

**Minutes of the Court of Verderers held on 20th December 2023 at 9.30 a.m.
in the Verderers Hall, the King's House, Lyndhurst**

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|---------------|-------------------|---|
| PRESENT | Mr E Heron | Official 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 |
| | Mr R Stride | Elected Verderer |
| | Mr C Chatters | Natural England Appointed Verderer |
| | Mr M Gammon | Forestry Commission Appointed Verderer |
| | Miss A Sevier MBE | National Park Appointed Verderer |
| IN ATTENDANCE | Miss S Westwood | Clerk to the Verderers |
| APOLOGIES | Mr R Deakin | Elected Verderer & Staff Committee Chairman |

IN COMMITTEE in the Library

2023/13238 APOLOGIES DISCHARGE

Mr Deakin sent his apologies as he is unwell.

2023/13239 NEW DECLARATIONS OF INTEREST RESUME

There were no new declarations of interest.

2023/13240 CONDITION OF STOCK – REPORT BY THE HEAD AGISTER RESUME
Prepared by the Head Agister and read by the Clerk

Over-all the condition of stock is holding up fairly well, despite the continuing wet weather we are experiencing at the moment.

However, there are quite a number of mares with foals still on them, and i have noticed that some of these are losing condition and will need to come off the forest shortly. I can see we will be busy in the New Year.

We have also started marking cattle for next year, during the TB test window for commoners' cattle, and there have been at least one holding where the Agisters would not mark some of the cattle due to the poor condition of a few individual animals, but this is not a widespread problem.

We also know of a few yearling colts out there, that will of course soon be two year olds, and these will also have to be removed, which will inevitably fall to the Agisters to catch.

Finally, we plan to implement the change in Agister areas to begin from the 1st of January, to coincide with the start of the new marking fee year.

Thank you and wishing you all a merry Christmas.

2023/13241 WELFARE TOUR OF THE FOREST – FRIDAY 8TH DECEMBER DISCHARGE
2023 – Report prepared by Mr Deakin and read by the Clerk

The welfare tour was held on December 8th, with several Verderers in attendance.

The day was fortunately sunny and dry, following one of those exceptionally wet days. A reasonable number of animals were seen, but not as many as on some tours, probably because some were reluctant to come out after sheltering the previous day. All animals seen were in good or very good condition, including some mares still carrying foals.

Attendance was down a little from our average numbers, but there were some new faces, notably four from APHA, and the NFNPA chairman. It was a good opportunity to educate the APHA staff who deal with our TB plan, and to discuss future funding with David Bence who chairs the future funding group. The chats along the way are probably more important than actually seeing animals. All feedback was good and as usual reinforced the value of the tours.

The Head Agister left the meeting.

2023/13242 MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR RESUME

| | <u>2023</u> | <u>2022</u> |
|---|-------------|-------------|
| Forest Ponies | 4912 | 4773 |
| Forest Cattle | 2875 | 2874 |
| Forest Donkeys | 119 | 125 |
| Forest Pigs | 334 | 375 |
| Forest Sheep | 0 | 0 |
| Total Forest Stock | 8240 | 8147 |
| Common Ponies | 619 | 633 |
| Common Cattle | 1197 | 909 |
| Common Donkeys | 106 | 114 |
| Common Pigs | 52 | |
| Common Sheep | 163 | 36 |
| Total Common Stock | 2137 | 162 |
| Ponies, Cattle & Donkeys on the Forest | 7906 | 7772 |
| Ponies, Cattle & Donkeys on the Commons | 1922 | 1854 |
| Total Ponies, Cattle & Donkeys | 9828 | 9428 |
| Total Stock – Forest & Commons | 10377 | 10001 |

2023/13243 BREACHES OF THE BYELAWS RESUME

No new breaches were reported.

The Deputy Surveyor and Mr Grugeon joined the meeting**MATTERS ARISING**

- 2023/13244 MINUTES OF THE LAST MEETING RESUME
- The minutes of the last Court, held on Wednesday 15th November 2023, were approved subject to a minor amendment. The Minutes will be signed by the Official Verderer once the amendment has been made.
- 2023/13245 FENCE ROUND ROUNDHILL CAMPSITE WARDEN'S Paddock DISCHARGE
- The DS's recollection of the meeting differs from the agreed minutes (November Minute No. 2023/13211 refers) in that he thought 2 years had been agreed.
- The DS advised that in light of the Court only agreeing 1 year, he would be bringing the item back again next year to request a further year.
- The DS advised that following the completion of the Campsite Review, a longer-term strategy will be brought to the Court, which will hopefully mean that further extensions will not be required.
- 2023/13246 HEALTH & SAFETY VS ENVIRONMENTAL LEGISLATION DISCHARGE
- In the December Court under Campsites, Minute No. 13200, Mr Grugeon suggested that Health and Safety Legislation trumps Environmental Legislation. He quoted from *The Queen on the application of 'The Heath & Hampstead Society vs The Mayor and Commonalty and Citizens of the City of London (acting by The Hampstead Heath, Highgate Wood and Queen's Park Management Committee ((and the projects sub committee))*. However, when Mr Gammon read the judgement, his view differed. He believes the judgement concludes there are no hard and fast rules where there is conflicting legislation. Each case must be considered on the facts and its own merits. The Judge in the Hampstead Heath case felt that the decision would need to satisfy public safety first whilst causing the least possible damage to the environment.
- 2023/13247 ASHURST HOSPITAL RESUME
February
- A letter has been received from the NHS's solicitor disagreeing with the Court's views that the common rights on the land were not extinguished and they cited a High Court ruling from 1995 as their evidence. The Court disagrees. After some discussion it was agreed the advice of the Court's solicitor should be sought to decide on a way forward. The OV will draft a letter seeking that advice. The Clerk will provide such supporting papers as she can identify. The Court asked to see the draft before it is sent. Action OV & Clerk
- 2023/13248 EVENT CATERING VANS DISCHARGE
- The HRA, which is used by FE to decide whether to grant consent for recreational activities on the SSSI, is felt by the Court to be limited in the criteria it considers and expressed concern that it does not address some important additional issues.

Location and impact of events is considered to be very important. The DS, however, said he feels the HRA is adequate. All agreed that the issue of consents for large events does need wider discussion.

UTILITY PROPOSALS

| | | |
|------------|--|--------------|
| 2023/13249 | DE-MINIMIS-CONSENTS - UTILITY PROPOSALS AGREED BY THE DE-MINIMIS COMMITTEE | RESUME |
| | DM0182 Matley Cottage, Beaulieu Road, Lyndhurst. Minimal improvement/repair to existing tarmac access (request via FE) | |
| | DM0183 Keir for SW Water Beufre Barn, Bucklers Hard, Beaulieu. New water main connection | |
| | DM0184 Churchill Retirement Plc Mallards, Bucklers Hard, Beaulieu. New water connection (under 10m) | |
| | DM0185 Openreach, Woodlands, Pikes Hill, Lyndhurst. New 5m duct to join up with developer laid duct on private property | |
| 2023/13250 | UTILITY PROPOSALS FALLING OUTSIDE THE SCOPE OF THE DE-MINIMIS COMMITTEE | RESUME |
| | The Cadnam Fibre order OGEA71451285 Brick Kiln Farm, Minstead, Lyndhurst was approved but the Clerk was asked to advise Openreach that reinstatement to a satisfactory standard of what is a well-used track is essential. | Action Clerk |

SSSI RESTORATION WORKS

| | | |
|------------|---|-----------|
| 2023/13251 | THE REPAIR & MAINTENANCE/ENHANCEMENT LIST | RESUME |
| | The list was noted. | |
| 2023/13252 | HAWKHILL MIRE AND FURZEY LODGE MIRE RESTORATION PROPOSALS | RESUME |
| | The proposals contained in an email from Lorna Bailey-Towler dated 13 th November 2023 were considered. | |
| | The Hawkhill end of the proposals are acceptable and the Court gave its consent to those works. However, the proposals for the Furzey Lodge part are not. There are issues that remain unresolved and the Court asked the DS to go back to Ms Bailey-Towler and ask her to look again at the proposals. | Action DS |
| 2023/13253 | ANSES WOOD RESTORATION PROPOSALS | DISCHARGE |
| | The DS said the track will be monitored to ensure satisfactory access is maintained. | |

ENCROACHMENTS

- 2023/13254 ENCROACHMENTS LIST RESUME
The list was noted.
- 2023/13255 ILLEGAL ENCROACHMENT AT A COTTAGE IN BARTLEY RESUME
Mr Grugeon said as yet this encroachment has not been abated. Action PG
- 2023/13256 COVEN OF WITCHES, BURLEY DISCHARGE
The fence pre-dates 1964. It is a new fence on an old line and there is no new encroachment.

ITEMS REQUIRING ACTION BY FORESTRY ENGLAND

- 2023/13257 ACTION LIST RESUME
Unfortunately a list was not available.
- 2023/13258 POSSIBLE ENCROACHMENT AT TURF CROFT / COMMON MOOR RESUME
Mr Chatters has noticed a drain which has been dug out and spoil put onto the Forest. FE will check its boundaries and see if there is anything it can do. Action FE
- 2023/13259 HOLMSLEY LODGE / SHRIKE COTTAGE RESUME
The Court asked whether the gravel track which is south of the former Holmsley Lodge/Shrike Cottage site could be returned to open Forest as the cottage has gone. A post and rail fence would have to be removed and the cattle grid bypass gate re-sited. Mr Grugeon will seek information on the status of the track. Action PG

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

- 2023/13260 BEAULIEU ROAD STATION – NETWORK RAIL'S REQUEST TO CREATE A COMPOUND FOR EQUIPMENT AND MATERIALS STORAGE DISCHARGE
Network Rail is proposing to create a compound on a piece of land which has been open to Forest stock for many years. Re-enclosing it was discussed. On the one hand, the land will be required for railway purposes and therefore appears to satisfy the reversion clause in the Railway Act. On the other hand, the land may now be regarded as subject to prescriptive rights for the commoners' animals to graze. After careful consideration the Court agreed not to object and NWR's proposal was agreed. A request will, however be made, that the area be reopened to stock if at a future point it is no longer required for railway purposes. Action AHP/
Clerk

2023/13261 FUTURE PLANS FOR ICE CREAM CONCESSIONS DISCHARGE

The DS outlined FE's proposals for extending the concessions to provide a more modern and high quality offering to include the sale of tea, coffee and cakes, as well as Ice Cream. Conditions will be placed on the concessionaires which will include keeping areas around their units free of litter by minimising packaging and ensuring their customers do not feed or interact with the commoners' animals.

In time further proposals will be brought forward in respect of 5 sites and these will include refurbishment/reconstruction of some toilet blocks.

2023/13262 CULVERTS UNDER THE HILLTOP TO IPERS BRIDGE ROAD DISCHARGE

Mr Readhead thanked FE for keeping the culverts under this road clear in order that the road doesn't flood. He said it has been a major success.

2023/13263 ROADSIDE VEGETATION DISCHARGE

Mr Readhead also thanked FE for the work it has done in keeping verges in his area clear and cutting back gorse which has resulted in some excellent regeneration. Young gorse is a wonderful food for the ponies.

2023/13264 GORSE DISCHARGE

On Blackfield Common, the gorse has reached a height of 10-12ft in some places and it is felt to be a hazard to walkers. When stock runs about, people can hear the animals but not see them. Mr Readhead asked whether the gorse height could be reduced as a lot of people walk on Blackfield Common and he is concerned there could be an accident.

It was also pointed out that very tall gorse causes problems for stock management. When driving stock on horseback, the ponies get into the gorse where riders may not be able to follow. Blackfield Drift was always a good drift for young commoners riding for the first time, but unfortunately because of the gorse, that is no longer the case.

The issue is under discussion at the Open Forest Advisory Committee (OFAC).

2023/13265 FALLEN TIMBER DISCHARGE

Mr Readhead expressed concern at the quantity of fallen timber open the Forest, and he cited the road at Pennerley as a good example. He described the situation as 'chaotic'. In the past, fallen timber used to be cleared up, preventing animals getting trapped and avoiding loss of grazing. Mr Stride agreed and said the amount left now far exceeds what is needed. The Court generally felt the balance has tipped too far in favour of conservation and the amount of wood left on the ground has become a nightmare for stock management. Mr Chatters disagreed. It is an ongoing issue which is difficult to resolve because of such strong opposing views.

2023/13266 RESEEDED AREAS DISCHARGE

The reseeded areas have always been of significant benefit to the animals by providing grass for the ponies in particular. However, it has become drastically reduced due to the amount of heather, gorse and other coarse herbage which is taking over. In some places, and Horseshoe Bottom was mentioned, grass is now virtually non-existent. Again, there are strong opposing views. It is agreed future landscape schemes must take this issue into account.

2023/13267 BRAMBLES AT ABBOTSWELL CORNER DISCHARGE

Miss Sevier thanked FE for the bramble clearance work which has been undertaken at Abbotswell Corner.

2023/13268 CRICKET DISCHARGE

Mr Grugeon advised the Court that an event is being planned for the first weekend in July to celebrate Lyndhurst Cricket Club's 150th Anniversary. The event will be held on Bolton's Bench and details will be provided in due course.

2023/13269 NEW FOREST LAND AGENT'S RETIREMENT DISCHARGE

Mr Grugeon is retiring at the end of March. The recruitment process to select his successor will commence shortly.

The Deputy Surveyor and the Land Agent left the meeting

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2023/13270 SHOBLEY / FOREST OAKS DISCHARGE

Mr Chatters provided an update from Natural England. He said its enforcement team and the owner of the common have reached an agreement. All unconsented works will be removed within the next 3 months, commencing this month. Further details in respect of the resolution of this case will be made available in due course.

2023/13271 ENCROACHMENTS WORKING GROUP DISCHARGE

Mr Pasmore was concerned to hear that this group has met but he did not receive an invitation to attend. He sits on this group and asked to be included in future. The OV said he will find out why Mr Pasmore was not advised when the group met recently.

Action OV

MATTERS ARISING

2023/13272 STALLION GRAZING RESUME

The Clerk said Mr Deakin has advised that agreement has been reached regarding the conditions relating to the tenancy of National Trust grazing land at Mottisfont. The NT's Land Agent is completing some formalities to comply with NT and Charity requirements, after which the Farm tenancy will be received, probably early next year.

Action RD

2023/13273 SPEED CAMERA VAN – CONTINUED PART FUNDING DISCHARGE

A decision on future funding is deferred, pending further information.

2023/13274 DRIFTS – WASHUP MEETING/REVIEW – report prepared by Mr Deakin and read by the Clerk DISCHARGE

The annual drift review is part of a continuous improvement process, with lessons learnt captured to be taken forward into the following year. Identified follow up actions are recorded and stewarded through the Staff Committee minutes. Attendees are Staff Committee Verderers, Agisters, and a FE representative, there on behalf of all rangers.

32 Drifts were scheduled, with 27 being completed. 2 were cancelled due to local strangles, 2 because of Electricity pylon work, 1 because it was felt not to be needed.

Numbers of ponies driven in varied considerably across the programme, and in some cases consideration will be given to changing drift tactics, or direction. Those decisions will be left to the discretion of the local Agister and will not be stewarded.

It was noted that two drifts were very successful after a new direction was taken.

Increased use of the mobile (temporary) pound and chute facilities in our attempts to change things around a little, uncovered some safety concerns. Minor modifications have been identified, and will be actioned prior to the 2024 season.

High gorse in many areas of the Forest made drifting difficult, due to an inability to see and at times keep up with the driven ponies. Deadwood in places generally, and vegetation at the run in to pounds caused problems. These will be reported to the Forest Management team and to OFAC to be considered for action.

5 commoners were identified as having gone above and beyond in their contributions to the drift execution. Thank you letters have been written. It was also agreed that the FE and NPA Rangers made a great contribution. Thanks to be given through the Court.

In contrast, it was noted that the drifts in the Northern portion of the Forest were lacking in Commoner riders and help in general. This has been mentioned at NFCDA meetings, but no effective solution identified.

Communications to the Rangers could be improved if radios could be tuned to a common channel. This will be investigated.

Use of sticks as an arm extension was mentioned at the November Court.

With respect to Mr Deakin's comment about the lack of help in the north of the Forest, it was pointed out that few drifts in the north are held at weekends when more commoners could be available. This will be addressed for 2025 as next year's drift list has already been drawn up.

Action RD

2023/13275 NEW FOREST SHOW 2024

DISCHARGE

It was agreed the Verderers will once again have a stand at the New Forest Show in 2024. A budget of up to £3,500 to spend on the display was approved.

The staff and particularly Miss Bayley were thanked for their hard work in creating an excellent display.

A discussion took place on whether an allocation of tickets could be provided for Verderers who attend the Show specifically to help on the stand. The Clerk explained that apart from 9 tickets which are provided FOC by the Show Society, any others must be paid for and providing tickets for everyone would obviously result in significant additional expenditure. The OV suggested that if a Verderer would not usually attend the Show, and goes along only to assist on the stand, it is reasonable that a free ticket be provided. After further discussion, it was agreed that appointed Verderers who assist should claim the cost of their ticket from their appointing organisation but elected Verderers who only attend to assist on the stand, may request a ticket.

REPORTS FROM EXTERNAL COMMITTEES & WORKING GROUPS

2023/13276 LEADERSHIP GROUP

DISCHARGE

The OV sits on this group, which is attended by senior representatives of statutory and public bodies. The group discusses matters such as agri-environment schemes. The OV suggested inviting members of the group to an Open Court, followed by a trip out into the Forest with two Verderers, before returning to the Kings House for lunch and further discussion.

Action OV

2023/13277 LOCAL NATURE RECOVERY STRATEGY

DISCHARGE

Mr Chatters said Defra has appointed Hampshire County Council as the Responsible Authority for the Hampshire area in respect of the strategy.

Each Local Nature Recovery Strategy will be evidence-based, locally led and collaborative, to create a network of shared plans that public, private, and voluntary sectors can all help to deliver. Natural England will lead the Government's involvement and will work alongside each of the Responsible Authorities to help shape the strategy and ensure overall consistency. The preparation of each LNRS will also be supported by the Environment Agency and the Forestry Commission.

A meeting is due to be held and the Court has been asked to send a representative. Mr Manley said he would like to attend as Defra's Appointed Verderer. Dr Ferris also expressed an interest in attending. The OV will take this forward.

Action OV

2023/13278 DOG GROUP DISCHARGE

Mr Manley reported on the latest meeting. He said that Mr Oliver Crosthwaite-Eyre has agreed to remain as Chairman for one more year.

STAFF MATTERS

2023/13279 STAFF COMMITTEE RESUME

Due to unforeseen circumstances the December Staff Committee meeting did not take place.

2023/13280 EMPLOYEE ASSISTANCE PROGRAMME RESUME

The OV said that he feels the Court should be providing some form of HR/support to its employees. He has obtained a quote from an outside organisation and he asked the Clerk to forward it to members of the Court. The suggestion will be discussed further at the January Court.

OTHER ADMINISTRATIVE MATTERS

2023/13281 FINANCIAL STATEMENT RESUME

The Financial Statement was noted.

2023/13282 BUDGET / FIVE YEAR PLAN DISCHARGE

The OV said that as one of the highest cost items on the budget, he intends to review the Court's insurance policies.

Action
OV/Clerk


2023/13283 INSURANCE & DEPASTURED STOCK DISCHARGE

Mr Manley said he has recently been told by Aviva that incidents are only regarded as high risk if there are more than 3 serious incidents in 3 years.

TRAINING & HEALTH & SAFETY

There was nothing to report at this meeting

There being no further business, the meeting ended at 12:55 hrs.



17th January '24