year.

PRESENTMENT BY THE PUBLIC

2023/12879 FINANCIAL EQUALITY FOR COMMONERS

Presentment by Mr Andrew Parry-Norton, Chairman of the New Forest Commoners Defence Association

'Good morning Official Verderer, Verderers and Court members.

We, the CDA, believe that all Commoners should be distinguished by the perambulation of the Forest. A distinction that I hope the Verderers will agree with?

The stock Commoners turn out, is as much valued in the North as it is in the South of the Forest.

The lack of engagement by certain stakeholders, runs contrary to this ideal. This has already disadvantaged some Commoners and could continue to do so in any future schemes.

The elected Verderers are here to represent every Commoner from the Forest and we request that they ensure no Commoners are disadvantaged now or in the future, by their location.

We ask that the Verderers contact all Forest Stakeholders to ensure their participation in talks, for the future funding of the Forest.

I will ensure you that the CDA will work with the Verderers to assist all Commoners through an uncertain future but as a united community.

Thank you.'

2023/12880 PSPO ENFORCEMENT & THE AGISTERS

Presentment made by Miss Kay Harrison on behalf of Mr Adam Coutts

'I wish to make this presentment to the Verderers.

Other commoners and I do not believe that the Agisters should have to issue PSPO orders to the public. I think that it is very irresponsible of you to expect them to do this as it is liable to cause confrontation.

Due to the complexity of the qualifications of being an Agister, of which you as Verderers should be fully aware of, I believe they should not receive the training as scheduled for the end of May. This will prevent them from being put on the spot to issue PSPO's. I do not believe that it is in their job description as they are there to Agist livestock, not people. I am fully aware they are required to converse with the public when needed but issuing PSPO's is a completely different scenario.

Forestry England or The NPA (of which I understand have received a considerable amount of money) both attracts people to the New Forest, therefore they should be employing people for this job.

Furthermore, I believe that the orders are worded incorrectly. It should ensure that the public keeps a safe distance from ALL forest livestock as well as preventing petting and feeding.

Let me make it clear this presentment is from Adam Coutts and has no other connection to any other forest organisation.'

The Head Agister closed the Court

IN COMMITTEE (in the Library)

Chaired by Mr Edward Heron

2023/12881 MANAGEMENT OF THE DAY'S PROCEEDINGS DISCHARGE

The Court invited Mr Heron to chair the remainder of the meeting as a non-voting participant. Mr Heron accepted the Court's kind invitation and thanked Mr Deakin for Chairing the Open Court.

CONSIDERATION OF PRESENTMENTS

2023/12882 FINANCIAL EQUALITY FOR COMMONERS DISCHARGE

The Court assumes Mr Parry-Norton is referring to the Verderers' Grazing Scheme and the National Trust's current position. The Court will continue to ask all landowners to assist in ensuring support is equitable for all commoners across the whole Forest. A decision by the National Trust is awaited.

2023/12883 PSPO ENFORCEMENT - THE AGISTERS & THE VERDERERS' OFFICE DISCHARGE

Mr Heron said that in addition to the Agister team, he is concerned at the impact the introduction of the PSPOs will have on the Verderers' Office staff but he suggested there are ways of reducing that impact via the website and by putting auto response messages on emails. The Clerk said one of the main problems the office faces now, even before the introduction of the PSPOs, is the difficulties members of the public have in contacting Forestry England by telephone. FE's phone frequently goes unanswered and when it is, the call takers often cannot answer the queries they are asked. As a result, calls are received by the Verderers' Office on a daily basis about matters which are outside its remit. The Deputy Surveyor undertook to investigate.

Action
EH/Clerk

Action DS

Mr Pasmore said he is concerned for the Agisters in particular because in his experience whilst people are generally polite, they are usually resentful and sometimes aggressive when they are approached. Miss Sevier repeated that she feels body worn cameras would help reduce the risk of aggression towards the Agisters.

The DS said some FE staff have similar concerns in relation to staff enforcing the PSPOs and added that staff safety is paramount. FE has not received any additional funding for PSPO enforcement. It is an additional commitment that FE will be undertaking with existing resources.

Action
EH/RD/MG

Mr Heron said that the Agisters should attend the training. When he suggested this is not actually a new role for the Agisters, it was pointed out that the old Do Not Feed the Ponies signs, which were erected on poles on roadside verges, were in fact to do with an old HCC byelaw which is no longer in existence.

Mr Heron reminded the Court that paragraph 16 of The New Forest (Confirmation of the Byelaws of the Verderers of the New Forest) Order 2010, which replaced similar provisions contained within the 1978, 1999 and 2003 Orders, prohibits the hand feeding (16(1)) and placing of feed on the Forest (16(2)) by any person other than the owner, a person appointed by an owner or an agister. The enforcement of said byelaws already falls within the remit of the Court and its officers.

Reference was then made to the Court's health and safety policy. Loan workers must not be expected to deal with aggressive people. The instruction is always to walk away. It was agreed that following the training, Mr Heron, Mr Deakin and Mr Gammon will meet with the Agisters to discuss their concerns.

MATTERS ARISING

2023/12884 WYCH GREEN

DISCHARGE

The Deputy Surveyor said FE has asked the Parish Council to think about the best location for the tree in view of the proximity of overhead lines and a water main. The Court is happy for the DS to take this forward.

Action DS

UTILITY PROPOSALS FALLING OUTSIDE THE SCOPE OF THE DE-MINIMIS COMMITTEE

2023/12885 PROPOSED CIVILS WORKS IN BANK, LYNDHURST - FIBRE TO THE PREMISES PROJECTS - LYNDHURST V9033 - ADDITIONAL DUCT GRITNAM ROAD

DISCHARGED

These proposals are approved subject to the three usual conditions which are satisfactory reinstatement, safe working conditions and compensation for loss of grazing.

2023/12886 BT OPENREACH PROPOSED CIVIL WORKS IN THE MINSTEAD AREA – FTTP CADNAM V8034 – TO RECORD THE DELEGATED DECISION

DISCHARGE

2023/12887 ESSO / FISHER GERMAN – HARDLEY TO APPELMORE. PART OF THE INSTALLATION OF A NEW AC MITIGATION ZINC RIBBON AND ASSOCIATED CATHODIC PROTECTION WORKS ON THE ESSO PIPELINE AT HYTHE

DISCHARGE

Mr Deakin met with Ms Amy Howells, FE's Estates Officer to consider these proposals on the ground. Subject to the three usual conditions, Forestry England's consent and Natural England's assent, Mr Deakin confirmed he is happy with the proposals. Apart from anything else, they are hugely preferable to a failure of the pipeline!

2023/12888 NEW COMMUNICATIONS MAST AT WHITESHOOT BOTTOM, FRITHAM RESUME

The National Park Authority has also written to the mast provider explaining that this site is not acceptable.

Mr Grugeon will arrange a meeting with the agent acting for the mast company with a view to discussing the way forward for the provision of 5G in the Forest. Action PG

CAMPSITES

2023/12889 ROUNDHILL CAMPSITE WARDENS AREA – REQUEST FOR TEMPORARY FENCING DISCHARGE

It was agreed that a temporary fence can be erected this year to protect the Wardens caravans. Further discussion will be required for future years.

CNF intends to review its operation at the end of the season with a report on how things have gone this year and with a longer term plan. Action PG/CNF

SSSI RESTORATION WORKS

2023/12890 THE REPAIR & MAINTENANCE/ENHANCEMENT LIST RESUME

The list was noted.

2023/12891 PENNY MOOR RESTORATION DISCHARGE

Amended Option 3 of the proposals for this site is agreed.

2023/12892 TEMPORARY FENCING OF SSSI SITES AT NORTH SLUFTERS & LONGBEECH RESUME

The Deputy Surveyor is asked to obtain some clarification on this proposal which is to fence the areas for up to 5 years. If agreed, the fences must be removed as soon as they are no longer required. Action DS

It was suggested that in future, consideration should be given as to whether fencing is likely to be necessary, as part of the original proposals. However, the DS pointed out that it isn't usually possible to identify future repair / consolidation works as they arise from post implementation monitoring.

ENCROACHMENTS

2023/12893 ENCROACHMENTS LIST RESUME

The list was noted. The Clerk asked for one other to be added. In Chapel Lane, Sway, a resident has fenced off an area outside his field gate and put down some compost and grass seed to repair several worn areas of grass. Action FE

ITEMS REQUIRING ACTION BY FORESTRY ENGLAND

2023/12894 ACTION LIST DISCHARGE

The list was noted.

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2023/12895 TURF HILL TEMPORARY FENCE DISCHARGE

FE has asked to remove the fence that was put up in 2020 around a wet area on Turf Hill following an HLS project to remove stumps, ridges and furrows. However, a recent survey of the area found that molinia is becoming dominant and birch is also starting to invade/regenerate. The Court agreed the fence can be removed.

2023/12896 OFAC – INFORMAL CAR PARKS DISCHARGE

Mr Chatters referred to a discussion in the recent OFAC meeting when it was queried if it is possible to formalise informal parking areas. The Court agreed unanimously that this cannot happen. Car parks require the formal consent of FE, Natural England and the Verderers. Concern was expressed that the request implies that some FE staff are unaware of the regulations under which they work. The DS said he will investigate.

Action DS

2023/12897 DRAGONS TEETH ON THE ROAD TO BOLDERWOOD, CLOSE TO THE NEW FOREST INN RESUME

Dragons' teeth were put in to try to prevent verge parking but as a result the opposite verge has been badly damaged. FE is asked to investigate what can be done to improve the situation.

Action DS

2023/12898 TURF HILL NATIONAL GRID PYLON REFURBISHMENT DISCHARGE

Concern was expressed that further damage has been caused on Turf Hill, this time as a direct result of the pylon refurbishment works. The track leading to the temporary compound has been badly damaged. In addition, materials were left outside the compound. FE is aware and is in touch with National Grid.

The Deputy Surveyor and the Land Agent left the meeting

MATTERS ARISING FROM EARLIER IN THE MEETING

2023/12899 CAMPING IN THE NEW FOREST ADVISORY GROUP RESUME

The Advisory Group has met once. Mr Chatters said he is concerned that no further meetings have been arranged. The Clerk was asked to find out if another meeting is planned.

Action Clerk

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2023/12900 SHOBLEY FOREST OAKS RESUME

A case management hearing has been set for early July. The Open Spaces Society is also assisting and has offered some financial support, subject to certain conditions.

MATTERS ARISING

2023/12901 VERDERERS' VETERINARY ADVISOR DISCHARGE

Mr Alex Crook MRCVS has confirmed he is happy to act as the Court's Veterinary Advisor. He attended the recent Welfare Tour of the Forest.

2023/12902 PUBLIC SPACE PROTECTION ORDER (PSPO) TRAINING RESUME

Mr Heron repeated that he feels the Agisters should attend the training, after which their role will be discussed further. The provision of body worn cameras will be considered then. Action OV

2023/12903 COMMONERS DWELLING SCHEME RESUME

The problems remain unresolved. This is a very important issue and Mr Heron was asked chase up the NPA which is considering what changes to the scheme can be achieved within the constraints of the current local plan. It was suggested it might be possible to set up a Loan Society/Home Community Funding scheme as the current rules of the scheme make obtaining a standard mortgage impossible. Action OV

2023/12904 STALLION GRAZING RESUME

The search for suitable grazing for the stallions continues. The National Trust has indicated it might have something. The Clerk is continuing to talk with a local Estate. Action RD/Clerk

2023/12905 NEOSPORA RESUME

Neospora remains a concern. Mr Manley is talking to the Verderers' veterinary advisor. Action RM

2023/12906 A31 FENCE DISCHARGE

The Clerk is in touch with National Highways regarding a length of defective fencing that was reported some weeks ago. Mr Stride said he will check to see whether any repairs have been undertaken. Action RS/Clerk

2023/12907 FUTURE FUNDING FOR THE NEW FOREST RESUME

A consultant has been selected and work will commence soon.

The Forest Farming Group next meets on 25th May. Action OV

OTHER AGENDA ITEMS**HIGHER LEVEL STEWARDSHIP SCHEME & THE VERDERERS GRAZING SCHEME**

2023/12908 VERDERERS GRAZING SCHEME ENHANCED PAYMENTS RESUME

£200,000 a year is likely to be available for an additional payment to commoners who turn out cattle onto the Crown Lands. Subject to the HLS Board approving the payments, this sum will be distributed at a rate of £2,739.72 per holding number.

Action OV

A meeting has been held with the National Trust which has agreed in principle to provide £90,000 over 2 years to support commoners who depasture stock on its commons.

Action OV

EXTERNAL COMMITTEES & WORKING GROUPS

2023/12909 NF DOG RESUME

Mr Manley said a meeting is due to take place shortly.

Action RM

2023/12910 OFAC DISCHARGE

The Clerk will circulate the minutes. Some members of the Court already receive them.

Action Clerk

2023/12911 FRESH WATER & WETLANDS FORUM DISCHARGE

Mr Chatters and Mr Deakin attended a recent meeting in which a project was approved.

STAFF MATTERS

2023/12912 STAFF COMMITTEE RESUME

The minutes of the last Staff Committee meeting had been circulated.

OTHER ADMINISTRATIVE MATTERS

2023/12913 FINANCIAL STATEMENT RESUME

The Financial Statement was noted.

TRAINING & HEALTH & SAFETY

2023/12914 HEALTH & SAFETY AUDIT DISCHARGE

A health and safety audit is being arranged. The last review took place in 2017.

ANY OTHER BUSINESS

2023/12915 STUMPS AT MATLEY

DISCHARGE

Mr Pasmore asked that the stumps on the edge of the track at Holmhill Passage be removed. Mr Stride said there was a plan to chip them but it turned out that there were too many stones. Another method of disposal needs to be found. It was requested that this is put on the Action List.

Action
Clerk/FE

2023/12916 TICKS

DISCHARGE

Miss Sevier attended an interesting workshop on ticks. Funding is available for a survey to find out how many people have antibodies which indicate they have been bitten by ticks. FE and NFNPA staff are taking part and it is suggested that the Verderers and their staff may like to as well. Miss Sevier will ask for details of the study to be sent to the Clerk. Meanwhile, the Clerk will circulate Miss Sevier's brief report on the workshop.

Action
AS/Clerk

The meeting ended at 12:42 hrs

A handwritten signature in black ink, consisting of a stylized, cursive initial followed by a long horizontal stroke.