

MINUTES of the Court of Verderers held on Wednesday 17th December 2008 at 10.00 a.m. in the Verderers' Hall & Library, The Queen's House, Lyndhurst.

PRESENT: Mr O Crosthwaite Eyre Official Verderer
Mr J Adams Elected Verderer & Chairman of the Staff Committee
Mr P Frost Natural England Appointed Verderer
Mr A Gerrelli Elected Verderer
Mr J F Kitcher Elected Verderer
Miss D Macnair 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

APOLOGIES: Mr J R Gerrelli Head Agister

2008/4036 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 19th November 2008 were approved.

2008/4037 CONDITION OF STOCK & THE WELFARE TOUR RESUME

The Head Agister was unable to attend the meeting due to illness.

The Welfare Tour

The Official Verderer commented that the Welfare Tour Was very successful with reassuring words being spoken by the representatives of the various organisations in attendance. Dr Mala Hovi, Animal Health (formerly State Veterinary Service), was most complimentary as was Chief Inspector Robbie Roberts of the RSPCA. Ms Sue Palmer, Interim Education Officer, NPA, who admitted she is from a totally urban background, expressed her genuine interest in the management of the stock and said she had learned a great deal which will help her in her post.

A Press Release was issued immediately after the Tour which was published by certain newspapers.

Condition of Stock

Mr Adams reported that in general the ponies and cattle look well but their condition has deteriorated in the last few weeks. There is nothing to worry about yet but the Agisters may be busy in the new year.

The cold, wet autumn has taken its toll and some animals have been knocked back. The wet summer may also have resulted in an increased number of parasites.

The Stewardship Scheme may have encouraged commoners to keep old mares which would otherwise have been taken off the Forest and at Linford, where the drift was not particularly successful, there are a number of foals. Mr Gerrelli commented that more cattle than usual appear to have been left on the Forest this year.

Some ponies that have been removed have again been turned out too soon. Commoners must be reminded that this is not acceptable and that stock removed due to poor condition must not be returned to the Forest until their condition has improved and meets the Verderers' standard.

2008/4038 STRANGLES RESUME

Unfortunately there are still one or two cases of strangles on the Forest. Broadley, Wootton and Setley areas are affected. The Agisters are keeping a close watch on affected animals.

2008/4039 DECLARATIONS OF INTEREST RESUME

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

The Official Verderer declared an interest in any matters concerning golf clubs and Mr Kitcher declared an interest in the item on the agenda concerning tree cutting by Network Rail at New Copse.

2008/4040 FINANCIAL STATEMENT RESUME

The Financial Statement for November was approved.

2008/4041 REPORT ON MARKING FEES RECEIVED AS AT END OF OCTOBER 2008 RESUME

Ponies	4484	Pigs	439
Cattle	2566	Sheep	62
Donkeys	127		
SUB TOTAL	7177	TOTAL ALL ANIMALS	7678

2008/4042 ANIMALS REMOVED IN OCTOBER 2008 RESUME

Mares with foals wanted by their owners - 8
Mares sick or injured – 1
Fillies sick or injured – 1
Calves sick or injured – 1
Pigs – 2 for other reasons
Piglets – 6 for other reasons

Summary: 11 ponies, 1 calf, 8 pigs. TOTAL 20

2008/4043 ROAD TRAFFIC ACCIDENT REPORT FOR NOVEMBER RESUME

The agisters attended 22 accidents compared with 23 for the same period last year.

7 ponies and 2 cattle were killed.

3 ponies and 2 cattle were injured.

16 accidents occurred during the hours of darkness.

18 accidents involved private cars or light commercials, 1 involved a heavy goods vehicle.

3 accidents were not reported.

11 accidents involved local motorists.

The total killed and injured for the year to date is 81 compared with 108 for the same period last year.

2008/4044 BYELAW ENFORCEMENT RESUME

Mr Barnes appeal will be held on two or possibly three days, commencing 2nd February 2009 in the Crown Court, Southampton.

2008/4045 REVISION OF THE VERDERERS' BYELAWS RESUME

The Official Verderer advised the Court that he understands from DEFRA that the timetable for the approval of the revised byelaws is on-track.

SUBMISSIONS BY THE FORESTRY COMMISSION

2008/4046 GAS TANKS AT ROUNDHILL CAMPSITE DISCHARGE

Further to previous discussions revised plans and details of the proposals for the gas tanks on Roundhill Campsite were provided for the Court's consideration.

After careful analysis of the plans provided by the Forestry Commission and details contained in the letter from the Commission dated 16th December 2008 and the letter from Concept Town Planning Ltd (Mr Steven P Hearn) dated 14th November 2008, the Court was minded to consent to the proposals as set out in those documents. Unanimous approval was therefore given.

The Court wished to reiterate that its consent is subject to the condition that in the event that the gas tanks are no longer required by the campsite, full reinstatement to the satisfaction of the Verderers and Natural England will be undertaken.

MATTERS ARISING FROM THE MINUTES OF THE LAST AND PREVIOUS COURTS

2008/4047 KINGSTON GREAT COMMON RESUME

The Official Verderer reported that regrettably the National Park Authority does not appear to have been successful in obtaining a resolution to the issue of the illegal fence on the common. The Official Verderer said he will raise the matter with the Commoners' Defence Association to ascertain its preferred course of action.

2008/4048 NEW FOREST GOLF CLUB DISCHARGE

After much debate and consideration of reports from Natural England and the National Park Authority's Landscape Officer, the Court voted on the proposal to grant a further 10 year lease to the Golf Club. Mr Frost made the proposal with Mr Gerrelli seconding. 7 Verderers voted in favour, 1 voted against and the Official Verderer abstained due to his already declared interest.

Consent was therefore given to the issuing by the Forestry Commission of a 10 year lease to the Golf Club. Such lease is to be subject to the following conditions:-

The Club will adhere to a Management Plan to be agreed with the Forestry Commission, Natural England and the Verderers.

The Club will follow the recommendations contained in the National Park Authority's Landscape Assessment.

The Club will agree to the closure of the course on days when pony drifts are carried out on the course (usually one per year).

Specifically the Club will, within the next two years, replace the tarmac in the car park with gravel.

The Court supports the National Park Authority's view that the course is alien to the Forest; that access by the public is affected and that it has an urbanising effect on the Forest.

The Club and car park clearly have an impact on the landscape, and the Court wishes to see the Club working towards reducing the course from its present 18 holes, to 9 by the end of the 10 year lease. This will help to lessen its presently considerable impact on the Forest.

In reaching its decision, the Court had regard to its Policy No. 6 on Recreation and Recreational Facilities and it also had regard to National Park Aims and Objectives.

2008/4049 CAMPSITE SURVEY

RESUME

A scoping paper entitled "Scope of Work for New Forest Campsite Baseline Survey 2008/9" has been prepared by Mr Jonathan Cox on behalf of the New Forest Association in connection with the proposed campsite survey. It is estimated the survey will cost in the region of £18,000 to complete. Detailed ecological data will be included in the survey together with a record of all infrastructure on the campsites.

The Survey should be of considerable benefit and will make discussions concerning exact conditions and configurations of the campsites much easier in the years ahead for all parties.

Prior to the survey being commissioned, it is necessary to identify exactly how the work will be funded. The New Forest Association has generously offered to fund 50%. The Official Verderer said he will write to Forest Holidays to ask if it is willing to contribute and it is hoped other agencies/organisations may also assist.

2008/4050 ROAD WIDENING – LINWOOD ROAD & FOREST ROAD, BURLEY

RESUME

Hampshire Highways has not yet carried out the works to return the Linwood Road to its original width. It is hoped this will be undertaken shortly. A photograph has now been provided which shows the extent of the unauthorised widening.

As respects Forest Road, Burley, there remains some disagreement

regarding exactly how much widening has taken place although it is quite clear that the new patches of tarmac exceed the width of the original road surface.

2008/4051 ENCROACHMENTS RESUME

The Official Verderer advised the Court that he has a meeting with Mr Mark Street on the 18th December at which the various encroachments will be discussed.

2008/4052 CROW ROAD STREET NAME SIGN DISCHARGE

There is nothing further to report at present except that following the meeting, the District Council officers went away with a clear view of what the Forest prefers as regards signs.

Whilst on the subject of signs, it was commented that there are a number of redundant 10 mph road signs on the Crow Road, presumably left over from resurfacing works.

2008/4053 30 MPH ROAD SIGNS RESUME

No further progress has been made in this connection except that the Highway Authority is now aware of the very strong opposition that exists against a plethora of signs.

Whilst on the subject of signs, it was suggested that another Signage Committee meeting would be useful. The Clerk was asked to approach Mr Nigel Matthews at the NPA in this regard.

2008/4054 NETWORK RAIL TREE CUTTING RESUME

The claim for damages will be submitted very shortly.

2008/4055 MARE CONTRACEPTIVE VACCINE DISCHARGE

The Veterinary Surgeons who attended the Welfare Tour expressed interest in this idea. The Veterinary Medicines Directorate will have to give a certificate before a trial can take place but it is very efficient and appears positive. It was agreed the proposed trial will take some time to work up and so in the meantime the item will be discharged from the Minutes.

COUNTRYSIDE STEWARDSHIP SCHEME

2008/4056 UPGRADE TO A HIGHER LEVEL SCHEME RESUME

The Official Verderer reported that negotiations are underway which may lead to the upgrading of the Verderers' Countryside Stewardship Scheme to a Higher Level Scheme (HLS). Upgrading the present scheme will provide funding over 10 years for capital works such as lawn restoration (on the Open Forest) which may not otherwise be possible due to financial constraints on the Forestry Commission. Upgrading to an HLS will also extend the present CSS.

However, prior to upgrading the current CSS Scheme, an absolute assurance from Natural England is necessary confirming that receipt

of funds under an HLS Scheme would not breach the EU's "double funding" rules. Natural England is currently seeking legal advice and will respond to the Court as soon as possible.

Initially, the proposals are for a pilot scheme which, if successful, may lead to the 10 year scheme. The pilot will make available approximately £700,000 to be spent over a year and a half.

Subject to the legal advice proving positive, the Court unanimously approved the proposed pilot scheme.

The Official Verderer said the Court must now engage the Commoners' Defence Association and to this end a meeting has been arranged for the following day.

The Official Verderer will advise Natural England that the Court has approved the proposals in principle but subject to the legal advice.

NATIONAL PARK

2008/4057 STATUTORY BODIES LIAISON GROUP RESUME

The Official Verderer explained he is unfortunately unable to attend the next meeting which is to be held on Friday at 10.00 a.m. at Efford House. Mr Pasmore offered to attend in his place and the Clerk will advise the National Park Authority.

2008/4058 DEFINITION OF COMMONERS RESUME

The Official Verderer confirmed he has written to the NPA asking it to consider how it will define a "commoner" for planning purposes.

OTHER AGENDA ITEMS

2008/4059 HAND FEEDING OF ANIMALS AND INCIDENTS WITH THE PUBLIC DISCHARGE

Mr Nigel Matthews of the NPA organised a tour around some of the areas of the Forest where conflicts between ponies and the public are known to occur from time to time. Mr Matthews then produced a paper setting out some proposed actions for next season. The Court was happy with the proposals and in particular suggested that an additional ranger presence is the most effective means of educating the public. It is hoped the Forestry Commission's Ranger team and in particular perhaps the volunteer rangers may be able to assist in this respect.

2008/4060 DONATION FROM ESSO DISCHARGE

The Court was very appreciative of the £415.60 received from Esso's Community Support Budget which will be used towards the purchase of digital cameras for the Agisters. The cameras will be extremely useful for gathering information at road traffic accidents, defective fencing, breaches of the Verderers' byelaws etc.

2008/4061 STOCK FEEDING AREAS

RESUME

The Clerk has received a letter from the Deputy Surveyor expressing concern at damage caused by the on-Forest stock feeding activities undertaken by a minority of commoners.

The Court agreed that feeding excessive numbers of animals is not acceptable if significant damage to the fabric of the Forest is the result. The suggestion was made that commoners with lots of animals could be allocated several feeding sites in order to reduce pressure on one area.

It was agreed a meeting with the Deputy Surveyor should be requested in order that the issues can be discussed and a resolution sought. The meeting will be attended by Mr Pasmore and the Head Agister.

2008/4062 NETWORK RAIL COMMUNICATIONS MASTS

DISCHARGE

Network Rail is replacing its analogue radio systems with a digital communication system using GSM-R (Global System for Mobile Communications – Railway) technology. The system will constitute a network of masts that will, for the first time, provide a national system of secure driver to signaller communication.

The proposed works will comprise of the installation of five railway communications system developments within the New Forest National Park. The location of each of the proposed sites and their respective site plans, showing a generic scale and layout for each of the proposed developments has been provided by email.

Designed specifically for railway operational use, the system will cover all of Britain's railways. Unlike commercial operators, Network Rail requires coverage only along the track and so the base station and antenna equipment is designed such that the signal is directed at the railway. Emissions from the antennas will be fully compliant with ICNIRP guidelines for the general public and trackside workers alike.

The installations constitute development "permitted" under the provisions of Schedule 2, Part 17 (Class A) of the General Permitted Development Order 1995 as they are development required in connection with the movement of traffic by rail. However, Network Rail is contacting all organisations that have responsibilities within the New Forest National Park.

The Court accepts that in this instance, even if thought desirable, it would be unlikely to be able to prevent this development. It is thought one of the antenna may require a power supply line which will traverse Open Forest and in that instance it may be possible to bring some pressure to bear in order to ensure that the equipment is sited within the limits of Brockenhurst rather than on the Open Forest and in the least intrusive location. It was agreed the Official Verderer should write to the National Park Authority to encourage it to not necessarily just accept the sites for the equipment proposed by Network Rail but to ensure that due regard is given to the statutory purposes of the National Park in order to obtain the best possible outcome for the Forest.

2008/4063 HABITAT RESTORATION PROPOSALS FOR THE NEW FOREST DISCHARGE
SSSI

It was agreed that the most efficient way of ensuring that all members of the Court have the opportunity of attending site meetings arranged by the Forestry Commission is for Ms Sarah Oakley (FC) to contact Verderers direct by email/post. The Office will be provided with copies of all documentation.

Adequate notice of site meetings must be given and Ms Oakley will be reminded that the Verderers should be consulted prior to the Commoners Defence Association and that decisions by the Verderers can only be made in their monthly committee meetings.

2008/4064 STREAM AND LAWN RESTORATION AT WARWICKSLADE DISCHARGE
CUTTING

Mr Pasmore attended the site meeting (arranged at very short notice) which took place on the 15th December, and prepared a report and plan for consideration by the Court. **The report and accompanying plan is attached.**

After some discussion the Court decided to approve the proposals providing all the conditions set out in Mr Pasmore's report are met. In addition, it is a condition of the Court's consent that the bridge that gives access to the pound and the large cart bridge to the south of the road must be retained to allow proper crossing places.

In reaching this decision, the Verderers had regard, amongst other matters, to their duties under the New Forest Acts, their policy document dated 20th July 2005 and to their duties under the National Park Acts.

MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS

There were no reports.

STAFF MATTERS (including the Staff Committee)

2008/4065 THE AGRICULTURAL WAGES BOARD ORDER DISCHARGE

The Remuneration Committee met after the October Court to consider the AWB Award of 4.23%. The Committee agreed that increase should be applied to all staff salaries as from 1st October 2008.

2008/4066 AGISTERS' MILEAGE RESUME

The mileage rate paid to Agisters in respect of mileage incurred in the course of their duties was reviewed last month to take into account reducing fuel costs. Fuel prices have continued to drop but it was agreed to retain the rate of 24p per mile for another month. The rate will be reviewed again in one month's time and may be altered if prices settle.

TRAINING

No training is currently being undertaken.

HEALTH AND SAFETY AT WORK

2008/4067 REVIEW OF PROCEDURES AND DOCUMENTATION

RESUME
February
2009

There were no specific matters to report except the Clerk suggested that in the New year the Court's Health and Safety procedures and documentation should be reviewed to ensure they remain up to date. This was agreed and Mr Adams will assist.

ANY OTHER BUSINESS

2008/4068 DEFRA CONSULTATION ON THE CODE OF PRACTICE FOR THE WELFARE OF EQUINES DISCHARGE

The deadline for response is 31st December 2008.

2008/4069 FORESTRY COMMISSION VERGE CUTTING

DISCHARGE

It was remarked that the Forestry Commission has made a good job of cutting back the verges on the Lymington to Beaulieu Road.

There was no further business and the meeting closed at 1.00 p.m.