

**Minutes of the Court of Verderers held on Wednesday 20th March 2024 at 9.30 a.m.
in the Verderers Hall, the King's House, Lyndhurst**

PRESENT	Mr E Heron	Official Verderer
	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	Dr G Ferris	Co-opted Elected Verderer
	Mr A H Pasmore	Senior Elected 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
APOLOGIES	Mr D Readhead	Elected Verderer

IN COMMITTEE in the Library

2024/13392 **MINUTES OF THE LAST MEETING** **RESUME**

The minutes of the last Court, held on Wednesday 21st March 2024 were approved, and signed by the Official Verderer.

2024/13393 **NEW DECLARATIONS OF INTEREST** **RESUME**

There were no new declarations of interest.

2024/13394 **CONDITION OF STOCK – REPORT BY THE HEAD AGISTER** **RESUME**

The Head Agister said this is the time of year when there is a lack of grass, the Forest looks tired and the animals look hungry, but having said that, a lot of the animals look absolutely fine. Ponies are browsing on gorse and pollarded holly which is a great help, and thanks are due to Forestry England for its work in that respect. The condition of quite a few animals is borderline and sometimes the Agisters find it difficult to decide whether an animal will be OK or needs to be taken off the Forest.

2024/13395 **CATTLE** **DISCHARGE**

Whilst a lot of cattle have been off the Forest for the winter, there remain a couple of herds still on the Forest which are left to mark.

One cattle owner who has animals which have missed their TB test and some which are poor, is being assisted to catch his remaining animals.

Another cattle owner moved animals out of the Forest area to land which did not have a CPH (County Parish Holding) number. The movement was not recorded with CTS (Cattle Tracing Service). Trading Standards are aware of these contraventions of Defra regulations. Whilst away from the Forest, the herd was found to be relatively close to some cattle which tested positive for TB. Luckily, however, it transpired the Forest animals were just outside the radial testing zone which was imposed. The animals will be pre-movement tested before returning to their home holding and will have to be

isolated for 60 days and re-tested clear of TB before they can be returned to the Forest grazing. The Court is disappointed that Trading Standards/APHA is not taking action against the commoner for not recording the movement of the cattle.

2024/13396 STRANGLES

RESUME

Strangles is still rumbling on. A case was identified at Holmsley at the beginning of March. The pony was in a bad way and so was despatched by the Agister at the request of its owner.

Not all the affected animals show the usual Strangles symptoms.

The Head Agister left the meeting.

2024/13397 MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR

RESUME

	<u>2024</u>	<u>2023</u>
Forest Ponies	407	334
Forest Cattle	194	49
Forest Donkeys	3	0
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	604	393
Common Ponies	9	39
Common Cattle	0	164
Common Donkeys	0	0
Common Pigs	0	0
Common Sheep	0	0
Total Common Stock	9	203
Ponies, Cattle & Donkeys on the Forest	604	393
Ponies, Cattle & Donkeys on the Commons	9	203
Total Ponies, Cattle & Donkeys	613	596
Total Stock – Forest & Commons	613	596

2024/13398 BREACHES OF THE BYELAWS

RESUME

The commoners mentioned in 2024/13395 above are also in breach of the Verderers' byelaws and consideration is being given to what if any action should be taken in addition to any VGS penalties.

A third cattle commoner is under investigation as he too has animals on the Forest which have not been TB tested.

2024/13399 SPRING WELFARE TOUR

RESUME
May

The Welfare Tour will be held on Wednesday 10th May 2024.

OPEN COURT

IN ATTENDANCE: Mr Craig Harrison, Deputy Surveyor
Mr Paul Grugeon, Land Agent
Mrs Joan Clark, Land Agent East

The Head Agister opened the Court with the usual proclamation.

ANNOUNCEMENTS & DECISIONS

2024/13400 CAMPSITES

A meeting has taken place with Camping in the New Forest and Forestry England to discuss how conflicts between people and commoners' livestock on Forest campsites can be avoided. Discussions will continue with the aim of obtaining a satisfactory solution to what is a very serious, long standing and difficult issue.

2024/13401 CDA PRESENTATION ON 'PLAN B'

We are pleased to confirm that the agreement for the PA2 funding has now been signed. Working with partners through the Forest Farming Group. We will explore all funding options to support the financial sustainability of Commoning, both in the short and longer term.

2024/13402 ENCROACHMENT AT SHOBLEY/FOREST OAKS

We would like to express our thanks to James Young and Mike Eccles for taking the lead in tackling the issue of a very significant encroachment on the common grazing at Shobley. The fence has been removed and the area is now accessible to commoners' animals.

We would also like to thank the CDA, the Open Spaces Society, Friends of the New Forest and Natural England for their assistance in ensuring this large encroachment was abated. We will be reviewing the process for addressing illegal encroachments in the future, but there should be no doubt that they will be dealt with swiftly and robustly by the Verderers' Court and its partners.

2024/13403 PAUL GRUGEON

We welcome Paul to his last Court as Forestry England's Land Agent and thank him for all he has done during his period in office. We wish him the very best for a well-earned retirement.

ANIMAL ACCIDENT REPORT

2024/13404 THE ANIMAL ACCIDENT REPORT FOR FEBRUARY 2024

The Agisters attended 5 accidents in February compared with 8 in February last year.

No animals were killed, but 3 ponies were injured and 1 couldn't be found.

2 accidents happened in daylight, the other 3 in the dark.

All the drivers involved reported their accidents.

The total number of commoners animals killed and injured this year has now risen to 4. That compares with 9 in the same period last year.

PRESENTMENT BY THE DEPUTY SURVEYOR

2024/13405 'MOBILE REFRESHMENT SALES

Following on from last month's presentment, I'd like to provide further information on mobile refreshment plans for the Forest, to help address any potential misunderstandings that may have arisen on this issue.

Ice cream sales at Forestry England sites in the New Forest have taken place for many years. The updated offer changing what is sold applies to only 5 sites out of the 15 locations where we currently sell ice creams, lollies and a range of cold drinks. The five locations are – Bolderwood, Blackwater, Wilverley, Dibden & Boltons Bench. All of these sites have been carefully chosen as busy day visitor sites in more robust locations that already support high numbers of visitors helping to avoid and reduce impacts on more sensitive locations. Other considerations in choosing these locations has included the ability to use existing infrastructure to avoid impacts on grazing, and to remove the livestock interaction risk by locating sites within existing fenced areas where possible.

The key update at these locations is the provision of hot drinks and limited selection of unwrapped cakes or pastries. There are no proposals, and have never been any, for burger vans or provision of hot or cold sandwiches on the Crownlands. We agree that would be inappropriate.

Some of the concerns raised are understandable and I'd like to give reassurance that they have been carefully considered and mitigated. The tender exercise includes a focus on minimum packaging, recyclability, and controlled litter management. In addition, as already mentioned, where possible the concessions will be placed within inclosures or fenced areas to ensure livestock interaction is minimised.

I'd like to also emphasise the primary objective of the latest tender exercise. We believe that whilst the offer that has been provided for a number of years has been acceptable, there is now real scope for improvement and modernisation in quality, appropriateness and impact. For example, by slightly amending the offer in this way we are able to find partners with more suitable and sustainable vehicles that are quieter and generate fewer emissions.

We have changed the tendering and licensing process to make it more robust and have built in regular contract reviews and contract break points so that we can make sure that any business we work with is the right fit for the Forest.

This is an opportunity for concessions that are visually less impactful, environmentally friendlier, can offer more local produce, can act as stewards of these sites and champion all of our shared core values including the New Forest Code.'

2024/13406 PAUL GRUGEON

'Today is the last Verderers Court that Paul Grugeon - Land Agent for Forestry England in the New Forest – will be attending after 10 years. Whilst the Verderers see the whites of his eyes during Court and afterwards, I'm aware that the back of his head is better known to those in Court!

I and previous Deputy Surveyors have benefitted greatly from his surveyor expertise, his knowledge of the special laws and understanding the quirks of the New Forest. He has played an important role protecting the Forest from issues such as encroachment, and in supporting commoning through the New Forest Housing Review. I'd like to take this opportunity to thank Paul for his diligence and commitment to the New Forest and Verderer matters throughout the past 10 years.'

PRESENTMENTS BY THE PUBLIC

2024/13407 STALLIONS TURN OUT
Presentment by Mrs Charlotte Lines, Commoner

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

It is around this time of year that discussions take place looking to agree how many stallions will be turned out this spring, where they will go and for how long, very pertinent and important given that in 2023 the Rare Breeds Survival trust listed the New Forest Pony as amber 'at risk'.

The stallion scheme has in parts been successful, most noticeably it has helped to manage stock levels to a more sustainable level, and some may argue has helped to improve the overall welfare of the forest run ponies. However, the scheme has also brought with it some challenges, we have seen mares reaching the age of 10 years plus having never bred a foal, and commoners struggling to replace older mares with home bred fillies, this is also a cause for concern when considering bloodlines.

It was acknowledged a few years ago that the gene pool of the forest run stallions was reducing, and the futurity scheme was developed to address this, again in parts this scheme has been successful but also has limitations. According to the NFPB&CS annual report from the period of 2013-2023 the futurity scheme has produced 40 licensed stallions, however, only 18 of these have run out on the forest. Whilst some have gone on to promote the breed and achieve the highest possible accolades, I would question how they have actively contributed to the forest run gene pool. As I understand it there is no requirement for those colts/stallions that go through the futurity scheme to run on the forest, which is in my opinion an oversight and opportunity missed and should be made a requirement.

I understand that grazing has been secured to help support the stallion scheme and futurity scheme going forward which is great news, but I'm also aware that there are possibly 3 stallions which are turning 18 this year, further diminishing the number of stallions eligible to run on the forest.

The NFPB&CS annual report states that in 2023 only 4 yearling colts were approved as part of the yearling autumn colt assessment, and it's not a certainty that that they will pass as two-year-olds or even go on and be put forward for Verderers selection to run the forest. These numbers are a cause for concern.

It is not clear what evidence and data the Verderers are using when deciding where stallions will be turned out? One would hope that the 10 years' worth of data collected through Verderers Grazing Scheme which provides information on the ponies haunts and passport numbers which can then be used to looked at the mares' blood lines is being used to make informed decisions and therefore limiting further dilution of the gene pool and inbreeding.

The biggest concern and one that should be addressed as a priority is the limited number of stallions available to run the forest as well as what needs to be done to widen the gene pool. There seems to be no active planning for a longer-term strategy on this matter by the Verderers and other interested partners, if there is then it is not transparent to me or other commoners.

I believe there is a need to look at the process of stallion selection for the forest, the stallion scheme, the futurity scheme, the colt assessment, holistically so we can ensure we are planning to protect and improve the breed as best we can. I am also of the opinion that a detailed assessment should be undertaken of the forest run

mares to ensure those older bloodlines can be protected and we don't end up in a situation where they are lost forever.

Thorough the court I am asking the Verderers if they would seek to set up a small working group with commoners and possibly other interested partners to look at these issues in more detail, to come up with a plan which will ensure we have a sufficient number of stallions going forward for the medium to long term as well as exploring how we continue to add to the gene pool, all of which shouldn't be done in isolation by one or two organizations, for the sake of the new forest breed, and our commoning heritage there needs to be a collaborative and organised approach going forward.

I look forward to your response.'

2024/13408 MOBILE REFRESHMENT SALES
Presentment by Ms Silvie Brejchova

'Good morning All

My name is Silvie and it comes from Latin meaning Forest. I am the successful bidder on Bolton's Bench mobile café location.

I am delighted to have ran my mobile café business for 3 years now. We're not JUST A CAFÉ we take pride in making difference to the community and the environment around us, whilst producing high quality coffees and other hot dinks as well as serving my own home baked cakes with consistent personable delivery and care. ALL PRODUCE is locally and responsibly sourced.

We're in it for the long run, and we always consider everything and everyone around us.

Our Environmental Considerations include but are not limited to:

We are the custodians of and ambassadors for the environment that we live and work in. I feel passionate about the environment hence enhancing and giving and living alongside it, rather than causing any kind of detriment. We are all equal components of nature, and I believe as humans we have the responsibility to care and protect the beautiful New Forest and all that's in it.

My current catering business is set up in an area of environmental importance, here I've been getting the right messages across about responsible dog ownership, picking up litter, and caring for the immediate environment as an everyday task while having my café there. It is a given, this is something my team and I will do in the beautiful New Forest.

Regarding concerns about the ponies, all animals, and the nature of the New Forest.

- Equestrian experience. I love horses and have been riding and caring for horses and ponies for the last 30 years so I appreciate the new forest ponies are wild and people need to keep their distance. I'm in a good position to be authentic about the dangers of petting and feeding ponies. I understand the PSPO and the need for it and am happy to report issues as they develop.
- Fire safety. I have a 10-year long experience volunteering with the Surrey Fire Brigade. Working alongside the firemen and women in preventing wildfires, educating members of the public on how to behave and what to do and not do in heathlands and preventing animals and wildlife getting injured or killed. Fire prevention and teaching nature responsible behaviours. No

BBQs, no glass, no smoking, no campfires. Promptness and the importance in reporting fire hazards, risks, or irresponsible behaviour.

- I'm keen to use my unit as a base for a Meet the ranger session where people can learn about the new forest code and how to behave appropriately in this landscape.

Eco responsible power supply.

- The most power-hungry machine in our café, the coffee machine is powered by LPG.
- The water pump and filter are powered by rechargeable gel battery connected to an inverter.
- The lights are LED and are powered by a solar panel.
- The cake fridge, milk fridge and coffee grinder are powered by a small petrol EU22i Honda generator which is the cleanest and quietest on the market and housed in a silencer box. It only uses 2.2 litres of petrol for 8 hours of running time.
- To improve the generator function further we're having it converted to run on LPG this means less soot and particulates.

Packaging and litter - I use very little packaging and anything that I do use is paper based, coffee cups are collected and recycled, gifted to local gardening clubs and schools as composting plant pots. I'm keen to minimise the creation of litter and take responsibility in dealing with litter in the environment around my café at Bolton's Bench.

At the site my café is currently at I've become a part of the community and a caretaker and ambassador for the area. People report issues to me, come to me for advice and I have a great relationship with the authorities and the community who use the site.

Over and above, I aim to become an integral member, local business and participant of the local community and we really support and appreciate the inclusion of the local community and the importance of giving back.'

2024/13409 MOBILE REFRESHMENT SALES

Presentment by Mr Peter Frost on behalf of the Friends of the New Forest (NFA)

'I am speaking on behalf of the Friends of the New Forest in response to the Presentment made last month by the Deputy Surveyor. We are concerned that this proposal is inconsistent with Forestry England's obligations to their Site of Special Scientific Interest, and duties under both the Minister's Mandate and S245 of the Levelling-up and Regeneration Act 2023 relating to National Park Purposes. Both these share the principal objective for the New Forest as conservation of the natural and cultural heritage.

Surely such outlets in these proposed New Forest locations can only increase adverse interactions between visitors and commoners' stock, attract vermin and foxes and raise the spectre of increased competition with hard pressed local traders. And they most certainly will not be an adornment to the New Forest landscape at their intended locations. I need hardly repeat points from my presentment of January this year, but the increase of risk to commoning has clearly not been factored into

this proposal and puts at question the wisdom of the current offering at these locations.'

2024/13410 EXPLOITATION OF THE NEW FOREST BY FORESTRY ENGLAND
Presentment by Mr Brian Tarnoff

'Good morning, while I of course, agree with Peter's Presentment, I am not a second representative from FoNF today. Nor am I here as Chair of the New Forest Consultative Panel, although I may report that at this month's meeting the consternation greeting these proposals formed the largest portion of our discussion.

I could roll out the whole list of habitat protections and legal obligations, but I thought I'd focus on one element that puts the issue into the plainest English. Forestry England has pledged to manage the Crown Lands as a National Nature Reserve. With this in mind it is difficult to fathom how honeypot food van pitches or campsites could ever have been established here.

I do appreciate that when the campsites on the Crown Lands were established, they addressed a more unfortunate free for all, and both our current understanding of and protections from impact were not in place. However, those campsites have normalized the inappropriate exploitation of the New Forest for revenue from damaging activities. Over 20 years ago Natural England asked that three campsites be removed, a prescription that carried a legal obligation under the SAC Management Plan. There are other campsites, which, if they were car parks, would be shut during the season for their proximity to bird nesting sites. But all those campsites, and their revenue, continue to operate and degrade their habitat.

If the Deputy Surveyor wants to advance the need to fund the good work that he is tasked to do for the Forest, then that should either come from sustainable sources of revenue, or from elsewhere in the Forestry Estate or from Central Government. It should not be from activity that no one would accept on a National Nature Reserve. And from the point of view of this court, nor from activities which endanger livestock, the public or the future of commoning.'

2024/13411 MOBILE REFRESHMENT SALES
Presentment by Ms Louise England, on behalf of the Young Commoners

'Good morning Official Verderer Verderers and members of the Court.

My name is Louise England, I am Chair of the New Forest Young Commoners Group. I am here on behalf of the Young Commoners to make a response to the proposed changes to the Ice Cream sales offerings, announced by the Deputy Surveyor at February's Court.

We ask that the extension to the ice cream offering as proposed is withdrawn by Forestry England for the reasons set out below:

1. The Young Commoners feel extremely fortunate to live in this very special place, and we also feel privileged to be an intrinsic part of the historical cultural heritage of commoning. We feel a weight of responsibility to help preserve the unique character of the Forest in the future, and to work towards ensuring the long-term continuation of commoning. We genuinely feel that the proposal seriously compromises our ability to pass on to future generations that which we have inherited.
2. We are concerned that if the trials at the well-chosen sites are successful it will in turn lead to more ambitious plans that could eventually cover all ice cream pitches and perhaps more locations. Inevitably extending the offerings to include

more food options would follow. The very use of the word "trial" should be a cause for concern rather than an assurance as probably intended.

3. We understand the financial constraints that FE work under and are of the opinion that the trial will only bring income that is a "drop in the ocean" compared to what is required, so a much wider longer-term project would be needed to achieve the desired financial outcome. The longer-term goal is a serious cause of concern.
4. The attraction of food sales and food consumption to our depastured animals is obvious and will surely lead to a much higher risk of people to animal interactions. Both the introduction of a higher risk and the potential movement of stock, constitute an interference with our common rights, which are enshrined in law.
5. We have been informed that the successful tenderers will be contracted to deal with litter. We doubt that they will be prepared to pick up litter a half mile away, after a customer buys a drink, and then drinks it while walking.

The proposed extension to the ice cream offering is in our view at complete odds with Government apex objective as laid out in the 25-year environment plan to improve nature, halt the decline in our biodiversity and achieve thriving plants and wildlife.

We are concerned that the proposal in the longer term will introduce an element of urbanization, changing the natural environment forever, mimicking what is available in many other less unique places. Once introduced it would be impossible to turn back the clock and recover what was lost. These proposals by FE seem to completely disregard government policy and we are left wondering how nature in the New Forest could ever recover if these proposals were to go ahead.

If this proposal is not withdrawn by FE, we urge the Verderers to use their powers to refuse permission.

Thank you.'

2024/13412 MOBILE REFRESHMENT SALES

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

'Good morning official Verderer, Verderers and court members

All organisations in the Forest are financially struggling and looking to bolster loss of Government income, Commoners, Verderers, the National Park Authority and Forestry England but we must be respectful of the environment we have inherited.

Quick monetary gains, at others expense and risk is unacceptable, the proposed selling of food such as pastries and cakes, licensed by Forestry England in the car parks, could be a recipe for disaster

Commoners stock interacting with visitors is already a major concern, adding families queuing, then eating cakes and pastries, will draw ponies into conflict with the visitors. Pigs during Pannage will quickly learn to use this new food source, which is unlawful and can have serious disease consequences.

Small-established responsible food outlets in our towns and villages serve the visitors very well; we do not need any more in the car parks.

The Commoner's Defence has every sympathy with Forestry England's financial worries but putting the public at physical risk and the Commoners facing further potential litigation is not acceptable.

We ask the Verderers, as protectors of Commoning, to think very carefully before giving their permission. This is an unusual request, and as such, is not covered by the memorandum of understanding between FE and the Verderers. The Forest needs to be correctly funded and that responsibility lies with DEFRA and the Government, let's not create problems for each other by trying to achieve very quick small monetary gains.

Thank you.'

2024/13413 'PLAN B'
Presentment by Mr Andrew Parry-Norton, Chairman, New Forest Commoners' Defence Association

'The Official Verderer spoke about Plan B. This must involve everybody. Let's come together.'

The Head Agister closed the Court

IN COMMITTEE (in the Library)

2024/13414 FORESTRY ENGLAND'S LAND AGENT DISCHARGE

The DS introduced Mrs Joan Clark who is Forestry England's Land Agent for the South East District. Mr Grugeon is retiring at the end of March but his replacement, Mrs Tess Cook is currently on maternity leave and will not return to work until October. In the meantime, Mrs Clark will assist with Land Agent matters in the Forest, ably assisted by Mr Sean Marsh, who is Assistant Land Agent in the South East and the New Forest Estates Officer, Miss Amy Howells.

CONSIDERATION OF PRESENTMENTS

2024/13415 MOBILE REFRESHMENT SALES DISCHARGE

A long and detailed discussion took place during which the concerns raised in Open Court, along with others mentioned by members of the Court were given very careful consideration.

The Deputy Surveyor said that because of the detailed consideration that FE has given to the proposals, he believes the vast majority of the concerns expressed have been satisfactorily addressed. He added that the Habitat Regulation Assessment (HRA) is still being drafted but the scoping study has indicated there are no significant matters of concern. If the HRA does throw up any significant issues in a particular area, the proposals will be reviewed. Concern was expressed that the Key Performance Indicators (KPI) document which had been provided for reference is not New Forest specific. In response, the DS said one for each tender in the New the Forest is being drawn up and they will vary, because each site is unique. He added, Forestry England will be happy to receive Verderer input on what the KPIs should include.

Concern was expressed that this could be the thin end of the wedge with requests for the sale of sandwiches, burgers or pizzas following. The DS assured the Court that is not, and never has been, the intention and he would consider that the sale such items as inappropriate for the Crown lands.

Mr Pasmore pointed out that under the NF Acts, inclosures are for growing trees, not for selling food and drink. He referred to the Shell Oil enquiry in the 1982 where a proposal to drill for oil in Denny Inclosure was abandoned following Counsel's Opinion which said it would be illegal. It was agreed, however, that this is not an insurmountable problem as parts of inclosures could be thrown open and then re enclosed for new purposes if there is agreement. Mr Grugeon said that Boltons Bench is on Open Forest, some of the other sites are in Statutory Inclosures under the 1877 Act, Bolderwood Grounds is actually Crown Freehold and the Wilverley BBQ site is no longer in the inclosure. The OV said it may be necessary to facilitate the change to the status of some of the sites if the Court agreed to FE's request.

To help understand FE's reasons for requesting this commercial enterprise, Mr Deakin questioned what proportion of the costs FE needs to run the Forest could potentially be sourced from this venture. The DS said it represents a notable income towards Forestry England costs, but it is insignificant relative to the total net cost of managing the Forest.

In response to the concerns raised about the risk of conflict between people and the animals, the DS pointed out that the Ice Cream vendors have operated on the open Forest for years with very few issues. Mr Deakin asked what will happen if issues do arise, such as ponies harassing people queuing to purchase food? How will a situation like that be handled. Will the vendor temporarily shut up shop?

Mr Ferris asked what benefit this has to the Forest. The DS commented that the sites that have been chosen are honeypot sites anyway and it is hoped that people may be drawn to those and away from other more sensitive areas.

Mr Pasmore complained that the Recreation Management Strategy has still not been published. The DS said it is not for want of trying. The RMS will include proposals to close car parks in sensitive areas. He added, people will come to the Forest and the challenge is managing them so they have minimal impact. He felt this proposal is an effort to attempt to change things and to try to influence the behaviour of people. Mr Deakin felt it will in fact increase the potential for conflict.

The OV said the request is for 4 years. He said that should the Court grant consent this would only be for a 2 year period, being the break point in FE's agreement with operator, but on the understanding that a further 2 years would be agreed providing assurances provided by FE as to how concessions will be managed are met. He suggested a joint review between FE and the Court. The DS said Forestry England will be happy to involve a Verderer in the review process.

The OV drew the Courts attention to the Memorandum of Understanding (MoU) agreed with Forestry England in 2002. While there was no agreement on the requirement for the Verderers consent for Ice-cream trading sites it was agreed that FE would seek the consent of the Verderers provided that such consent would not be unreasonably refused.

The OV said that when arriving at a decision it is imperative that the Court concentrates on its primary objectives which are set out within the Court's policies (as amended in April 2023) as "to protect and administer the New Forest's unique agricultural commoning practices, to conserve its traditional landscape, wildlife and aesthetic character, including its flora and fauna, peacefulness, natural beauty and cultural heritage, and to safeguard a viable future for commoning upon which these depend." The Court must also have due regard to National Park Purposes which include "to conserve and enhance the natural beauty, wildlife and cultural heritage of the area". In addition the National Park has a duty to "foster the economic and social wellbeing of the local communities".

At the moment, the HRA has not been provided and that is needed. If Natural England raises no concerns, it is difficult for the Court to argue there is a risk to the Forest habitats. When it comes to the livestock, however, the Verderers are can reasonably be regarded as the experts.

Mr Gammon said the Court must act reasonably and openly when reaching decisions and he cited the Wednesbury Principle which states that if a decision is so unreasonable that no sensible authority could ever take it, such decisions are liable to be quashed through judicial review. It sets out the standard of reasonableness to be followed by public bodies in their decisions. Mr Gammon went on to ask what is the difference between ice cream and hot drinks and cakes? Does their sale significantly alter the position to justify refusing FE's request?

Mr Pasmore's view was that ice cream sales should never have been agreed in the first place and the additional sales will just increase pressure on the Forest. Mr Deakin said people should come to the Forest to interact with nature and this proposal interferes with its natural state.

The discussion concluded with consent being given unanimously for the continuation of ice cream sales at the 10 sites as requested.

With respect to the 5 sites where FE wishes to introduce mobile refreshment sales of hot drinks and cakes, Mr Gammon proposed consent should be given for 2 years subject to....

- the wording of the KPI's and the HRA Section 289 assessment being provided.
- details of how monitoring will be undertaken and what the response will be to significant issues, both of which must be acknowledged by the operators.

The proposal was seconded by Mr Chatters.

the Official Verderer, Mr Chatters, Mr Ferris and Miss Sevier were in agreement,

Mr Manley, Mr Deakin and Mr Pasmore objected,

Mr Stride abstained.

Mr Readhead was absent.

Consent is therefore given for the sale of tea, coffee and other non alcoholic hot and cold drinks, unwrapped cakes and sweet pastries, for a period of 2 years.

2024/13416	STALLIONS	DISCHARGE
	Mrs Lines' presentment will be considered by the Stallion Sub-Committee.	Action RD

MATTERS ARISING

2024/13417	ASHURST HOSPITAL	DISCHARGE
	The Official Verderer said that he understands that the NHS will remain the owners of the site following its partial re-development. Mr Grugeon said that FE has agreed an access licence. A letter has yet to be sent to NHS Property Services setting out the Verderers position.	Action OV/Clerk

2024/13418	NEW FOREST FARMING SUBSIDIES (PLAN B)	RESUME May
	The PA2 agreement has been signed and the successful consultant's contract will also be signed very soon. A meeting with the Consultant will be arranged following formal appointment to brief the Court.	Action OV

UTILITY PROPOSALS

2024/13419	DE-MINIMIS-CONSENTS - UTILITY PROPOSALS AGREED BY THE DE-MINIMIS COMMITTEE	DISCHARGE
	DM0191 Openreach , new duct to WI's new cabinet 25m in verge and approx 5m new duct in Footway, Sway Road, Brockenhurst	
	DM0192 Wessex Internet, 271 m duct, 3 chambers and 17 Toby boxes all in hard. Tattenham Road, Brockenhurst	
	DM0193 Wessex Internet, 318 m duct, 3 chambers and 23 Toby boxes all in hard. Avenue Road, Brockenhurst	
	DM0194 Network Rail, Drainage works. Sway	
	DM0195 Wessex Internet, 95.5 m duct, 3 chambers and 15 Toby boxes. Partridge Road, Brockenhurst	
	DM0196 Wessex Internet, 1044 m duct and 11 new chambers all in hard. Sway Road Brockenhurst	

DM0197 Wessex Internet New cabinet and chamber - without consent. Sway Road, Brockenhurst

DM0198 Wessex Internet 126 m duct and 2 chambers - without consent. Rhinefield Road, Brockenhurst

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

2024/13420 EXTENSIVE WORKS, BEYOND THE LENGTH SET OUT IN THE DELEGATED AUTHORITY OF THE DE-MINIMIS SUB COMMITTEE DISCHARGE

The Court agreed that where works exceed the delegated authority of the de-minimis sub-committee but are entirely off grazing and in tarmac, the sub-committee may give approval for the works.

CAMPsites (CAMPING IN THE NEW FOREST – CNF)

2024/13421 CONFLICTS WITH COMMONERS' ANIMALS WITHIN THE NEW FOREST (CNF LIVESTOCK COMMITTEE) DISCHARGE

Mr Gammon reported on a recent meeting with CNF's Livestock Committee. The suggestion that commoners should be required to carry third party insurance for their animals if they wish to enter the VGS was not felt to be appropriate. A meeting where advice is offered to commoners by the NFU may be arranged.

2024/13422 CNF ADVISORY GROUP DISCHARGE

The meeting was deferred until late April/early May.

2024/13423 ASHURST CAMPSITE – HOGGIN GRAVEL DISCHARGE

The DS said that he has highlighted to CNF that resurfacing must not extend beyond the existing pitches. CNF is going to undertake some measurements to confirm that has not happened.

SSSI RESTORATION WORKS

2024/13424 THE REPAIR & MAINTENANCE/ENHANCEMENT LIST RESUME

The list was noted.

2024/13425 RAVENS NEST INCLOSURE DISCHARGE

Proposals were provided and accepted.

2024/13426 FURZEY LODGE MIRE – UPSTREAM OF RANS WOOD RESUME

These proposals have yet to be determined.

2024/13427 BOLTONS BENCH TO DENNY CAMPSITE VERGE PROTECTION WORKS – TO BE DELIVERED BY THE HLS RESUME

Concern was expressed that dragons' teeth prevent verge clearance and therefore can increase the risk of RTCs involving commoners' stock. Bank and ditch car free defences are preferred. Members of the Court will make a site visit and suggest a way forward.

All

It was noted that in some parts of the Forest, dragons teeth are too far apart meaning that determined drivers can park between them. This needs looking at for future installations.

ENCROACHMENTS

2024/13428 ENCROACHMENTS LIST RESUME

The list was noted.

2024/13429 FOREST GLADE HOUSE, BARTLEY RESUME

Mr Grugeon reported this is with FE's solicitors. JC

ITEMS REQUIRING ACTION BY FORESTRY ENGLAND

2024/13430 ACTION LIST DISCHARGE

The list was noted.

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2024/13431 VERDERERS' ELECTION DISCHARGE

Due to the possibility that a General Election may be held in November, the Verderers' Election will be held on a Tuesday instead of the usual Friday. This is in order that NFDC's electoral team can assist. The date of the Verderers' Election has yet to be confirmed but is likely to be in the last week in November.

Action Clerk

2024/13432 BRAMSHAW (FOREST) GOLF COURSE LICENCE RENEWAL RESUME
May

Mr Grugeon said that he has started to negotiate a new 25 year licence with this club. He asked that any issues be advised to Mrs Joan Clark as soon as possible. Mr Chatters said he would like a map or inventory of the infrastructure which is on the golf course as he felt things may be being added. Mr Grugeon suggested it is more likely to be a matter of things being moved around and he didn't think there are any additions. The Clerk pointed out there will be a management plan which may assist. The Court is happy for negotiations to proceed.

Action JC

2024/13433 FRITHAM TELECOM MAST DISCHARGE

Mr Grugeon said that he has met with Mr Rob Sinclair of Cornerstone together with their planners. Consent for a temporary telecoms mast on the remains of the concrete in the car park at Fritham is being sought. The OV said that the telecoms companies may be able to use permitted development rights for a temporary masts in some circumstances. Potential conflict between the Telecoms Code and environmental legislation has yet to be tested.

This installation will require planning permission. Once that has been obtained the Court will consider it. In the meantime, this matter is discharged.

**The Deputy Surveyor and Land Agents left the meeting
ENCROACHMENTS**

2024/13434	SHOBLEY/FOREST OAKS	RESUME October
	This encroachment has been abated in full. It was agreed everything that took place should be written up for future reference and a wash-up meeting would be helpful.	Action OV

MATTERS ARISING

2024/13435	PROPOSED REGULAR MEETINGS WITH THE NATIONAL TRUST	RESUME
	The Clerk reported that she has invited the National Trust to attend a couple of meetings each year.	Action Clerk
2024/13436	STALLION GRAZING	RESUME
	The fences and gates have been erected at the land at Mottisfont. The water has yet to be connected. Mrs Woodley is dealing with the National Trust.	Action RD/TW
2024/13437	NEW FOREST TRUST DIAMOND JUBILEE AWARDS AT THE NEW FOREST SHOW	RESUME
	Mr Young has confirmed he will be pleased to be nominated, along with Mr Eccles. Mr Chatters agreed to assist the Clerk with submitting the nominations.	Action CC/Clerk
2024/13438	BUDGET FOR THE NEW FOREST SHOW	DISCHARGE
	The Clerk requested an uplift to the agreed budget to a maximum of £6,000. Mr Pasmore commented that he felt the expenditure on the Show is unnecessary. The remainder of the Court felt it is important the Verderers attend and if they are going to go, they need a good display.	Action Clerk

HIGHER LEVEL STEWARDSHIP SCHEME & THE VERDERERS GRAZING SCHEME

2024/13439	VGS MEETING	RESUME
	The meeting on 28 th February discussed some withheld VGS payments. Further information is awaited before final decisions are made.	Action RD

REPORTS FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2024/13440	NEW FOREST DOG GROUP	DISCHARGE
	Mr Manley said he is happy with the way NFDog is communicating messages re ground nesting birds and the potential for dogs to contaminate water sources with chemicals such as wormers.	
2024/13441	CYCLING WORKING GROUP	DISCHARGE
	Mr Manley reported that a presentation by the Deputy Surveyor is expected soon.	

2024/13442	FORESTRY ENGLAND REQUEST FOR CONSENT	DISCHARGE
	The OV will discuss the process for applications for Verderers' consent with the DS.	Action OV
2024/13443	LOCAL NATURE RECOVERY (LNR)	DISCHARGE
	The OV, Miss Sevier, Mr Chatters and Mr Gammon attended a recent meeting. They stressed that schemes must not be damaging to commoning. No decisions have been reached.	
2024/13444	NEW FOREST LEADERSHIP PANEL EVENT	DISCHARGE
	Mr Deakin and the Head Agister gave a presentation at this event which was well received. It was an excellent opportunity to provide information to local council leaders who may not be familiar with how the Forest operates on day to day basis.	
2024/13445	NATIONAL PARK AUTHORITY PLANNING OFFICERS	DISCHARGE
	The Clerk has been asked to talk to newly appointed planning officers, to explain some of the nuances of the Forest and what needs to be taken into account when planning applications are considered. Issues include, second accesses to properties, damage to verges during construction, subsequent verge damage due to parking and encroachments. The Head of Planning at the NFNPA will get in touch with the Clerk to secure a suitable date for the meeting.	Action Clerk
2024/13446	AVERAGE SPEED CAMERAS	RESUME December Action OV
	This item will be resumed later in the year.	
STAFF MATTERS		
2024/13447	STAFF COMMITTEE	RESUME
	The Staff Committee Minutes had been circulated and were noted.	
2024/13448	HEATHCOTE AWARD	DISCHARGE
	The Head Agister and Mr Maton are being nominated for the Heathcote Award following 33 and 30 years service respectively. Mr Manley will arrange the nominations.	Action RM
OTHER ADMINISTRATIVE MATTERS		
2024/13449	FINANCIAL STATEMENT	RESUME
	The Financial Statement was noted.	

TRAINING & HEALTH & SAFETY

2024/13450 ROAD TRAFFIC COLLISIONS ON THE FENCED ROADS RESUME

Mr Deakin expressed concern that the Court may not have a Risk Assessment covering Agisters dealing with RTC's on the fenced roads. The Clerk said she thinks there is one and said she will check.

Action Clerk

ANY OTHER BUSINESS

2024/13451 ROAD TRAFFIC COLLISION CLAIMS DISCHARGE

Some commoners with animals which are killed or injured in RTC's are finding they are having to chase claims for their losses themselves. The NFU is apparently considering offering a policy to cover this.

2024/13452 NEW PRINTER/SCANNER FOR THE OFFICE DISCHARGE

The OV said consideration is being given to purchasing or leasing a new printer/scanner for the office. The current machine is old and increasingly noisy. When long runs of printing are carried out, the machine gives off an unpleasant odour. A replacement is likely to cost in the region of £2,000.

Action
OV/Clerk

2024/13453 WEBSITE DISCHARGE

The OV explained that the Verderers' Website is causing issues for the office staff who are struggling to upload documents. Unfortunately, it was created in a format that makes it very difficult to edit and consideration is being given to updating it. The cost is likely to be in the region of £6,000. Quotations will be sought.

Action
OV/Clerk

2024/13454 RIDING EVENT FROM THE RED SHOOT PUBLIC HOUSE DISCHARGE

Mr Stride queried whether riding events need permission from the Court as he's heard about one which is due to be held on 25th May. It is understood this is a matter for FE rather than the Court.

2024/13455 BIRCH CUTTINGS, WHITEBRIDGE HILL NEAR IRONSHILL DISCHARGE

Mr Pasmore reported that a quantity of timber from cut birch has been left on the ground and he asked if it can please be removed. Mr Stride agreed to see whether arrangements can be made for its removal.

Action RS

The meeting ended at 14:45 hrs

