

MINUTES of the Court of Verderers held on Wednesday 21st April 2010 at 9.30 a.m. in the Verderers' Hall & Library, The Queen's House, Lyndhurst.

PRESENT:	Mr O Crosthwaite Eyre	Official Verderer
	Mr R Deakin	Elected Verderer
	Mr P Frost	Natural England Appointed Verderer
	Mr A Gerrelli	Elected Verderer
	Mr J F Kitcher	Elected Verderer & Chairman of the Staff Committee
	Miss D Macnair	Elected Verderer
	Mr C Maton	National Park Appointed Verderer
	The Hon Mr R Montagu	Forestry Commission Appointed Verderer
	Mr A H Pasmore	Elected Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister
APOLOGIES:	Mrs P Thorne	DEFRA Appointed Verderer

IN COMMITTEE in the Library

2010/4861 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 17th March 2010 were approved.

2010/4862 CONDITION OF STOCK RESUME

It has been a very difficult time for the Agisters. Nearly 500 ponies have been removed by the Agisters so far this winter. Owners have been removing animals as well. There are still a large number which are below the standard and which will have to come in. With cattle to mark as well, the Agisters are extremely busy.

The weather has now dried up and as a result the grass has stopped growing on the Forest. This has resulted in one or two ponies becoming stuck in boggy areas where a little grass has continued to grow. The ponies have now moved off the gorse, having had a taste of sweet grass, but there is not enough grass yet to sustain them. Problems are likely to continue for a couple of months yet, especially with some mares due to foal.

Mr Pasmore repeated his concern that a lot of problems are caused by foals being left on mares over the winter. A mare which is feeding a foal, and maybe in-foal as well, is often unable to survive on the Forest. The Court felt, however, that it is the responsibility of the owners to ensure that their animals are removed as and when necessary. The Head Agister commented that many of these mares are animals which have not been caught on the drifts. He said that in his opinion most mares with branded foals are caught by their owners shortly after Christmas and therefore are not a problem. Mr Kitcher felt that a lot of the poorest ponies are youngsters (2/3 year olds) rather than mares with foals.

2010/4863 MR GRAHAM WILSON'S ACCIDENT DISCHARGE

Mr Pasmore asked for more details concerning the recent accident when a commoner, Mr Wilson, was badly hurt as a result of a cattle crush and cow toppling over onto him. The Head Agister explained what had happened and commented that as a result certain health and safety procedures have been changed. (This matter was discussed further later in the meeting).

The Head Agister left the meeting

2010/4864 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2010/4865 DECLARATIONS OF INTEREST RESUME

The Elected Verderers, Mrs Thorne and Mr Maton all declared an interest in the Higher Level Stewardship Scheme.

Mr Gerrelli declared an interest in campsites. Mr Maton declared an interest in National Park planning matters.

2010/4866 FINANCIAL STATEMENT RESUME

The Financial Statement for March 2010 was approved.

2010/4867 REPORT ON MARKING FEES RECEIVED AS AT END OF MARCH 2010 RESUME

Ponies	4464	Pigs	3
Cattle	630	Sheep	32
Donkeys	100		
SUB TOTAL	5194	TOTAL ALL ANIMALS	5229

2010/4868 ANIMALS REMOVED IN MARCH DUE TO POOR CONDITION RESUME

1 mare with a foal
26 mares with yearlings (last year's foals)
46 mares
76 fillies (2 & 3 year olds)
3 colts
3 geldings
8 cows with a calf

Total 163

Total year to date (January to March) 455

2010/4869 BYELAW ENFORCEMENT RESUME

No new byelaw offences have been reported by the Agisters.

The Official Verderer advised the Court that Mr Barnes, who was found guilty of breaching the Verderers' byelaws has claimed financial hardship and is trying to avoid paying the costs awarded to the Court. A letter has been written to the Magistrates Court advising that it is

believed that Mr Barnes has a number of assets and urging the Court to insist Mr Barnes pays the costs which are due to the public purse.

2010/4870 REVISION OF THE VERDERERS' BYELAWS

DISCHARGE

The byelaws have been confirmed and came into force on 6th April 2010. In future marking fees for continually depastured animals will be payable by 1st April but this year the deadline is the end of 1st May.

OPEN COURT – 10.00 a.m. in the Verderers' Hall

IN ATTENDANCE: Mr Mike Seddon, Deputy Surveyor of the New Forest

APOLOGIES: Mr Mark Street, Area Land Agent (New Forest)

ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER

2010/4871 BYELAWS

I am at last able to announce that our amended byelaws have now been confirmed by the Minister, and they formally came in to effect as from April 6th.

The new byelaws can be seen on our website, and copies have also been sent to all the relevant Forest organisations. There are a number of changes, but the most obvious change is that the date by which all marking fees must be paid is now April 1st in any given year – except of course this year.

2010/4872 HLS

As announced last month the HLS is now up and running, and we hope to have a full time Manager of the scheme in place by the middle of next month. We also hope to be able to announce the inaugural projects that have been chosen, as well as the plans for expenditure by our Verderers Grazing Scheme which uses its own ring fenced funds within the HLS for projects in support of grazing.

2010/4873 WELFARE TOUR

We will be holding our spring welfare tour on 13th May and we will report at our next Court on the general condition of the stock as seen by the attending national animal welfare organisations.

2010/4874 FOREST FENCES

At last month's Court the Chairman of the Commoners' Defence Association, Dr Graham Ferris, made a presentment concerning the poor state of repair of some of the fences along the Forest's boundaries, and his Association wishes us to continue our efforts to ensure that properly stock-proof fencing is maintained throughout the entire length of those boundaries.

As I mentioned in my reply to Dr Ferris, we have every intention of continuing to do all that we can to ensure that the landowners throughout the Forest, who have fences that run with the Forest's boundary, fulfil their obligation to keep them properly maintained. I can report that some of the areas of fencing that have caused ourselves and his Association concern of late are being improved, and we will keep up the pressure in those areas until we are satisfied the fences are once again secure.

2010/4875 STALLIONS

Following the stallion inspections on the 10th April, 27 stallions have been chosen to run in selected areas of the Forest for four weeks commencing Saturday 15th May.

2010/4876 RETIREMENT OF THE VERDERERS' ASSISTANT CLERK

The Official Verderer said he wished to take this opportunity to publicly say a very big thank you to Sally Cardwell for all her hard work, loyalty and dedication during her time with the Court. He wished her a long, happy and well deserved retirement.

ANIMAL ACCIDENT REPORT

2010/4877 ACCIDENT REPORT FOR MARCH

The Agisters attended 7 accidents, the same as in March last year.

2 ponies were killed, none were injured.

All 7 accidents occurred during the hours of darkness.

5 involved private cars or light commercials and 2 accidents was not reported.

4 accidents involved local motorists.

The total killed and injured for March is 16, the same as last year.

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

There were no Presentments by the Deputy Surveyor

PRESENTMENTS

2010/4878 CYCLING ON THE FOREST

Presentment by Mrs Ailsa Farrand of Furze Hill, Nr Fordingbridge

Mrs Farrand said "this is a subject that has come up many times before but I feel it must be kept in the forefront of concerns as the problem is escalating – There has been an enormous increase in numbers visiting since the coming of the National Park.

Cyclists in the past kept mainly to the gravel tracks, now they are found everywhere, with some large groups, possibly cycling clubs, being commonly seen. Mountain biking is looming ever larger as a sport where they ride at breakneck speed down very steep hills, that no walkers/riders or stock would attempt, leaving tracks in broken heather/bracken etc. There appear to be no areas now which are 'quiet'. Enforcement appears not to exist, in the past there have been some signs, but as they fall into disrepair they are not being replaced, so it is quite possible the cyclists are unaware of the byelaws. It has been reported that on enquiry the Forestry Commission have said they were not allowed to be any 'negative' signs on the Forest, can this be true? I don't know, I did enquire of Barrie Foley if it were so and was told 'it was difficult to get any signs on the Forest (I'm not sure if that was a yes or no)! I would be the first to regret a plethora of signage but some guidelines at strategic points at the start of tracks would be very helpful.'

2010/4879 CAMPING AND BAR-B-Q's
Presentment by Mrs Farrand

'Camping and Bar-b-q's are another major problem, it is of course much nicer to find a spot to camp away from everyone and light a fire and have supper and it's FREE! The litter and danger to stock from fires (sometimes left burning) and bottles etc., is obvious but there again appears to be no notification that this is not perfectly acceptable. There was a recent incident at Latchmoor Shade.

I understand the National Park are starting up 'Forest Watch', I do not know how this will operate, maybe it will be able to help with some of the problems now being caused by the massive increase of visitors since the inception of the National park, but if the situation continues getting worse at the present rate the whole area will become a litter strewn campsite with no place for wildlife and quiet recreation.'

IN COMMITTEE in the Library

CONSIDERATION OF PRESENTMENTS

2010/4880 ILLEGAL CAMPING

DISCHARGE

The Deputy Surveyor assured the Court that the Forestry Commission takes illegal camping very seriously. The problem is having the resources available to deal promptly with reports of such activities across such a wide area. The Deputy Surveyor added he is looking to strengthen the FC's ability to deal with serious breaches of the byelaws including illegal activities such as illegal camping, encroachments, surfacing driveways, signs etc., and confirmed he is not looking to reduce the Keeper/Ranger team locally. The Deputy Surveyor will go back to Mrs Farrand to request further information about the incident she reported.

The Court thanked the Assistant Clerk for clearing bottles and cans from the stream which the contracted litter picker could not do due to health and safety restrictions.

2010/4881 CYCLING IN THE FOREST

DISCHARGE

The Deputy Surveyor said the Forestry Commission's opinion is that most cyclists do remain on track, albeit not necessarily on the waymarked routes. He felt that the cyclists who need pursuing are the ones who ride in inappropriate places. Signs do not work and it is necessary to have people on the ground although the chances of catching cyclists where they should not be are remote. The Deputy Surveyor added that a more complete cycle network would, in his view, encourage more 'legal' usage. He added there is a need to be proportionate in terms of those who are on track but not on the network. The FC does try to maintain the signs on barriers etc., and they are replaced as and when it is found that they are missing.

Concern was expressed that a lot of damage is caused by cyclists who start-off on track but then stray off it. Particular places of concern are Hampton Ridge, Pitts Wood, and from Ashley Walk and Bramshaw Telegraph car parks. It was suggested that some signs at the entrances saying 'no cycling from this car park' would be helpful.

The Deputy Surveyor said he felt the problems would be eased if the

cycle network was more extensive so as to include more gravel tracks. He said people struggle to understand the logic of why they can cycle on some tracks but not others.

NEW SUBMISSIONS BY THE FORESTRY COMMISSION

2010/4882 GAS SUPPLY TO ORCHIDS, PILLEY STREET DISCHARGE

A proposal from ScotiaGas Networks to provide a new underground service to the above property was approved subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

2010/4883 GAS SUPPLY TO WAINSWAY, MEERUT ROAD, BROCKENHURST DISCHARGE

A proposal from ScotiaGas Networks to provide a new underground gas service to this property was approved subject to the usual conditions.

2010/4884 FOREST HOLIDAYS SITE SIGNAGE (AND NEW PARK) RESUME

The Verderers requested more time to consider and comment on Forest Holidays plans to rationalise some of the historic signage on Roundhill, Holmsley and Hollands Wood campsites, with the remaining sites to follow.

The Deputy Surveyor said he will investigate the origin of the brown and white sign for Longcross Campsite as it is questionable whether consent has been given.

The meaning of a bicycle symbol on the proposed sign was queried. The Verderers wanted to know if this meant there are cycling facilities at the site and if so what they are.

The Verderers also feel that the "Thank you for staying" signs are unnecessary.

On the subject of signage, it was commented that the entrance to New Park looks much better now that most of the signs have been removed.

2010/4885 REGENERATION OF CADMAN'S POOL DISCHARGE

The scheme to encourage the regeneration of bankside vegetation which involves some temporary fencing around Cadman's Pool and additional planting of gorse was approved.

The Verderers approved the FC's application that the existing fencing on the north-east boundary of the pool will be retained for a further 2 years ending April 2012 and a further section of temporary fencing (for 5 years ending April 2015) will be constructed along the southern boundary. The pool will remain accessible to stock and the public.

2010/4886 PROPOSAL TO INSTALL AN ECO FRIENDLY TREATMENT PLANT FOR THE REPTILIARY AND HOLIDAYS HILL COTTAGE NEAR LYNDHURST RESUME

Proposals to install the treatment plant were not approved. The Verderers requested further time to consider the proposals. Mr Pasmore said he would make a site visit and report back to the Clerk.

2010/4887 REPLACEMENT OF WATER MAIN ON BOLTON'S BENCH DISCHARGE

A request was received from Mr Tuck, Trustee of Lyndhurst Cricket Club to replace the leaking main water supply pipe to the Cricket pavilion. The method to be used is by mole drain with inspection holes at every 11 metres. The Forestry Commission confirmed it is happy with the works and therefore the proposal was approved subject to the usual conditions.

MATTERS ARISING OF CONCERN TO THE FORESTRY COMMISSION

2010/4888 CAMPSITE SURVEY RESUME

Mr Frost advised the Court that to the best of his knowledge the survey is being printed.

2010/4889 ROAD HAUNCHING RESUME

A meeting has yet to be arranged with the Highway Authority.

2010/4890 30 MPH SPEED LIMIT RESUME
February
2011

The Official Verderer has received a further letter from Cllr Mr Ken Thornber explaining that the transport review should take place in 2011. The Verderers will be invited to participate. The Official Verderer will write to Mr Thornber in January.

2010/4891 A31 VEGETATION CLEARANCE RESUME

Following works carried out by Enterprise Mouchell, in places the screening has been completely obliterated. The Court feels strongly that there must be a clear policy for the maintenance of the Forest's roads as the loss of the screening has had a seriously detrimental impact on the Open Forest.

It was agreed the Official Verderer should discuss the issue with Natural England prior to a meeting being arranged which should be attended by representatives of the Forestry Commission, National Park Authority, Natural England and the Court.

The Clerk reported that as far as she is aware no further works are planned this year.

SSSI RESTORATION WORKS

2010/4892 QUEEN'S MEADOW, GRITNAM AND DRIVERS NURSERY DISCHARGE

The Deputy Surveyor said no further proposals are available at present. The matter will be discharged for the time being.

2010/4893 WARWICKSLADE CUTTING SOUTH RESUME

The Deputy Surveyor apologised that he has not had an opportunity to follow this up. At the May Court it was agreed the works should be inspected in the spring to ensure that there is no flooding of lawns adjacent to the new watercourse.

ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2010/4894 ILLEGAL PARKING – STICKERS RESUME

A draft design for stickers to be used by the Agisters was shown to the Court. The Deputy Surveyor said that the Forestry Commission is in the process of having their 'Park Wise' version re-printed and he repeated the offer that the Agisters are welcome to use them as well, providing they undertake to keep the necessary records of vehicles stickered. The system is that a note of the registration number of the vehicle is made and passed back to a member of Forestry Commission staff. A letter is sent to the person to whom the vehicle is registered. In the case of a repeat offender, the Police then write.

Further consideration was given to this matter later in the meeting.

2010/4895 BUSKETTS HOTEL DISCHARGE

Concern was expressed that some valuable mature oaks may be lost when this property is re-fenced as they appear to be situated on the boundary. The Deputy Surveyor confirmed he will ask the local Keeper to monitor progress.

2010/4896 CASTLE HILL LANE – SUSPECTED WIDENING RESUME

Miss Macair advised the Court that during resurfacing the track has been widened. The Deputy Surveyor said he will investigate.

2010/4897 POUND LANE FOOTPATH REPAIRS DISCHARGE

Miss Macnair also expressed concern at the works carried out recently by the Highway Authority to repair the footpath along Pound Lane. There were a lot of problems with these works, not least that no consultation was carried out prior to their commencement. Complaints have been made by both the Forestry Commission and Court's staff and it is understood that in future proper consultation will be carried out.

2010/4898 SANDHOLE POUND – GROUND REPAIRS RESUME

A request was made for the pound to be scraped out and gravelled as it is now virtually unusable in wet weather. The Deputy Surveyor asked for a formal proposal to be submitted.

2010/4899 BURLEY LAWN BRIDGE RESUME

Mr Kitcher asked the Deputy Surveyor to investigate why a bridge on Burley Lawn which has always been used by stock as well as the Agisters when catching ponies, has not been replaced. The bridge was removed last year and its absence is creating difficulties with the management of stock in the area.

2010/4900 TRACK FROM BISTERNE CLOSE TO BURLEY LAWN DISCHARGE

The ditches on each side of this track need clearing out and potholes repairing. The Deputy Surveyor said he would get this looked at.

2010/4901 ISLANDS THORNS INCLOSURE RESUME

Concern was again expressed at conditions in Islands Thorns. There are deep ruts which represent a serious hazard to the Agisters and commoners trying to catch stock. In addition a large quantity of waste timber has been left on the ground. The Forestry Commission is requested to address these problems in an area which is Open Forest, particularly near The Butts and around the northern and western edges of Bur Bushes.

2010/4902 HILLTOP / FAWLEY INCLOSURE DISCHARGE

There are some very deep ruts along the side of the road at Hill Top which were created when Forestry machinery which was being operated in Fawley Inclosure was left parked up. The Deputy Surveyor said restoration will be undertaken.

2010/4903 WASTE HEATHER BALES DISCHARGE

Dozens of rotting heather bales have been left in Pitts Wood and Islands Thorns and the Forestry Commission was asked to clear them up. This matter had been raised on several previous occasions.

2010/4904 FOREST DESIGN PLAN MEETING DISCHARGE

There is a Forest Design Plan Meeting on Tuesday, 11th May in Queen's House. Mr Deakin, Mr Frost and Mr Pasmore all expressed an interest in attending.

The Deputy Surveyor left the meeting.

OTHER MATTERS ARISING FROM THE MINUTES OF THE LAST COURT AND PREVIOUS COURTS

2010/4905 CONTRACEPTIVE VACCINE FOR MARES DISCHARGE

Mrs Thorne was not present at the meeting, however it is understood that a few commoners are interested in the vaccine and further investigations into the practicalities are being undertaken. It was agreed this matter should be discharged from the minutes until details are available.

2010/4906 ANIMAL HEALTH BILL DISCHARGE

The Clerk confirmed the Court's response to the consultation has been submitted.

2010/4907 VAT DISCHARGE

The Official Verderer reported that he has inspected the file and confirmed that the Court has a dispensation from the need to register for VAT.

2010/4908 DAMAGE TO TURF HILL POUND RESUME

A letter from Natural England indicates that they are not concerned about the damage to and in the immediate vicinity of the pound. The National Trust has indicated it may be able to assist with repairs to the ground within and around the pound.

However some members of the Court remained of the view that such damage is unacceptable and that any commoner who causes serious damage to a communal facility should be required to contribute to the cost of repairs.

A request was made for the HLS Sub-Committee to consider what action might be taken in respect of unreasonable/irresponsible behaviour. Pound gates thrown down and rails broken is considered to be unacceptable. The Official Verderer confirmed the Sub-Committee will consider the issue.

2010/4909 NEW FOREST RURAL CRIME SEMINAR AND LAUNCH OF FOREST WATCH RESUME

This matter is to be resumed as Mrs Thorne was not present to report on the seminar and launch.

2010/4910 THE ATLAS PROJECT RESUME

Delivery of the equipment is imminent. Training for Mr Pasmore, the Verderers Grazing Scheme Manager and the Clerk will be arranged.

NEW FOREST NATIONAL PARK

2010/4911 CORE STRATEGY DISCHARGE

The Official Verderer has written with the Court's response to the Core Strategy consultation. He thanked Mr Montagu for his thoughts which were most useful in compiling the letter.

VERDERERS' HIGHER LEVEL STEWARDSHIP SCHEME (HLS)

2010/4912 MEETINGS DISCHARGE

The Advisory Group on Monday (19th April), the Verderers' Sub Committee will meet this afternoon and the HLS Board meets on Friday.

An offer has been made in respect of the Managers job and the

successful applicant is expected to take up his post in late May. His first task will be the special projects. It is hoped to formulate projects for the Verderers' Grazing Scheme this afternoon.

The National Trust has reportedly offered to contribute some funds from its HLS Scheme towards the cost of employing the Agisters. The Court was grateful for the offer which will be given careful consideration.

MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS

No reports were received.

STAFF MATTERS (including the Staff Committee)

2010/4913 AGISTERS' EXPENSES DISCHARGE

The Clerk was happy to report that the Inland Revenue has approved an increase in the Agisters' Expenses. The Court therefore approved the annual payment of £4,500 which will be payable monthly. The Court also agreed this increase should be backdated to 1st January 2010.

2010/4914 AGISTERS' MILEAGE EXPENSES DISCHARGE

An increase in the mileage expenses was agreed together with the formula prepared by Mr Draper and recommended by the Staff Committee for future mileage reviews.

2010/4915 CATTLE HANDLING DISCHARGE

Following the recent accident where a commoner was badly injured by a cow in a crush which fell onto him, the Court will instruct its Agisters that they must not handle any animal if they consider the facilities to be unsafe. This is in line with the discussion in the April Staff Committee meeting and the subsequent recommendation to the Court (Item 24 refers). Agisters have the right to refuse to handle cattle if they feel the facilities are inadequate and the Court will give its support to such decisions.

Agisters are to mark animals in accordance with their specified duties but they will not in future worm stock or administer blue-tongue vaccinations. Such treatments must be carried out by the commoners.

The Staff Committee also recommended that the Court should agree to commoners who have less than 8 animals being permitted to request the use of the new crush that is to be purchased under the HLS Scheme. If the request is approved, a charge of £10.00 per animal will be made to cover the costs for use of the crush including the Agister's time/mileage in taking it to the holding. The crush will not be "lent" to commoners. This was agreed.

2010/4916 STAFF HOLIDAY ENTITLEMENT DISCHARGE

The Court agreed all staff should receive an increase in their holiday entitlement to five weeks (from the present four weeks). This equates to 25 days plus the 8 Bank Holidays for office staff. In the case of the Agisters whose contracts of employment require them to work Bank Holidays if requested, they will also have a total of 33 days leave each year. A pro-rata entitlement will be calculated as this increase is to be implemented from the date of this meeting.

TRAINING

2010/4917 HUMANE SLAUGHTER AND MANUAL HANDLING RESUME
June

Due to pressure of work the Head Agister and the Clerk have been unable to progress arranging this training.

HEALTH AND SAFETY AT WORK

Other than the matter mentioned at Minute No. 2010/4914 above, there are no health and safety issues at present.

ANY OTHER BUSINESS

2010/4918 CYCLING MEETING RESUME
June

Mr Deakin, Mr Gerrelli, Mr Maton and Mr Pasmore will join the Official Verderer in the meeting with the Forestry Commission to discuss cycling in the Forest. The Clerk will contact the Deputy Surveyor to arrange a mutually convenient date.

2010/4919 ILLEGAL PARKING STICKERS RESUME

The Clerk was requested to find out how many stickers have been issued by Forestry Commission staff in respect of illegally parked vehicles. It is too late for this year for the Verderers logo to be added to the stickers and therefore it was agreed that a version of their own will be designed and trialled. A design for the stickers will be available for approval at the next Court.

The Agisters will also participate in the Forestry Commission's scheme and a supply of stickers will be requested.

2010/4920 TEMPORARY SIGNS RESUME

There appears to have been a significant increase in estate agent and similar boards on the verges of the fenced roads. It is felt the NPA should liaise with the County and District Councils with a view to preventing the erection of these boards which detract from the visual amenity of the Forest.

2010/4921 EMAIL AND OTHER DOCUMENT RETENTION POLICY DISCHARGE

The draft retention policy prepared by Mr Draper was adopted.

There was no further business and the meeting closed at 1.30 p.m.