

**MINUTES of the Court of Verderers held on 18th May 2022 at 9.30 a.m.
in the Verderers Hall, the Queen's House, Lyndhurst**

PRESENT	Lord Manners	Official Verderer
	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	Mr A B Dowsett	Forestry Commission Appointed Verderer
	Dr G Ferris	Co-opted Elected Verderer
	Mr R Stride	Elected Verderer
	Mr A H Pasmore	Senior Elected Verderer
	Mr D Readhead	Elected Verderer
	Miss A Sevier MBE	New Forest National Park Appointed Verderer
	Mrs D Westerhoff	Natural England Appointed Verderer

IN ATTENDANCE Miss S Westwood Clerk to the Verderers

APOLOGIES Mr R Manley DEFRA Appointed Verderer

IN COMMITTEE in the Library

2022/12257 MINUTES OF THE LAST MEETING RESUME

The minutes of the last Court held on Wednesday 20th April 2022 were approved and will be signed by the Official Verderer at the earliest opportunity.

2022/12258 NEW DECLARATIONS OF INTEREST RESUME

There were no new declarations of interest.

2022/12259 ANNOUNCEMENTS & DECISIONS RESUME

The Announcements and Decisions were approved.

2022/12260 CONDITION OF STOCK RESUME

Report from the Head Agister

There has been some rain and already there is an obvious difference with the Forest having greened up. It is warm and the grass should now grow. Hopefully any animals which are looking lean will soon improve.

There is a good crop of foals this year and quite a lot of mares have still to give birth. As usual, there have been a few instances where mares without a foal have stolen a foal from inexperienced mares.

More cattle have now been turned out, but in nowhere near the numbers in previous years. This is as expected and it is envisaged cattle numbers will return to normal, pre-subsidy levels.

2022/12261 MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2022</u>	<u>2021</u>
Forest Ponies	4533	4574
Forest Cattle	1857	1865
Forest Donkeys	120	117
Forest Pigs	0	0

Forest Sheep	0	0
Total Forest Stock	6510	6556
Common Ponies	606	618
Common Cattle	696	1592
Common Donkeys	103	57
Common Pigs	14	68
Common Sheep	162	194
Total Common Stock	1581	2529
Ponies, Cattle & Donkeys on the Forest	6510	6556
Ponies, Cattle & Donkeys on the Commons	1405	2267
Total Ponies, Cattle & Donkeys	7915	8823
Total Stock – Forest & Commons	8091	9085

2022/12262 BREACHES OF THE BYELAWS

DISCHARGE

A cob mare has been found on the Forest and has been advertised.

OPEN COURT

IN ATTENDANCE: Mr Craig Harrison, Deputy Surveyor
Mr Paul Grugeon, Land Agent (New Forest)

The Head Agister opened the Court with the usual proclamation

ANNOUNCEMENTS & DECISIONS

2022/12263 OUT OF CONTROL DOG

A dog walker from Sway, regularly walks a dog which has twice been reported to be out of control on the Forest. In the second incident, a horse rider fell off as a result of the dog's behaviour.

Both incidents were reported to Police. An Officer visited the dog walker and she has been instructed that the dog must not be walked off the lead in the Forest. The dog is now subject to a dog behaviour contract, issued by NFDC as a resolution.

The dog behaviour contract is civil but if not followed, or it is broken, that gives Police the opportunity to prosecute criminally and if successful, the dog can potentially be seized.

2022/12264 ORDNANCE SURVEY MAPS

At the March Court, Mrs Tillyer raised the interesting point that the OS maps do not show the perambulation of the Forest.

Having investigated the matter and taken advice, the Court is now aware that it will not be possible for Ordnance Survey to add the perambulation onto the OS Explorer series map of the New Forest in the near future. It was agreed, therefore, that the Agisters' map, which shows the perambulation, is adequate for now. Forestry England has promised to produce some copies and we hope these will be available shortly.

2022/12265 BURLEY PARISH COUNCIL'S APPLICATION TO PLANT 12 TREES OFF COTT LANE

The Verderers have given very careful consideration to the presentment on behalf of Burley Parish Council at the March Court, the additional presentments on the topic made at the April Court, and to the counter presentments also made at the April Court.

The Verderers have already responded to part of Councillor Clarke's presentment on behalf of Burley Parish Council, by giving permission to plant an oak tree on the Open Forest to commemorate the Queen's platinum jubilee. This is in addition to 2 earlier consents for the planting of oak trees, to replace felled diseased trees in Pound Lane, Burley which consents were a departure from the Verderers' normal policy. The Verderers have also given consents to Hyde Parish Council to plant a commemorative Rowan tree on the Open Forest and to East Boldre Parish Council for the planting of a tree in the vicinity of the Village Hall. Presentments from other parishes will be given the same consideration.

More similar applications are expected from across the Forest. Other Royal events, such as the next Coronation, will give rise to similar requests. Were the Verderers to consent to this application for the planting of a copse, many other settlements within or bordering on the Forest would be entitled to expect similar treatment.

BPC's presentment was also put in the wider context of the loss of 120 trees in the recent storms, the plight of Burley's mature trees and there being scope to plant more trees on the grazing lands of the Open Forest. BPC's application for consent to the planting of a copse would be the beginning of such a process.

The Forest is a mosaic of different and in some cases rare habitats, including pasture and heathland.

However, planting of trees on the grazing lands of the Open Forest as suggested by BPC requires consideration by a number of bodies who have to consider a range of issues. Planting trees on the grazing lands of the Open Forest is, in the first instance, a matter for the relevant land owner or manager. It necessitates the close involvement of Natural England given the highly designated landscape and the rarity of the mosaic of habitats that make up the Open Forest. Factors to consider include the New Forest Special Area Conservation (SAC) plan, the New Forest Inclosures Design Plan and the New Forest Acts. Given our statutory powers, the Verderers' consent is required, but it is not in our remit to promote such planting. Others may wish to express views.

The Court is clear therefore, that it is not right for it to consent to BPC's application for the planting of the proposed copse at the proposed location. This approach has the full support of Forestry England and Natural England.

In conclusion, we take this opportunity to thank both BPC for its presentment and those others who made presentments on the same topic.

2022/12266 NEW ACCESS AT NOMANSLAND

Mr Parry Norton raised the issue of the new replacement access to a property at Nomansland.

We agree that this is a matter of considerable concern particularly as it appears that it was explained to the house owner that various consents were required before any

work was carried out. Our understanding is that a retrospective application for planning permission has been required and lodged but not yet registered. Once it has been registered objections can be lodged.

We will be asking the National Park Authority to explain whether the work requires a Habitat Regulations Assessment.

Other matters of concern that we plan to raise include the following:

1. Measured drawings should be provided of both the original and the new access showing that the land taken is no more than the original access. Those drawings to show not just surface area but also depth.
2. Evidence should be provided that no soil was imported.
3. Evidence as to the nature and amount of material imported to form the hardstanding for the new access should also be provided.

Once we have this information, we will be able to judge whether there is a net loss of Forest grazing.

PRESENTMENT BY THE DEPUTY SURVEYOR

2022/12267 NEW FOREST CAMPSITES
Presentment by Mr Craig Harrison, Deputy Surveyor

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

I expect many people will be aware that in March 2022, we acquired Camping in the Forest, buying the controlling share from the Camping and Caravan Club. This was a national acquisition, including existing sites in the New Forest.

During 2022 the campsites will continue to be managed by Camping in the Forest to ensure a smooth transition. A tender process is underway to secure a new operator after this year.

Over the longer term, greater control will allow us to continue to offer this experience and support local businesses, whilst working more closely with our local partners to plan and develop their future.

The campsites in the New Forest have been in place for 50 years, originally set up to tackle issues such as wild camping and sites chosen to minimise impact. The benefits of camping and the New Forest sites are huge. People love visiting them; they help connect people with nature and are an opportunity to educate; they provide health & wellbeing benefits; they help us fund other activity in the Forest including habitat management; and last but not least, play an important role contributing to the local economy. In 2020 the campsite closures highlighted issues arising from not having campsites and risk that these benefits would be lost. That said, we recognise the impact of sites on some habitats and need to improve their condition.

The recent acquisition provides Forestry England with greater control of the camping offer and ability to balance the benefits of camping with sensitivity of their management. The tender and new operator will be based on a 10-year agreement rather than the previous 65 years (each with scope to extend).

Campsite management plans are in place to maintain and improve habitat condition and in the short term we will ensure they are implemented properly. In the medium term we will review those campsite plans and consider other ways to improve condition through adjustment in approach and practices.

We are committed to finding a long-term solution with our partners and stakeholders in the Forest, that enables people to enjoy staying in the Forest, to better understand and value its special qualities, and also ensures its special qualities are protected from inappropriate activity.'

THERE WERE NO PRESENTMENTS BY THE PUBLIC

IN COMMITTEE (in the Library)

CONSIDERATION OF PRESENTMENTS

2022/12268 CAMPSITES RESUME

The Deputy Surveyor explained the tender process opens at midday today.

The Court was concerned that whatever management conditions are imposed, they will not address the Verderers' main concern that camping and livestock are often incompatible. The Court also expressed concern about the environmental degradation of some of the sites.

The Deputy Surveyor said he will send the Clerk a link so that she can access the Heads of Terms for the proposed new campsite licence. The Clerk will circulate the document.

Action
DS/Clerk

NEW SUBMISSIONS INVOLVING FORESTRY ENGLAND

2022/12269 BURLEY GOLF CLUB SITE MANAGEMENT PLAN DISCHARGE

The Court approved the plan. The Official Verderer will sign it off on behalf of the Court.

Action
PG/OV

2022/12270 BROCKENHURST CRICKET CLUB WICKET COVER DISCHARGE

The Court approved the request for a temporary wicket cover but expressed some concerns regarding the visual effect it will have on the landscape. The only colour available is white. As this club is so close to an A road, the application was approved on the understanding the cover will not be left in place for more than 48 hours each time it is used. To help reduce the visual impact, PG suggested that some green netting must be laid on top of the white wicket cover; this was agreed.

Action PG

DE-MINIMIS CONSENTS TO BE RECORDED AT THIS COURT

2022/12271 DMO149 – Penn Common – dig 10m from box to repair failed cable joint. DISCHARGE

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

2022/12272 WOODGREEN DOWNTON – BTOPENREACH DISCHARGE

The request to repair an existing duct and provide fibre cable was approved.

MATTERS ARISING FROM PREVIOUS COURTS OF CONCERN TO FORESTRY ENGLAND

2022/12273 USING BEHAVIOURAL INSIGHTS TO ASSIST THE MANAGEMENT OF PEOPLE AND ANIMALS IN THE NEW FOREST DISCHARGE

The Clerk attended this meeting on behalf of the Official Verderer who unexpectedly was unable to attend. The Clerk reported that it was an interesting meeting and it was good to hear that what everyone is doing to try to educate the public seems to be along the lines recommended by Mrs Sarah Morris.

2022/12274 DIBDEN INCLOSURE FENCING DISCHARGE

The DS produced a map which shows the distribution of incidents between people and stock that have been reported since 2018. The DS said he is in discussion with Epping Forest where GPS collars have been used on cattle to control where they go. It is thought that Norway uses such a system but it is expensive.

It was agreed to discharge this item from the minutes and the DS will bring his findings back to the Court in due course. Action DS

2022/12275 NEOSPORA CANINUM STUDY RESUME
July

A proposal has been received from Surrey University to study Neospora and other parasite oocysts/eggs in faeces deposited by dogs walked in the New Forest. The budget has increased to £1,500. The DS agreed FE will be able to contribute 50% and the Court agreed to match that contribution. The Clerk will give the University the go-ahead. Action Clerk

SSSI RESTORATION WORKS

2022/12276 REPAIR AND MAINTENANCE/ENHANCEMENT LIST RESUME

The list was noted.

2022/12277 WOODCRATES III DISCHARGE

The proposals were accepted and approved with the exception of ring-barking. The Clerk was asked to advise Lucy Andrews (HLS Terrestrial Officer, Forestry England). Action Clerk

2022/12278 LOST LAWNS CONSULTATION – MILL LAWN, BURLEY RESUME

The Court was somewhat dismayed that the proposed visit to areas of lost lawns at Mill Lawn appears to have been cancelled. Work to recover lost lawns is a valuable aspect of Forest management that has historically been undertaken.

ENCROACHMENTS

2022/12279 ENCROACHMENTS LIST RESUME

Mr Deakin said he is yet to be convinced that one of the two encroachments he mentioned at East Boldre is NOT on FE Land. Mr Grugeon felt confident that if Mr Sean Marsh says it isn't, it isn't.

ACTION LIST – ISSUES REPORTED TO FORESTRY ENGLAND

2022/12280 ACTION LIST RESUME

The list was noted. Item 50 can be removed.

ANY OTHER BUSINESS

2022/12281 DMMO 1231 RINGWOOD AND BURLEY RESUME

The Court has lodged its objection to this proposed right of way which runs across open forest from Bagnum to Burley. A number of legal arguments as to why the right of way cannot be confirmed have been put forward. Forestry England will also object.

Action PG

2022/12282 FORESTRY COMMISSION APPOINTED VERDERER RESUME

July

Mr Barry Dowsett's period as FC Appointed Verderer is coming to an end and an advertisement for his replacement has been placed. There was some consternation at the statement in the advert that 'the duties involved could be expected to take up to about two days a month' ! Mr Dowsett has undertaken an immense amount of work during his period in post.

2022/12283 SQUEEZE GATES RESUME

It has been noted that FE is fitting squeeze gates on main road fencing where it is adjacent to inclosures. As commoners' animals do get into inclosures despite efforts to keep them out, and given that squeezes are not as secure as gates and stiles, the Court asked FE to review the practice. Animals have got out onto the A326.

Action DS

2022/12284 DEER ON PRIVATE LAND DISCHARGE

Mr Readhead remarked that he has noticed a significant increase in the number of deer seen on his private land at Bartley and Hilltop. All agreed that there are huge numbers of deer in and around the Forest. The DS confirmed FE is responsible for deer on the Crown Lands and is managing the population proactively.

2022/12285	DUKE OF EDINBURGH SCHEME	DISCHARGE
	Regrettably, several D of E Groups have been seen in places they should not be, and have claimed to be lost. In a few instances their behaviour has reportedly left something to be desired (rubbish discarded and gates left open) and FE was asked to ensure that leaders of groups which are given permission to be on the Forest, abide by the conditions.	Action DS/PG
2022/12286	WEDDING BLESSINGS	DISCHARGE
	It was noted that several blessings have received permission. FE confirmed they are few and far between, they are never held on Open Forest, only in inclosures and usually in the arboretum.	
The Deputy Surveyor and Mr Grugeon left the meeting		
MATTERS ARISING		
2022/12287	CAMPSITES	RESUME
	Indemnity for commoners and the Court against damages in respect of campers injured by animals is considered essential. Assurance is also requested in respect of greater management control and enforcement of licence conditions. The Court would like to see the three most damaging sites, Hollands Wood, Denny and Longbeech closed or relocated. Moving Hollands Wood into New Park may be one solution.	
2022/12288	COMPENSATION FOR LOSS / INTERFERENCE WITH GRAZING	DISCHARGE
	Dr Ferris was given a brief explanation of how compensation for loss of grazing (for utilities, sports clubs, campsites etc.) is calculated.	
2022/12289	REVIEW OF THE RECREATION DIARY	DISCHARGE
	The number of permissions given has reduced significantly and at the moment the Court feels there is no need for further dialogue with FE.	
2022/12290	VERDERERS' ELECTIONS	RESUME July Action OV/Clerk
	The Official Verderer and the Clerk will consult NFDC with a view to obtaining its assistance with future elections.	
2022/12291	NEW DEVELOPMENTS & BACKUP GRAZING	DISCHARGE
	A letter expressing the Court's concerns regarding the loss of backup grazing to mitigation for developments, was sent to local planning authorities.	
	The Official Verderer will write to Pylewell Estate as well, as it is believed the Estate may be terminating land rental agreements with graziers, including commoners. A copy of the OV's letter will be sent to the Chair of the CDA.	Action OV

2022/12292	LONG SERVICE AWARDS	RESUME July Action AS/TW
	The principle of making awards for long service is agreed. Miss Sevier will work with the Office Administrator, Mrs Woodley on producing the certificates. Discussions continue regarding suitable gifts.	

ENCROACHMENTS

2022/12293	NORLEY WOOD ENCROACHMENT	DISCHARGE
	The CDA has visited the occupier of the property where a fence has been moved out. Mr Deakin reported he recently gave a presentation to residents in which he explained that moving a fence may result in an illegal encroachment.	
2022/12294	ENCROACHMENT ON VERGE BY TARMACKING	DISCHARGE Action Clerk
	A newly laid piece of tarmac has encroached on the verge. The Clerk said she will take this up with HCC and requested information on the exact location.	

OTHER AGENDA ITEMS

2022/12295	NFDC WASTE AND RECYCLING STRATEGY	DISCHARGE
	Mr Dowsett and the Clerk attended a Teams meeting on this topic.. NFDC is working towards introducing wheelie bins for most residents in 2024.	

HIGHER LEVEL STEWARDSHIP SCHEME & VERDERERS' GRAZING SCHEME

2022/12296	HLS BOARD MEETING	DISCHARGE
	The Official Verderer reported that the minutes of the last meeting will be on the website.	
2022/12297	VGS COMMITTEE MEETING	DISCHARGE
	The next meeting is in June.	

STAFF MATTERS

2022/12298	STAFF COMMITTEE MINUTES	DISCHARGE
	The minutes had been circulated.	

HEALTH & SAFETY

2022/12299	HEALTH & SAFETY – FIRST AID	DISCHARGE Action Clerk
	First Aid courses are being arranged for all staff needing a current certificate.	

2022/12300 LIVESTOCK AND THE PUBLIC DISCHARGE

Although conflicts between the public and livestock are thankfully much reduced, recently a lady reported that a cow had charged at her out of bushes at Janesmoor Pond. Fortunately, the lady understood livestock and drove the animal off. She was also able to identify the cow which allowed the local Agister to find the animal. He walked all around the cow which ignored him. It was felt, therefore, that on this occasion, there are no grounds on which to order the animal off the Forest, but its owner has been informed.

2022/12301 STALLIONS DISCHARGE

The Court's Facebook page has been used to publicise the stallions and to ask the public to keep their distance.

OTHER ADMISTRATIVE MATTERS

2022/12302 FINANCIAL STATEMENT & THE COURT'S FINANCIAL POSITION DISCHARGE

The financial statement was noted. It shows a drop in income as is expected given the reduction in animals on which marking fees are paid.

Whilst there is no cause for immediate concern, the Court's income is expected to drop significantly now that commoners do not have to pay for as many animals in order to receive the BPS subsidy payments.

It will be necessary for expenses to be reduced wherever possible and a discussion took place concerning the Speed Camera Van, the New Forest Show, the cost of telephones and other more significant expenditure, mainly employee costs. It was, therefore, agreed that a sub-committee should be formed to discuss where costs might be reduced.

Action OV

Meanwhile, it was agreed that for this year at least, the Court will attend the New Forest Show. Costs will, however, be kept as low as possible and up to a maximum of £5,000.

Action Clerk

The Clerk said she is looking at changing the Court's mobile phone supplier.

Action Clerk

The continuing support of the Speed Camera Van will be discussed again.

ANY OTHER BUSINESS

2022/12303 PUBLIC SPACE PROTECTION ORDER DISCHARGE

The OV attended a recent presentation and he said he will share the slides which set out what evidence is needed if the introduction of a PSPO is to be taken further.

Action OV

- 2022/12304 SOLAR PANEL ARRAY AT DENNY CAMPSITE RESUME
- The appearance of a solar panel array which powers the warden's office/caravan has been the cause of some concern. It partly replaces the generator and is felt to be more eco-friendly, but it does present other issues. Risks associated with cables crossing the ground creating a trip hazard to human and animal and electrocution, plus the visual impact. It was agreed FE/Camping in the Forest, should be asked whether a risk assessment has been carried out and if so can a copy please be provided. The question of what permissions are required was also raised. Action Clerk
- 2022/12305 COMMUNICATIONS DISCHARGE
- Miss Sevier commented that the NFNPA has a schematic diagram to help identify which organisation is responsible for deer depending on the location. The Clerk asked for a copy. Miss Sevier also said that the NPA makes a lot of use of 'what3words'. The Clerk commented that it does not always work in the Forest and recently, according to 'what3words', a location given for a problem with an animal was in Alaska! As a result, she always asks for directions as well. Action AS
- 2022/12306 FUTURE FORESTRY COMMISSION APPOINTED VERDERER DISCHARGE
- Mr Dowsett advised that July will be his last Court but he will remain available until the end of August in order that he can assist with utility proposals. BT Openreach has said it has several hundred still to submit.

The meeting ended at 13:10 hrs

J. Mannell
15 June 2022