

**Minutes of the Court of Verderers held on Wednesday 15th October 2025 at 9.30 a.m.
in the Library, the King's House, Lyndhurst**

PRESENT	Mr E Heron	Official Verderer
	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	Mr A H Pasmore	Senior Elected Verderer
	Mr R Stride	Elected Verderer
	Mrs A Tilbury	Elected Verderer
	Miss K Harrison	Elected Verderer
	Mr M Gammon	Forestry Commission Appointed Verderer
	Miss A Sevier MBE	National Park Appointed Verderer
	Mr C Chatters	Natural England Appointed Verderer
IN ATTENDANCE	Miss J Bayley	Clerk to the Verderers
	Mr J Gerrelli	Head Agister
APOLOGIES	Mr R Manley	DEFRA Appointed Verderer

IN COMMITTEE in the Library

2025/14294 MINUTES OF THE LAST MEETING RESUME

The minutes of the last Court, held on Wednesday 17th September 2025 were approved, and signed by the Official Verderer.

2025/14295 NEW DECLARATIONS OF INTEREST RESUME

There are no new declarations of interest.

2025/14296 CONDITION OF STOCK RESUME

The Head Agister said he is very pleased with the condition of the ponies coming in on the drifts. The recent rain has produced a late flush of grass, and the majority of ponies are looking better than he feared they would, following the long dry summer.

The drifts are going well and the Agisters are continuing to remove any older mares and those mares with foals that are not doing as well as the others.

The Court discussed the large quantity of acorns this year. Mr Stride said a lot of pigs have been marked and turned out. The Head Agister said there have already been a few pony and cattle deaths from acorns and a few pigs have been unwell, possibly from eating too many acorns.

2025/14297 STALLIONS RESUME

The Head Agister said the stallions are still grazing the water meadows at Mottisfont. They will be moved back to the usual fields at Newlyn Farm at the end of the month.

Agister Maton is arranging for the four young colts to go to New Park for the winter.

2025/14298 BOVINE TB RESUME

No new cases or updates to report this month.

APHA have extended the TB Testing Window until the end of March which will enable the commoners who have been caught up in radial testing to fall back in line with the Verderers TB Plan.

2025/14299 FILMING POLICY

Following several recent requests to film the drifts the Court discussed the need for a policy on filming.

DISCHARGED
TO STAFF
LIAISON
COMMITTEE

2025/14300 MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR

RESUME

	<u>2025</u>	<u>2024</u>
Forest Ponies	4825	4961
Forest Cattle	2506	2424
Forest Donkeys	115	123
Forest Pigs	173	77
Forest Sheep	0	0
Total Forest Stock	7619	7585
Common Ponies	569	570
Common Cattle	250	411
Common Donkeys	97	88
Common Pigs	50	17
Common Sheep	93	121
Total Common Stock	1059	1207
Ponies, Cattle & Donkeys on the Forest	7446	7508
Ponies, Cattle & Donkeys on the Commons	916	1069
Total Ponies, Cattle & Donkeys	8362	8577
Total Stock – Forest & Commons	8678	8792

The Court noted that the marking fees are down on last year. The Head Agister said he believes there are more receipts to be written for pigs.

It is hoped that now all the Agisters have new iPads they will be able to keep track of which of their commoners have not paid their marking fees.

Miss Harrison said she believes there are more donkeys turned out than have been paid for. The Head Agister is asked to arrange for the Agisters to carry out a head count.

The Official Verderer said the donkeys he has seen recently, with very few exceptions, all had neatly trimmed hooves and asked the Head Agister to pass on his thanks to his team for their efforts on this. Mr Pasmore said a large number of donkeys have appeared in Hale. The Head Agister said the Donkey Sanctuary are carrying out their twice-yearly tour of the Forest at the end of October.

The Head Agister left the meeting

2025/14301 BREACHES OF THE BYELAWS

RESUME

There are no new byelaw breaches.

OPEN COURT

IN ATTENDANCE: Mr Craig Harrison, Deputy Surveyor
Mr Ollie Adderley, Land Agent, South West England

The Head Agister opened the Court with the usual proclamation.

ANNOUNCEMENTS & DECISIONS

2025/14302 FORESTRY ENGLAND CAR PARKS

The Court considered a formal request, submitted in writing by Forestry England, for consent for 38 new signs, to be installed on existing infrastructure and for the approximately 16kms of verge protection works in September Committee.

While these signs and verge protection measures are considered necessary by Forestry England to enable their planned implementation of car parking charges, Forestry England has not sought, and is not required to obtain, the Court's consent for the introduction of parking charges. However, should the introduction of parking charges interfere with the lawful activities of those engaged in Commoning or the management of depastured stock, then this will fall within the purview of the Court. Further information is awaited from Forestry England on how they will ensure that commoners' activities are not affected.

The Court resolved to grant consent for the requested additional signage and verge protection works, subject to a number of conditions, including that:

- Assent from Natural England must be obtained by Forestry England for the proposed works prior to the Court issuing its consent;
- Satisfactory written assurance is provided to the Court that a mechanism is in place to carry out the requirements of the Habitat Regulations Assessment, including a commitment to fund such works. This is to include copies of Memorandum of Understandings with other significant landowner regarding how and displaced verge parking will be addressed;
- That the detail of all proposed verge protection works be agreed with the Court following the usual procedures.

The Court's consent for the signage is subject to a sunset clause for a period of 15 years, or until such time as the expiry of the Secretary of State's licence for all Forest car parks under Section 18(d) of the New Forest Act 1949, whichever is sooner.

2025/14303 PANNAGE 2025

The Court agrees with the Presentment made on behalf of the Commoners Defence Association regarding an extension to the Pannage season this year and understands that the Deputy Surveyor will be making a Presentment on this

2025/14304 TREE BARKING

Following the Presentment by Anna Lawrence the Court and Forestry England have investigated reported damage to Beech trees in Undersley Wood. It is agreed that there is evidence that a small number of depastured ponies are tree barking. The Court does not agree with Ms Lawrence that this is due to a lack of availability of forage, but considers it likely to be a learnt behaviour or habit.

The Court will work with the CDA to place mineral licks within the vicinity of the damage trees and continue to monitor the situation. Should individual ponies be identified as damaging further trees, the Court will work with their owners to agree their removal.

2025/14305 HALLOWEEN PUMPKINS

In two weeks', time it will be Halloween. We would like to draw people's attention to the particular dangers associated with leaving pumpkins on the Forest for the animals to eat, especially at the side of the road which puts both livestock and motorists at risk.

If pumpkins have been carved in a kitchen it is illegal to feed them to livestock including pigs due to the risk of African Swine Fever. Pumpkins can cause colic and choke in ponies and are toxic to some wildlife, including hedgehogs. Please recycle pumpkins or compost them at home.

Leaving anything on the Forest for the stock to eat is a breach of the PSPO and the byelaws and can result in a fine of up to £1,000.

2025/14306 NFDC FOOD WASTE COLLECTIONS

The Court is grateful for the Presentment by Councillor Blunden on behalf of the District Council and welcomes their decision that food waste bins will be collected from behind property gates for the duration of the Pannage season for all properties that are accessed from within the grazed perambulation. The Court will continue to monitor the situation regarding stock accessing household waste and continue, along with partners including the CDA and the New Forest Association, to press the Council to make this change permanent.

2025/14307 DOG CONTROL PSPO

The Court notes the Presentments by Brian Tarnoff and Lucie Rowe regarding the need for a PSPO covering the control of dogs. The introduction of a PSPO in respect of the control of dogs was considered by New Forest District Council in 2022, prior to the introduction of the current two PSPOs in respect of the feed and petting of depastured livestock and the lighting of fires and the use of barbeques. At that time the Council considered that provisions within existing legislation provided an adequate control mechanism. Representations seeking that this be reviewed should be addressed to the Council.

2025/14308 COMMONS AGREEMENT 1964

In April 2024, we reminded Commoners that the Commons Agreement which was entered into by the Verderers of the New Forest and the commoners of certain Adjacent Commons, while the New Forest Bill of 1964 was before Parliament, expires at the end of December 2025.

We feel it is right to periodically remind commoners who have benefitted from the concessionary rates of marking fees, that from 1st January 2026, full (Forest) rates of marking fee will be due.

THE ANIMAL ACCIDENT REPORT

2025/14309 THE ANIMAL ACCIDENT REPORT FOR SEPTEMBER 2025

The Agisters attended 8 accidents in September this year, compared with 14 in the same period last year.

2 ponies and 2 cows were killed. 1 pony was injured, 1 pony escaped injury and in 2 instances the animals reportedly involved in an accident could not be found.

3 of the accidents happened in daylight, 2 at twilight and 3 in the dark.

1 driver has failed to report having been involved in a collision with a Forest animal.

The total number of commoners' animals killed and injured this year is 33 compared with 31 in the same period last year.

PRESENTMENTS BY THE DEPUTY SURVEYOR

2025/14310 PANNAGE 2025

"Further to my presentment in July regarding the pannage season for 2025, the season has been extended until the 4th January 2026 in light of the large number of acorns this year.

The conditions of pannage set out in July's presentment still apply and I look forward to seeing some very plump pigs on the forest this year."

PRESENTMENTS BY THE PUBLIC

2025/14311 CAR PARKING REVENUE Presentment by Andrew Parry-Norton, Chair of the Commoners Defence Association

"Good morning Official Verderer, Verderers, and members of the Court.

Andrew Parry-Norton CDA Chairman.

We, the CDA believe that all money raised through Forestry England's new car parking charges should be reinvested directly into the New Forest itself.

Visitors and local residents who value and use this unique landscape are paying these charges; it is only fair that the funds support its protection, maintenance and sustainable management.

Spending this revenue elsewhere would undermine public trust and fail to recognize the New forest's specific needs as a nationally important and environmentally sensitive area.

We ask the Verderers and Forestry England, that every penny raised here should stay here, to preserve this precious place for future generations."

2025/14312 COMMONS AGREEMENT 1964 AND DEPASTURING PIGS ON THE NORTHERN COMMONS Presentment by Patrick Langdown, Commoner

"Good morning Official Verderer, Verderers and Members of the Court.

Patrick Langdown, Commoner and Farmer from Parsonage Farm Bramshaw where I reside with Sarah Harrison.

As you are aware the 1964 New Forest Commoners Act comes to a close after it has run for 60 years. We have historically depastured stock Cattle, Ponies, Donkeys, Pigs and Sheep at the Concessionary Commons rate for generations afforded to the Bramshaw Commoners.

I would like to ask the Verderers to assure us that our common rights to depasture pigs and all domestic farm animals 365 days a year is not a right lost to us when we have to pay forest rates next year and if there was a change in byelaws this right would not be lost to any of us.

Parsonage Farm was built on the Harrison Family's main income depasturing pigs 365 days a year and to date is still a valuable asset to us and all commoners holding that right."

2025/14313 **ANIMAL ACCIDENTS AND OPERATION MOUNTIE** Presentment by Gilly Jones, New Forest Roads Awareness and Chair of the Animal Accident Reduction Group

"Good morning, Official Verderer, Verderers and Members of the public.
Gilly Jones, Commoner and lead on New Forest Roads Awareness.

As it's the last court before the clock change, I wanted to update you on what we are trying to do to prevent the needless loss of Livestock on the roads.

The Official Verderer and I had a meeting with Chief Inspector Scott Johnson and a representative from the Roads Policing Unit on Monday. In my view a successful meeting, with the hope of getting much needed extra patrols on Forest roads day and more importantly at night.

We are still pushing hard on trying to get the Average Speed Cameras put in place. Operation Mountie will, of course, be continuing, with extra RPU support.

I am sure that most of you are aware of two horrific accidents in the last few weeks. One, where a pony was decapitated, and her head found further up the road. A driver has been located eventually. Then last Tuesday morning a young driver came within inches of being killed as he hit a pony with such force that it ripped open the roof of his car. Luckily, we had great support from the media, and the images of the car may just make some people think.

I know when I post these kinds of images I will receive the normal same responses: Fence all the roads, speed bumps, reduce the speed limit and remove all the livestock into a field and recently fit cameras to the reflective collars. But I will stand here today and say what I always say, fencing or infrastructure or a reduction of the speed limit would cost Millions and take years. There is one way to reduce the number of deaths that costs nothing. Drive more carefully, speed isn't the only reason for animal deaths, pass everything slow and wide, and if you don't want to adhere to the speed limit, use other roads.

As it stands 18 ponies have died on the roads this year, that is double the 9 that it was this time last year.

Fewer cows, donkeys, sheep and pigs have died, but as the evenings get darker, I'm not holding out much hope that that will remain that way.

I want to just tag on the end of this presentment a real concern I have about the pigs, and I am using one sow and her 8 piglets that are in and around Beaulieu as my example as I see them umpteen times a day.

My issue is the constant and I mean constant plaguing they are suffering by the 'Piggie Tourists'

I give you a few examples of what I have seen in the last few days alone. The sow having a camera shoved 3 inches from her snout at Hatchet Pond feet away from the CDA yellow livestock sign. Children chasing the piglets around the car park trying to grab them. People leaping out of cars and chasing them down that stupidly busy road, them being pinned against the hedge by a semi-circle of people who I think had decamped off a near by coach, and the one that frustrated me the most was a cycle hire company very close to where we are now posting a video of someone playing with a piglet.

With Pannage obviously extended, this isn't going to stop unless we get venues and companies to stop advertising the pigs as a tourist's day out.

Social media pages should be asked not to post pictures of the pigs, some do already do that, and when someone asks 'where are the piggies' we should all reply 'Longdown Dairy Farm'

2025/14314 NEW FOREST ASSOCIATION BYELAW WATCH Presentment by Sarah Nield, Chair of the New Forest Association

"Official Verderer and Verderers and the members of public attending court today, I am Sarah Nield, Chair of the New Forest Association (NFA). I am giving this presentment to report to the Verderers the results of our Byelaw Watch conducted last month and to plead for urgent progress on recreational management.

You will be aware that the NFA has conducted Byelaw Watches in the New Forest since 2022 which we have reported to this court. This years' Byelaw Watch took the form of a static watch involving volunteers observing in 8 car parks across the Forest between 11.00 - 15.30 on August Bank Holiday Monday. All Byelaw Watches have recorded widespread breaches of the Forest Byelaws – the most significant byelaws are conveniently summarised in the New Forest Code. The detailed results of this years' Byelaw Watch are contained in the Report accompanying this Presentment, but the key results are:

- Despite many visitors showing appreciation and respect for the Forest, a total of 232 breaches were recorded.
- The most frequently observed breaches were:
 - Cycling off designated cycle tracks - 171
 - Petting & feeding ponies/donkeys – 33
 - Failure to clean up after dogs – 11 though this and litter numbers were well down from previous Watches perhaps due to the committed work of the Litter pickers & NFDOG's campaign this year.
- The hotspots were Balmer Lawn, Boltons Bench and Hatchett Pond. Particularly worrying were interactions between ponies and visitors at Balmer Lawn.
- The observations indicate that certain activities are associated with different groups of visitors and specific breaches:
 - Cycling off designated tracks is almost entirely due to individuals and small groups although two groups of 12 and 17 were seen at Hatchett Pond.
 - There is a predominance of family groups, including children, petting and feeding livestock.

These results reflect what is widely known and of course there are efforts to try and address damaging behaviour. We have codes and signs, two PSPOs, numerous educational initiatives, some FE and NPA rangers - although frankly not nearly

enough. We have a Recreation Management Strategy and proposals for Cycling Management and a Recreation Mitigation Partnership. The latter would bring direction, co-ordination and much needed funds. BUT what we don't have is enough action. The Recreation Management Steering Group does not appear to have met since February and the Advisory Group not for almost a year. Cycling extension and management and Recreation Mitigation plans both seem to have stalled whilst PSPO enforcement is just about non-existent and PSPO engagement data is unknown.

I make no comment for now about the likely impact of car parking charges given that worryingly no presentment concerning these plans (that clearly affect the public) was made in open court only through a press release. So, we must await the September Court minutes to learn more.

What I do ask is that this Court does all it can through its work with the relevant authorities to make meaningful progress on recreation management in the Forest. The FE with the NPA and the Verderers are key partners in the Recreation Management Strategy which needs to be put back on track. The risks arising from visitors' feeding and petting stock and the interference with stock management and damage to the Forest from other common breaches are just too serious."

2025/14315 FORESTRY ENGLAND'S PROPOSED CAR PARKING CHARGES Presentment by Immy Bickford-Smith

"My name is Immy Bickford-Smith. As a farmer with statutory rights to turn out stock onto the Western Adjacent Commons of Rockford, Gorley and Ibsley I am concerned about Forestry England's plans to introduce parking charges at 'Crown Land' car parks. Crown lands owned by Defra - title vested in the Secretary of State.

Environmental damage to adjacent commons (as well as other areas of the New Forest) will result from 'displacement parking' and it is a great shame that Forestry England did not set out its proposals to the Verderers in the usual way – by public presentment.

It is also disappointing that despite this deviation from procedure normally required for controversial matters of public interest that the Verderers (by a small majority) granted permission for the installation of parking meters, additional notice boards and other works - that require the consent of the Verderers. Especially considering it was accepted that 'displacement parking' would result in parking on grass verges – many of which have SSSI designation.

It will also significantly increase use and disturbance where there are *free* car parks - including near Adjacent commons and the important "tranquil areas." Adjacent Commons have different owners - the National Trust, HCC and others.

As this decision is controversial and displacement parking is more than likely to have a significant detrimental impact on the environment, livestock and wildlife of the New Forest there is clearly a need for accountability and transparency."

2025/14316 CADNAM CRICKET CLUB Presentment by Janette Pearce, Practicing Commoner

"My name is Janette Pearce, I am a commoner, and I live in Bartley.

I am very concerned about the failure of Cadnam Cricket Club to open up the cricket pitch for the Forest stock to graze as required by the Forestry England Lease.

It is usually open by now but from checking recently it appears that there is no intention of doing so. The gate is locked, equipment placed behind the gate and 24-hour surveillance notices placed around the perimeter.

Surely this is an infringement of the agreement to use the Forest as a pitch and sets a dangerous precedence if allowed to continue.

This is Crown Land, and it is a privilege to be allowed to play there.

I also have information that the cricket club is intending to plow the pitch and re-seed it! The area is a SSSI, and it is a criminal offence to dig it up. I believe there has already been damage to the SSSI as the fence posts have been concreted in. The fence is not in keeping with other pitch surrounds and some pitches manage with no fence at all.

Other infringements are using very heavy equipment on the land and illegal parking on the Forest during matches. It appears the club has no respect for the heritage, byelaws or protection of the New Forest.

I note that there was a presentment to the Court in January regarding irregularities on the lease of this pitch but that was apparently sorted out in February. If this is the case, why is it not open and if not, what are Forestry England doing about it.

If Forestry England has failed to set out the agreement correctly, what recourse do we have?

If the pitch is not opened in due course and the possibility of damage to the SSSI is not resolved then I suggest that at the end of the lease Cadnam Cricket Club is refused permission to have another lease and that the club fencing etc. is removed from the Forest permanently."

The Head Agister closed the Court

IN COMMITTEE (in the Library)

2025/14317	WELCOME TO MR OLLIE ADDERLEY, FORESTRY ENGLAND LAND AGENT	DISCHARGE
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The Court welcomed Mr Adderley, Forestry England Land Agent for New Forest West who will be working alongside Mrs Cook.

CONSIDERATION OF PRESENTMENTS

2025/14318	CAR PARKING REVENUE	DISCHARGE
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Mr Pasmore said that at the last Court the Deputy Surveyor said that the revenue from parking charges would go towards reducing the current funding deficit. The Deputy Surveyor said the funds will go directly into the budget he manages for the New Forest. It is hoped that some of the additional funding will be used for projects that benefit Commoning.

2025/14319	COMMONS AGREEMENT 1964 AND DEPASTURING PIGS ON THE NORTHERN COMMONS	DISCHARGE
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The Court discussed that the Commons Agreement coming to an end will not impact on commoners' rights to turn out on the adjacent commons. Bramshaw commoners will be able to continue turning out

their livestock including pigs and sheep as they have done since 1964.

2025/14320 ANIMAL ACCIDENTS AND OPERATION MOUNTIE DISCHARGE

The Court thanked Gilly for her presentment and welcome the extra support with Op Mountie from the Roads Policing Unit.

The Court agrees that the pigs are drawing a lot of unwelcome attention from the public. The young commoner who owns the sow and piglets in Beaulieu has moved them several times, but the sow keeps returning to the village.

2025/14321 NEW FOREST ASSOCIATION BYELAW WATCH RESUME

The Court thank the New Forest Association for their report. The Deputy Surveyor said he was meeting with the NFA next week but that he has not yet seen the Byelaw Watch Report.

The Court discussed the lack of progress with the Recreation Management Strategy. The Official Verderer said money is being taken to mitigate recreation in the Forest and while a lot of excellent projects are being delivered off-Forest, more money needs to be passported to those who manage recreation within the grazed areas. Forestry England are working in the principles of the RMS but the lack of broader impetus is frustrating.

The Official Verderer asked the Deputy Surveyor for an update on Forestry England's proposed cycle routes. The Deputy Surveyor said he will provide an update before the end of the year.

2025/14322 FORESTRY ENGLAND'S PROPOSED CAR PARKING CHARGES DISCHARGE

The Official Verderer said he will be writing to the Lymington Times requesting a correction of the factual inaccuracies in their media report regarding the proposed car park charges.

The Official Verderer said the inaccuracies in both Mr Pasmore's New Forest Notes and the article by Roz Waters reflect badly on the Court and are not representative of the discussions that took place at the September meeting.

Mr Pasmore insisted Forestry England's plan is flawed as it does not offer protection to the adjacent commons, especially Ibsley. The Official Verderer said the Court understands Mr Pasmore's concerns and that they have been addressed in the conditions attached to the Court's consent.

2025/14323 CADNAM CRICKET CLUB RESUME

Concerns were raised about how the club is behaving. The Deputy Surveyor said he had hoped the issues with the club's lease had been resolved but they have not. The club has no SSSI Management Plan agreed with Natural England.

The Official Verderer said that while the Court appreciates that this may be a challenging situation for Forestry England, nonetheless the Court's consent for the use of the cricket ground was given

subject to specific conditions and, if these continue to be breached then the Court will consider its consent disappplied and the use of the grounds an unlawful encroachment.

Mr Deakin said that if the club do not permit the outfield to be grazed, then the NFCD may consider taking encroachment action.

MATTERS ARISING FROM PREVIOUS COURTS OF CONCERN TO FORESTRY ENGLAND

2025/14324 RAILWAY FENCING

RESUME

The letter from the Court to Network Rail has prompted a lawyer exchange. The Official Verderer said he has some contacts in Network Rail that he was going to reach out to. Mr Chatters said his wife has dealings with Network Rail and has the contact details for the person responsible for the Lymington Line. He will pass the details on to the Clerk.

2025/14325 LEGAL STATUS OF NEW FOREST CAMPSITES

RESUME

Mr Gammon shared the following report with the Court.

Introduction

This report is prepared in response to a presentment made by Sarah Neild, chair of the New Forest Association (the NFA) to the Verderers Court on 17th September 2025.

In that presentment two matters were raised:-

- i) What is the legal basis on which Forestry England maintain campsites in the open forest, is it agreed that the NFAs assessment of the position is correct and that any current licence will expire in 2033?
- ii) Will the Verderers confirm that they will comply strictly with their statutory and legal duties when deciding any future application for such campsites?

In answering the above, I have considered various documentary sources (mainly relating to the historical position) and have spoken to a number of people, including the said Sarah Neild (to obtain further information about the NFAs understanding of the situation) and Craig Harrison (Deputy Surveyor) regarding Forestry England's understanding.

I would like to point out that what follows is my personal assessment of the position and that I am not acting in any professional capacity.

Legal Basis for the Campsites

The New Forest Act 1949 (as amended by the New Forest Act 1964) in section 18 (1)(e) provides that the "Minister" (now the Secretary of State at DEFRA) can issue a licence to Forestry England for a maximum period of 60 years to have campsites on the open forest. This is, importantly, subject to obtaining the consent of the Verderers Court. Without such consent, no licence can be granted.

The NFAs presentment states their belief that such an informal licence without limit of time was probably granted in or about November 1971 and thus will expire at the end of 2031, 60 years later. Having researched this matter as thoroughly as I can, I have to say that this is by no means clear. The situation is complex, confusing and uncertain. Whether any such licence was ever actually granted is arguable. However, this is of academic interest now.

At the Verderers Court meeting on 21st December 2022, consent was given for a new licence to Forestry England and Camping in the New Forest to run the campsites for a period of 10 years. This licence was subsequently signed by the Secretary of State on 13th January 2023, to be effective from 1st February 2023. This new licence superceded any original licence and will expire in January 2033.

Thus, the legal basis for the campsites on the open forest is now clear.

Verderers Statutory and Legal Powers and Duties

There are a number of statutes that are applicable:

- a) The New Forest Acts 1877, 1949, 1964 and 1970. These empower the Verderers court to manage the ancient system of Commoning within the New Forest, with powers to levy fees, pass byelaws, etc; to deal with unlawful encroachments; to restrict certain developments within the New Forest.
- b) The Wildlife and Countryside Act 1981, section 28, which requires a "section 28 authority" such as the Verderers court to conserve and enhance the flora, fauna, geological and physiographical features of the New Forest
- c) The Natural Environment and Rural Communities Act 2006. This requires a "public authority" such as the Verderers court to conserve and enhance biodiversity in the New Forest
- d) The National Parks and Access to the Countryside Act 1949, section 11 (as amended) which requires a "relevant authority" such as the Verderers court to seek to further the purposes of the National Park. These purposes are firstly to conserve and enhance the natural beauty, wildlife and cultural heritage and secondly to promote understanding and enjoyment of the National Park. Where there is a conflict between the two purposes, conservation takes preference.
- e) The Conservation of Habitats and Species Regulations 2017, regulation 63. A "competent authority" such as the Verderers court must prevent development that adversely affects the integrity of protected sites.

Although not expressly stated in the above, enhancing, protecting and furthering the system of Commoning could also be included as it is a major conservation tool within the New Forest.

As a court and a public authority/section 28 authority/ relevant authority / competent authority, the Verderers have to act reasonably when exercising their powers. Decisions made must be made on valid grounds and be within the court's powers. Any

matters outside their powers, such as commercial considerations, are not relevant. Failure to act properly could result in a judicial review of any decision.

Therefore, any application for a new licence to maintain and run campsites on the open forest will have to be assessed by the Verderers court strictly in accordance with their statutory and legal powers and duties at the time. The court will have to assess the effect on the system of Commoning and on the natural environment of each campsite before a decision can be made. This may require a Habitats Regulations Assessment of each site to be undertaken, to properly assess the environmental effects of the site, unless existing environmental assessments are deemed to be sufficient for this purpose. Socio-economic matters or commercial concerns are not relevant to the process and cannot be used to determine any application.

The Future

If an application for a new licence is made in the future, a decision will have to be made based on the legislation and circumstances pertaining then. It is not possible to give definitive guidance at this time as to what may be decided, as circumstances and legislation may change. It would be wrong to pre-judge any such application.

At most, all that can be done is to give an indication as to what may happen, if things remain unchanged. In such a scenario it is likely (based on current environmental assessments) that several campsites will not be approved due to the environmental impact they are having and will have to permanently close, while some may only be allowed if works are carried out to mitigate any impact they have.

The Official Verderer thanked Mr Gammon for his report.

The Deputy Surveyor said Forestry England is seeking legal advice.

2025/14326 FORESTRY ENGLAND'S PROPOSED CAR PARKING CHARGES

RESUME

The Official Verderer asked the Deputy Surveyor if there was an update on the parking dispensation for commoners as the office is receiving a high number of enquiries regarding Forest Rights and brand applications.

The Deputy Surveyor said the meeting with the sub-committee has not yet taken place as not all invitees were available. He confirmed that to qualify for the scheme commoners must have stock depastured on the Forest and not just hold a brand or occupy land with Forest Rights.

Mr Pasmore said the green pass could be open to abuse if it is not set up correctly from the beginning.

2025/14327 TREE BARKING BY PONIES

DISCHARGE

Mr Deakin said the CDA will soon be putting out mineral licks for the vulnerable season. The Court will wait and see if the licks have any effect on the ponies behaviour before the owners of the animals involved are asked to permanently remove them from the Forest.

2025/14328 CAMPING ADVISORY GROUP

RESUME

Mr Chatters said the next meeting is on the 26th of November.

The Court asked him to raise the following with CNF: -

Suggest that there is an early season/pre-season tour where the Court and CNF visit sites and explore issues.

Advise CNF of Mark Gammon's observations on Sec 18 of the 1949 Act.

Draw attention to storage of materials in reception compounds ie Roundhill has a shipping container, some abandoned tents and generally 'messy' areas.

Invite CNF to comment on rumours circulating regarding aspirations for brick-built toilet blocks at Roundhills.

Share observation that, on informal inspection by a Verderer, not all food waste bins were secured within the agreed compounds.

Follow-up on proposed replacement reception area at Holmsley. We have requested a measurement of the footprint of the current buildings and the proposed replacement.

Invite CNF to keep us abreast of the replacement water heater at Ashurst.

Highlight concerns that raised decking has been constructed on open Forest for glamping at Ashurst. This being part of a general wish to better understand glamping- how 'grass' sites are addressed and how tents fixed on concrete are managed without leaving fixings exposed at the surface.

2025/14329 PICNIC BENCHES AND STOOLS IN HOLIDAYS HILL INCLOSURE

RESUME

The Deputy Surveyor advised that the picnic benches and stools in Holidays Hill inclosure were installed in 2020 as part of the waymarked trail from the Reptile Centre. The Clerk is to look into how Verderers consent was sought by Forestry England and when it was granted.

Action Clerk

2025/14330 ILLINGWORTH COMMITTEE

DISCHARGE

The Official Verderer said the Deputy Surveyor has shared Mrs Cook's email referring the housing decision with him. He said that while there was nothing in the email that was factually inaccurate it was unhelpful in that it did not include a greater context as to why the decision was being referred. He agreed that he should have sought further clarification as to why the matter was being referred to him and the Deputy Surveyor. Mrs Tilbury said the regulations clearly state that a majority decision is all that is required, and she was surprised that Mrs Cook hadn't provided a copy of the minutes from the meeting with her email.

Mr Deakin said all involved must always declare an interest when there is one and said that we should learn from this mistake. The Official Verderer said while he does not want to re-open the Commoners Housing Review, as this would require seeking the Minister's consent, the processes are not working as well as they should. For example, there is little point in the Illingworth Committee being asked to consider candidates that Forestry England will not be able to offer a lease to, such as if they would not meet the affordability requirements.

The Official Verderer said the office can provide details of the marking and commoning history of candidates on request. It was agreed that the process for considering applications would be reviewed.

2025/14331 BRAMSHAW GOLF CLUB

RESUME
DECEMBER

The Management Plan provided by Forestry England prior to the Court is out of date and for a different operator. Mr Chatters said Natural England Assent was granted in 2018 and expired in October 2023.

Several concerns were raised regarding how the club is operating including the use of plastic tees, inorganic fertiliser being harmful to livestock, poor fencing on the greens, excessive mowing and using pea shingle on paths.

The Official Verderer said Forestry England need to bring forward mechanisms to ensure its licenses with sports clubs are kept up to date. The Deputy Surveyor said it was a reflection of staff turnover and that he is happy to have a discussion on how to improve things.

The matter will be resumed in December to allow Forestry England time to contact the club regarding the renewal of the Management Plan.

2025/14332 REVIEW OF CATERING AND ICE CREAM CONCESSIONS

RESUME
FEBRUARY

The matter will be resumed in February 2026.

DE-MINIMUS PROPOSALS

2025/14333 DE-MINIMIS CONSENTS - UTILITY PROPOSALS AGREED BY THE DE-MINIMIS COMMITTEE

RESUME

DM0233 Sept 25 SSE, Bramble Hill Lodge, opposite Bramble Hill Hotel, access for a replacement pole.

DM0234 Sept 25 SSE, Godshill, Dorridge Hill & North Hollow 11 replacement poles.

EMERGENCY WORKS CARRIED OUT BY UTILITY COMPANIES

2025/14334 EMERGENCY WORKS CARRIED OUT BY UTILITY COMPANIES

EM0010 Sept 25 South West Water, Water leak at Yaffles, Ogdens, Hand Dig

EM0011 Sept 25 Southern Water, Water leak outside the Pig Hotel
Brockenhurst

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

2025/14335 WESSEX INTERNET

RESUME

Miss Sevier said Wessex Internet have sent a draft consultation to Hyde Parish Council. Miss Harrison said Bramshaw Parish Council have also received a draft consultation, but that the enclosed plan does not follow what has been agreed. The Clerk is asked to confirm that Assetsphere are aware.

Action Clerk

SSSI RESTORATION WORKS

2025/14336 SSSI REPAIR AND MAINTENANCE LIST

RESUME

The Repair and Maintenance List was noted.

2025/14337 LODGE HEATH RESTORATION PROPOSAL

DISCHARGE

The Lodge Heath restoration proposal is approved subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing etc. and the new ford crossing located at Perrywood Ironhill, SU 32752 01840 is to be: -

- Suitably surfaced for horse access not filled with rejects.
- Forestry England must accept to undertake the maintenance of the crossings.
- The Court must be consulted and its consent obtained if maintenance of the crossings is to cease.

2025/14338 KNIGHTWOOD RESTORATION PROPOSAL

DISCHARGE

The Knightwood restoration proposal is approved subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing etc.

The three new ford crossings located to the southwest of Eagle Oak SU 25186 05778, at Winding Shoot SU 25033 06429 and to the south of Church Moor SU 25095 06655 are to be: -

- Suitably surfaced for horse access not filled with rejects.
- Forestry England must accept to undertake the maintenance of the crossings.
- The Court must be consulted and its consent obtained if maintenance of the crossings is to cease.

ENCROACHMENTS ON FORESTRY ENGLAND LAND INCLUDING THE ENCROACHMENTS LIST

2025/14339 ENCROACHMENTS LIST

RESUME

Nothing new has been added to the Encroachments List.

2025/14340 FOREST COURT, BISTERNE CLOSE, BURLEY DISCHARGE

As discussed in previous Courts the new tarmac is covering an older existing tarmacked surface.

ITEMS REQUIRING ACTION BY FORESTRY ENGLAND

2025/14341 ACTION LIST RESUME

The Official Verderer said he is disappointed that Forestry England have not provided an Action List for several months. Mr Adderley is asked to put something together to be emailed to the Clerk a week before each Court.

Action OA

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2025/14342 ADVERTISING SIGNS ON THE FOREST DISCHARGE

Mr Pasmore reported two advertising signs on the Forest at the side of the B3078 Roger Penny Way. The first is at Bramshaw Telegraph advertising a new housing estate in Fordingbridge and the second at the Nomansland crossroads advertising luxury holiday homes. The Deputy Surveyor will arrange for them to be removed.

Action DS

There being no other business involving Forestry England, the Deputy Surveyor and the Land Agent left the meeting.

MATTERS ARISING

2025/14343 RECREATION MANAGEMENT STRATEGY DISCHARGE

Mr Chatters said that at every meeting there is a change of personnel and structure.

2025/14344 LEGAL STATUS OF CAMPSITES DISCHARGE

Mr Gammon said he believes that the legal advice being sought by Forestry England will agree with his findings that the consent for campsites expires in 2031.

2025/14345 MR CHATTERS ABSENCE FROM COURT DISCHARGE

Mr Chatters said he will be absent from the December and January Courts. He said he will still be able to review the agenda and offer the notes via email.

Mr Stride and Miss Sevier will act as substitutes for Mr Chatters when required.

OTHER AGENDA ITEMS

2025/14346 SPEED CAMERA VAN FUNDING FOR 2026 RESUME

The Court agreed in principle to part fund the Speed Camera Van for another year. The Clerk is asked to approach Hampshire Constabulary.

Action Clerk

HIGHER LEVEL STEWARDSHIP SCHEME & THE VERDERERS' GRAZING SCHEME

2025/14347 VERDERERS GRAZING SCHEME

RESUME

At the Extraordinary VGS Meeting held on 17th September the following recommendations were made: -

A/ Increase the current personal VGS cap from £6000 to £8000

B/ Increase the Small Grant Budget by £5000 – It has been £15,000 since the start of the scheme – now £20,000 per annum.

C/ Add an additional £50,000 uplift to the VGS Cattle Supplement. This will increase the annual budget from £200,000 to £250,000. This will be distributed when the Herd's TB52 forms have all been received after the end of the TB window which is now the end of March.

D/ Add the remaining £182,000 uplift to the VGS Grazing Scheme budget – Increasing from £592,957 (2024) to £774,957 (2025). This will increase the Livestock Unit Value for registered mares, stallions, cattle and pigs. The current cap of 40 cattle per person will remain.

E/ The Microchipping Project at Beaulieu Road is currently unable to take place because of changes in legislation. The committee agreed to redirect the £5000 per annum Microchipping budget to increase the Drift Fence Project budget to £24,000 as the fencing that was installed as capital projects back in 2013/4 are now needing significant repairs and replacement.

The recommendations are unanimously agreed by the Court.

It is also suggested that Registered Part Bred New Forest Mares (min 25%) receive grazing payments to the value of 0.3LU or equivalent marking fee. However, this may be influenced by the changes in passport legislation which may make the qualifying criteria to the grazing scheme very difficult to administrate.

Following a discussion 8 members voted against the proposal with two members abstaining.

FINANCIAL MATTERS

2025/14348 FINANCIAL MATTERS INCLUDING THE FINANCIAL STATEMENT

RESUME

The Financial Statement was noted.

2025/14349 LANDSCAPE RECOVERY SCHEME

DISCHARGE

Mr Gammon raised the possible gap in funding when the current HLS Scheme ends. Mr Deakin said we will receive funding to develop a new scheme but not to continue operating an existing one.

The Official Verderer said Forestry England are advocating for all members of the scheme to bridge the gap in funding.

HEALTH AND SAFETY

2025/14350 POLICY ON ANIMAL AGGRESSION

RESUME

The Court are waiting to hear from the New Forest Commoners Defence Association.

Mr Deakin said the Staff Liaison Committee have discussed how difficult it is to determine an animal's temperament from its behaviour in a crush.

The Court discussed that the commoners know the temperament of their animals. Any commoner turning out an animal they know to be aggressive is making themselves liable for a claim against them.

The Court encourages the Agisters to use their professional judgement about whether to mark animals or not and will support them and any commoners in making the decision not to turn out a particular animal.

The Clerk and Mr Gammon are asked to obtain a copy of the Coroner's Report from the inquest following the death of a lady at Godshill.

Action
MG/Clerk

2025/14351 INCIDENTS ON THE DRIFTS

DISCHARGE

Mr Deakin reported on several incidents that have occurred on the drifts including a broken shoulder blade, broken ribs, a broken ankle and damage to a vehicle taillight.

ANY OTHER BUSINESS

2025/14352 COURT DATES FOR 2026

DISCHARGE

The Court dates for 2026 are approved and will be published on the Verderers website soon.

Mrs Tilbury suggested having a Court Committee in August to reduce the number of items to be considered at the September Courts.

2025/14353 VERDERERS OFFICE CHRISTMAS CLOSURE

DISCHARGE

The Verderers Office and Kings House will be closed from midday on Wednesday 24th December 2025 until 9am on Monday 5th January 2026.

2025/14354 NEW FOREST ACT 1877

RESUME

The Official Verderer said 2027 marks the 150th Anniversary of the Verderers Court in its current form. He suggested that 4 Verderers form a sub-committee with the Clerk to plan and work on ideas for a celebration prior to meeting with New Forest partners.

Miss Sevier volunteered, and three other volunteers are asked to speak to the Clerk before the next Court.

2025/14355 LIVESTOCK POUNDS

RESUME

Mr Deakin said the Staff Liaison Committee have raised the requirement for more livestock pounds in certain areas of the Forest to assist in the management of livestock. The Forestry England Ecologist has suggested that land will need to be provided in mitigation for the land lost to the pound.

Mr Chatters said he has spoken to Jenny Thomas at Natural England who has asked for a list of suggested locations. She said that if a pound is essential for the management of animals on the Forest no mitigation is required.

STAFF MATTERS

2025/14356 STAFF LIAISON COMMITTEE MINUTES RESUME

The minutes were noted.

2025/14357 BRAND APPLICATION FEE DISCHARGE

The office is seeing an increase in brand applications especially following Forestry England's proposed parking charges. The Court agreed to raise the brand application fee for new commoners from £300 to £500. The fee for members of practising commoners families will remain the same.

2025/14358 AGISTERS VEHICLES RESUME

Mr Deakin said there is no update on the trailer light issues the Head Agister is experiencing.

The Clerk said three of the vehicles have been into Balmer Lawn garage for the first 12,500 mile service. Mr Manley is speaking to Balmer Lawn Garage about a service plan for the vehicles.

2025/14359 STRAYING AND ABANDONED ANIMALS RESUME

Mr Deakin said the Staff Liaison Committee have been discussing where we can keep abandoned or stray animals which the field at New Park is not suitable for e.g. sheep and pigs. Agister Robert Maton has suggested we use a commoner who currently assists the RSPCA. Tina Woodley is contacting him to arrange a meeting and to view the premises.

HR/REMUNERATION COMMITTEE

2025/14360 REMUNERATION COMMITTEE DISCHARGE

The Official Verderer said the Remuneration Committee will meet online in the next few days and a recommendation will be emailed out to the Court following the meeting.

There being no further business, the meeting ended at 14:00 hrs

