

**MINUTES of the Court of Verderers held on Wednesday 19<sup>th</sup> December at 9.30 a.m. in the Library, The Queen's House, Lyndhurst.**

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

**IN COMMITTEE**

The Head Agister attended the meeting for the first four items.

2007/3470 MINUTES OF THE LAST MEETING

DISCHARGE

The Minutes of the Courts held on Wednesday, 21<sup>st</sup> November 2007 were approved.

2007/3471 CONDITION OF STOCK

RESUME

The Head Agister reported that generally stock looks well.

460 ponies were seen on the Welfare Tour and the overall condition was felt to be good. The usual 1 or 2 ponies which are going back in condition will be monitored carefully. 1 pony in the North of the Forest was seen to be in poor condition and was also suffering from strangles. The pony was subsequently removed and taken back to the owner's holding.

Cattle belonging to a commoner who lives in Dorset have been sold and are no longer depastured. A letter has been sent to another commoner who lives in Somerset, requiring him to confirm in writing the name and contact details of his Agent as required under the byelaws.

It was reported that a commoner may be feeding cattle too close to the B3078 at Rushy Flats. Commoners are allocated feeding areas and they must not feed elsewhere. The Clerk was asked to write to the commoner concerned.

The Official Verderer said that he was very pleased to hear the positive comments made on the Welfare Tour. In particular the representative from the RSPCA, who said he has been coming on the Tours for the past 7 or 8 years, commented that if things carry on as they are, he will be out of a job. He complimented the Verderers about the way that the animals are tended on the Forest, a comment that has been passed to the Agisters.

Mr Gerrelli remarked that he felt overall the ponies have improved greatly over the past few years. Commoners are more co-operative about removing animals before they become poor. He said full marks must go to the Agisters for their effort. Mr Kitcher agreed that attitudes have changed.

2007/3472 AGISTER ANDREW NAPHTHINE

DISCHARGE

The Head Agister reported that Andrew, who was injured at the beginning of December is progressing well.

The Head Agister left the meeting.

2007/3473 DECLARATIONS OF INTEREST

RESUME

The usual declarations of interest were made, namely:-

The Elected Verderers, Mrs Halford and Mrs Thorne all declared an interest in the Countryside Stewardship Scheme.

Mr Gerrelli declared an interest in any items concerning Campsites and the Official Verderer declared an interest in any matters concerning golf clubs.

Mrs Halford declared an interest in encroachments regarding properties in Burley in her capacity as a Burley Parish Councillor.

2007/3474 FINANCIAL STATEMENT

RESUME

The Financial Statement for November was distributed and approved. The Clerk was requested to investigate whether it is possible to obtain a better rate of interest for the money held in the "Railway Fund".

2007/3475 REPORT ON MARKING FEES RECEIVED AS AT END OF NOVEMBER 2007

RESUME

Ponies	4479	Pigs	182
Cattle	2528	Sheep	55
Donkeys	118		
TOTAL	7125	TOTAL ALL ANIMALS	7362

2007/3476 ANIMALS REMOVED FROM THE FOREST NOVEMBER 2007

RESUME

	POOR	SICK OR INJURED	WANTED BY OWNER	OTHER	TOTALS
MARES WITH FOALS		2	11		13
MARES WITH YEARLINGS					0
MARES		3		3	6
FILLIES		1	4		5
COLTS					0
GELDINGS		2			2
STALLIONS					0
CATTLE	1	2	3	2	8
CALVES	1				1
DONKEYS WITH FOALS		2			2

DONKEYS			2		2
PIGS					0
PIGLETS					0
SHEEP					0
TOTAL	2	12	20	5	39

TWO YEAR OLD COLTS

**SUMMARY BY SPECIES**

PONIES	26
CATTLE	9
DONKEYS	4
PIGS	0
SHEEP	0
TOTAL	39

2007/3477 BYELAW ENFORCEMENT

RESUME

The summons has been issued which is to be served on the commoner who is refusing to brand or brand-tag his cattle. He has been given every possible opportunity to comply with the byelaws. A date for the hearing is awaited. This case has been subject to meticulous preparation.

The next hearing in respect of Mr Cooper's appeal is scheduled for January 3<sup>rd</sup> at the Southampton Crown Court.

2007/3478 THE WILVERLEY INCIDENT

DISCHARGE

The personal injury case brought against the Verderers by a lady who sustained significant injuries on the Forest has been dropped and the full legal costs have been paid by the claimant.

**SUBMISSIONS BY THE FORESTRY COMMISSION**

2007/3479 CAMPSITE PROPOSALS

RESUME

(Including a request submitted to this meeting for consent to replace the existing water main on Roundhill Campsite)

It was agreed that the Verderers' policies on camping facilities should be considered before a decision is made on any of the proposals recently submitted by the Forestry Commission. The Clerk was asked to type up the notes she took at the meeting with Forest Holidays.

The Forestry Commission has stated that it does not need planning permission for the proposed replacement buildings at Roundhill. The Court requested an explanation from the Planning Authority, given that the new buildings will be larger than those they are replacing. It was also queried whether Natural England has any objections to the proposals which include the installation of a new water main on Roundhill and sewerage system for Hollands Wood.

The Court felt that the proposed works at Roundhill may well be contentious. The Forestry Commission will, therefore, be asked to re-submit the proposals in the form of a Presentment in order that the public may be given the opportunity to support or object the planned

alterations.

Mr Frost agreed to take some photographs of the campsite as it is at present for future comparison.

2007/3480 HAMPSHIRE FIELD CLUB - ANNUAL NEW FOREST EXCAVATION DISCHARGE  
2008 – ASHLEY CROSS

The request for consent for the Hampshire Field Club to carry out excavation work at Ashley Cross was approved subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc. Consent was given as the work will further scientific interest. National Park purposes were taken into account and the work has been approved by the National Park Authority Archaeologist.

2007/3481 PROPOSED BT DUCT, COBBLERS CORNER, NEAR A337, SOUTH DISCHARGE  
OF BROCKENHURST

British Telecom's proposal to replace existing underground cabling by installing a new duct in the verge of the public highway and concrete road and then along the edge of the gravel track was approved subject to the usual three conditions.

#### **MATTERS ARISING FROM THE MINUTES OF PREVIOUS COURTS**

2007/3482 BLUE TONGUE RESUME

Restrictions on animal movements because of Blue Tongue remain in place.

2007/3483 COSTICLES POND RESUME  
May 2008

There was nothing further to report on this project and the matter will be resumed in May 2008.

2007/3484 CYCLING ON THE FOREST RESUME

Mr Frost said he has been in contact with Ruth Chambers at the Council for National Parks in connection with cycling in other National Parks. It was felt a study into the effects of cycling and other recreational activities on the quiet areas should be undertaken. It was hoped the National Park Authority may be able to assist in this.

2007/3485 REVIEW OF THE VERDERERS' BYELAWS RESUME

The latest amendments were considered carefully. DEFRA has confirmed it is happy with the changes. The Official Verderer proposed the amended draft should be adopted and Mr Pasmore seconded this proposal. The Court approved the proposal unanimously.

A copy of the revised byelaws will be sent to the National Trust and new advertisements will be placed in the local press. The byelaws will be submitted to the Minister for confirmation no earlier than the end of January.

2007/3486 HERITAGE LOTTERY FUND – LIFE IN COMMON RESUME

The Commoners' Defence Association has reportedly withdrawn from the project as some of the proposals put forward by them are said to not meet the criteria. Without the CDA the whole project is in jeopardy and there is a meeting in early January.

2007/3487 IDENTIFICATION OF PONIES RESUME

The proposals are to be submitted to DEFRA by letter. The Livestock Society will lead on this and prepare a letter for signature by the CDA, NFPB&CS and the Verderers. A copy of the final letter will be circulated.

2007/3488 NOTIFICATION OF AGENTS BY COMMONERS LIVING MORE THAN 15 MILES FROM THE FOREST RESUME

The Clerk is writing to those commoners who live more than 15 miles from the Forest requesting them to complete a declaration form setting out the contact details of their agents. The agents will also be required to sign the form, confirming they accept responsibility for the animals.

It was agreed that any commoner who has not provided written details of their agent, as required by the Byelaws, will have their CSS payment withheld until the information has been supplied.

#### **COUNTRYSIDE STEWARDSHIP SCHEME**

2007/3489 PAYMENT FROM DEFRA RESUME

The cheque from DEFRA has just been received. Cheques to commoners are due to be sent out tomorrow.

#### **NATIONAL PARK**

2007/3490 RECREATION MANAGEMENT STRATEGY, CONSULTATION AND ADVICE GROUP, RECREATION TOPIC GROUPS RESUME

Reports were received from those Verderers who attended the various groups. The groups are regarding visitor management as the priority. The Court was concerned that a number of people feel that "appropriate facilities" must be provided and it was queried what is meant by this. Traffic and transport management was considered to be the second priority and education and awareness the third with access for all receiving a lower priority.

2007/3491 CONSULTATION ON PROPOSED CONSERVATION AREAS DISCHARGE

Mr Pasmore agreed to consider the proposals and provide a response from the Court.

#### **STAFF MATTERS (including the Staff Committee)**

2007/3492 AGISTERS' MILEAGE RESUME  
February  
2008

The Agisters' contracts will be reviewed and amended to state that there is a limit to the amount of private mileage that can be undertaken.

2007/3493 CONFLICTS BETWEEN STOCK AND THE PUBLIC DISCHARGE

The Agisters have requested guidance as to how to handle complaints about stock received from members of the public.

The Court agreed that the Agisters should sympathise but express no opinion when dealing with members of the public who have come into conflict with stock. As much information as possible regarding any incidents should be obtained. The details must then be reported to the office at the earliest opportunity.

2007/3494 FENCING AT GREENHILL COPSE DISCHARGE

A commoner has asked the Court to report dangerous fencing at Greenhill Copse to the RSPCA. There is a long running dispute over whether the Copse is subject to common rights and as a result the wire fence has reportedly been cut on numerous occasions. It was felt that the commoner reporting the problem should contact the RSPCA in person in order that he may provide them with full details.

## **TRAINING**

2007/3495 CERTIFICATE OF COMPETENCE IN ANIMAL TRANSPORT DISCHARGE

The Head Agister is still investigating what training is required for the Agisters. The Court will be advised when a decision is made.

## **HEALTH AND SAFETY AT WORK**

There was nothing to report.

## **ANY OTHER BUSINESS**

2007/3496 COUNTRYSIDE STEWARDSHIP SCHEME EXPENDITURE DISCHARGE

Mr Gerrelli expressed concern that suggestions may have been made that CSS money could be allocated to projects that, in his view, should be funded by the Forestry Commission. The Official Verderer confirmed that the Advisory Group has not discussed any such projects and nor has the Sub-Committee and it may be that the suggestions are no more than Forest rumours.

2007/3497 TRAVELLERS ON DILTON FARM DISCHARGE

It was remarked that travellers camping on Dilton Farm, presumably illegally, are using Roundhill Campsite as a means of access to a farm gate which leads onto the Farm. The comment was made that Forest residents, including commoners, pay dearly for such accesses but the Travellers are getting it for nothing! In addition the footpath which goes through the Farm is regularly blocked. It is thought the National Park Authority is trying to resolve the problem.

2007/3498 DAMAGE ON THE OPEN FOREST

DISCHARGE

It was reported that damage has been caused in the North of the Forest, most likely by holly cutters. Vehicles have been driven over the grazing and barriers left open. The matter will be referred to the Forestry Commission.

2007/3499 THE MINISTERS MANDATE

RESUME  
March 2008

The Official Verderer reported that the Ministers' Mandate is due for review and renewal in 2008. The Court felt it is imperative that the Mandate, which was last signed in 1998 by the then Minister, Elliot Morley, is renewed. The Mandate is in effect the Forestry Commission's licence to operate and sets out the principles the Commission must follow when managing the land to conserve the natural and cultural heritage. It is considered by many to be an extremely important document that must be retained.

A scoping group is to be set up next year which will include representatives of the Court.

2007/3500 HIGHWAY MATTERS

RESUME  
January 2008

Mr Fuller wrote following his visit to the last Court. He confirms the A35 fence is being replaced. Mr Fuller will be invited to come back to the Court in approximately 6 months. The proposals for works at Bull Hill crossroads will be discussed again in January.

2007/3501 OFFICIAL VERDERER

DISCHARGE

The Official Verderer explained that his term of office is nearing its end. He has offered his services for a further term, but the offer has been declined and the post will now be advertised.

Members of the Court expressed their sorrow that the Official Verderer would be stepping down and urged him to put his name forward for re-appointment. Nolan rules allow for persons in public office to remain for 9 years. The present Official Verderer has served 6 years and therefore, technically, could continue in office for a further term.

There being no further business, the meeting closed at 12.25 p.m.