

MINUTES of the Court of Verderers held on Wednesday 21st December 2011 at 9.30 a.m. in the Library, the Queen's House, Lyndhurst.

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|----------------|---|---|
| PRESENT: | Mr Dominic May Mr R Deakin Miss D Macnair MBE The Hon R Montagu Mr A H Pasmore Mr D Readhead Mrs P Thorne Mrs D Westerhoff | Official Verderer Elected Verderer & Staff Committee Chairman Elected Verderer Forestry Commission Appointed Verderer Elected Verderer (joined meeting during 2011/5639) Co-opted Elected Verderer DEFRA Appointed Verderer Natural England Appointed Verderer |
| IN ATTENDANCE: | Miss S Westwood Mr J R Gerrelli Mr K Penfold Mr M Street | Clerk to the Verderers Head Agister – for minutes 2011/5705 - 5710 Deputy Surveyor Area Land Agent (New Forest) |
| APOLOGIES: | Mr A Gerrelli Mr C Maton | Elected Verderer National Park Appointed Verderer |

IN COMMITTEE in the Library

2011/5810 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 16th November 2011 were approved.

2011/5811 DECLARATIONS OF INTEREST RESUME

The Official Verderer, the Elected Verderers, including Mr Readhead, and Mrs Thorne all declared an interest in the Higher Level Stewardship Scheme.

Mr Gerrelli declared an interest in matters concerning campsites.

The Official Verderer declared an interest in the possible land exchange at Coxhill, Boldre and also the proposal to construct a new kerb line on the dam at Hatchet Pond.

2011/5812 CONDITION OF STOCK & THE WELFARE TOUR INCLUDING STALLIONS, HOT BRANDING AND MICROCHIPPING RESUME

The Head Agister reported on the recent Welfare Tour of the Forest which was held on 13th December. He said that the Tour was very successful. The welfare bodies were well represented, the weather was good and a lot of stock was seen. Everything seen was in very good condition and the comments received from the welfare body representatives were all positive. The Head Agister felt it reinforced the usefulness of the tours which give welfare bodies a chance to look at the stock and assists them in responding to any calls they may receive from the public.

The condition of stock is very good for the time of year and the Head Agister said generally he is very happy. In the past week some mares which still have foals with them are just starting to lose a little condition and of course they will be carefully monitored. A couple of ponies were caught and removed because they lost a tremendous amount of condition very rapidly. One was clearly unwell and may be suffering from acorn

poisoning whilst the other was involved in a road traffic accident a few months ago and it is possible she suffered injury that is affecting her now.

A lot of cattle have either gone home or are being fed on approved feeding sites. All look well.

Returning to the welfare tour, there was a lot of support from the welfare organisations for the stallion scheme which is now under review for next year.

Hot branding versus microchipping was also raised by the representative of the Horse Trust. The Head Agister took the opportunity to explain the advantages of branding over microchipping from an Agister's point of view. He said that whilst it is accepted that in winter it can be difficult to read a brand from a distance, the Agisters generally know the animals in their area and they have an opportunity to learn any new animals during the summer when the brands are easy to see. The problems of catching a pony in order to scan it, then trying to read an 18 digit number on a microchip reader in poor weather conditions on a dark night was also emphasised. It was pointed out that access to a database would be required 24 hours a day, 365 days a year which is just not possible while the Agister is out in the forest. At present microchipping is simply not an option. Mrs Thorne said that she is preparing a response to the recent RSPCA report on hot branding versus microchipping.

2011/5813 AGISTER ROBERT MATON RESUME

Agister Maton is progressing well.

2011/5814 NEW VERDERERS' GRAZING SCHEME RULES DISCHARGE

The Official Verderer wished to discuss some matters connected with the VGS and the collection of marking fees with the Head Agister present. He said a new set of robust rules will shortly be drafted in respect of the new Verderers' Grazing Scheme. There followed a discussion on the information which is held in the office regarding commoners' rights to turn out stock, brand allocation and the issuing of marking fee receipts. The Clerk asked for clarification on the definition of 'occupation' of land.

The new Scheme means more money will be available to support commoning and the Official Verderer stressed the importance of ensuring absolute transparency in the administration of the scheme and the payments to commoners. The Court fully supported the Official Verderer and it was agreed a very robust set of rules must be drawn up. The discussion carried on later in the meeting.

The Head Agister left the meeting

**Mr Kevin Penfold, Deputy Surveyor and
Mr Mark Street, Area Land Agent joined the meeting.**

NEW SUBMISSIONS AND OTHER MATTERS RAISED BY THE FORESTRY COMMISSION

2011/5815 SURFACE WATER DRAIN ON OPEN FOREST AT LYNDHURST DISCHARGE

An application has been received from 'New Forest Small School' for a surface water drain to the stream on the Open Forest from the back of the old Police Station (ex NE Offices) on the Ashurst Road out of Lyndhurst, to deal with flooding in the car park.

The intention was to use a soakaway system on site for disposal of the surface water but a percolation test failed, hence the need to discharge straight into a watercourse. The proposal includes silt traps, petrol interceptors and flow rate control which are all issues that have been raised already through the planning process and New Forest District Council. It is assumed the water was already ending up on the Forest from the site so this work should be an improvement.

The Court considered the proposals. Mr Pasmore proposed that subject to Environment Agency and Natural England approvals being obtained, consent should be given for the scheme. Mrs Thorne seconded the proposal which was carried unanimously. The consent is as usual, subject to the standard three conditions of safe working conditions, satisfactory reinstatement and compensation for loss of grazing.

2011/5816 NEW KERB LINE – B3055 ADJACENT TO HATCHET POND DISCHARGE

The Official Verderer declared an interest in this proposal.

A plan was provided which shows the proposed location of a new kerb line, on the east side of the B3055 at Hatchet Pond.

A recent survey carried out by the Forestry Commission under the Reservoirs Act shows that there is serious erosion on the downstream bank of the dam. Vegetation on the bank has been washed away by the erosion and the fence on the top is collapsing. Before reparation work can be carried out on the dam, it is necessary to stop water washing off the road and down the slope. The intention is for a kerb to be installed, with drains at each end. The Forestry Commission is seeking further drawings to show the profile of the kerbing and road surface.

The Court is usually against the use of kerb stones in the Forest because of their urbanising effect. However, in this case, there are special circumstances which mean that the installation of a kerb is necessary. The proposals were therefore agreed unanimously, but a condition was imposed requiring the use of rustic type kerb stones rather than smooth concrete ones. This consent is subject to the standard three conditions.

2011/5817 SCOTTISH & SOUTHERN ELECTRICITY (SSE) PROPOSED UNDERGROUND ELECTRICITY SUPPLY TO 'HALVERGATE', PILLEY STREET, PILLEY DISCHARGE

A request was received via the Forestry Commission to put a new underground service to the above property. A copy of a location plan and detailed plan of the proposed cable route and a copy of SSE's method statement incorporating Natural England's working method was provided.

The Verderers considered the proposals and consent was given subject to the standard three conditions.

2011/5818 WOODGREEN CRICKET CLUB DISCHARGE

Mr Street gave advance warning that the licence in respect of this club expires shortly and an application for a new licence will be made.

The Clerk was asked to find the previous Court Minutes relating to this club. A Presentment may be required, depending on the content of the Club's licence application. Action Clerk

Mt Street said he expects to make the submission/presentment in January or February of next year.

MATTERS ARISING OF CONCERN TO THE FORESTRY COMMISSION

2011/5819 HIGHWAY MAINTENANCE PLAN RESUME

Mr Montagu asked to see the plan before it is forwarded to the Highway Authority. Action Clerk

2011/5820 FOREST HOLIDAYS CAMPSITES DISCHARGE

The Deputy Surveyor confirmed that he has spoken with Forest Holidays regarding the lack of tidying up at the end of the camping season. It has been agreed that next year, Mr Gary North, Recreational Manager for the Forestry Commission, will visit the sites with the Forest Holidays Campsite Manager before they close. They will run through what needs doing at the end of the season to ensure the sites are left in a clean, tidy and safe condition. At the same time, compliance with conditions regarding the regular moving of rented tents will also be checked.

2011/5821 BRAMSHAW GOLF CLUB MANAGEMENT PLAN RESUME

Mr Street said he is arranging for the final plan to be bound up. It will be handed to Mrs Westerhoff for final checking. The plan should be available to be signed off in January. Action MSt / DW

2011/5822 CYCLE WAYMARKERS RESUME

A further discussion took place concerning the proposals to improve the waymarking and the map.

The Deputy Surveyor confirmed the signage for gates and barriers has been agreed. However, he said he still has a problem with the request by the Verderers for a trial of signs on six car park ladderboards. The Court accepted the Deputy Surveyor is in a difficult position as he is bound by the Forestry Commission's edict that no negative signing is acceptable. Unfortunately, this is at odds with the view of the Verderers and other Forest bodies such as the CDA, which are very concerned at the lack of control of cycling on the Open Forest.

The Deputy Surveyor suggested an alternative would be to look at the signage in the car parks on the existing furniture. Subject to some re-orientation he asked if messages in the car parks would satisfy the Verderers regarding preventing cycling from car parks which do not have access to the waymarked route. He confirmed he would be happy with signs which promote the use of the cycle routes in order to protect the Forest but that he could not agree to negative signage. He added that the

agreement of all the HLS Partners is essential if the project is to go ahead.

The Official Verderer then reminded everyone present that the Sandford Principle, by which the National Park is bound, states that in the case of conflicts, the protection of the Forest must take precedence over recreation. He went on to say that he understands the Deputy Surveyor's position but the Verderers would like something on the ladderboards which gives a clear message to cyclists before they enter the car park.

After further discussion it was agreed that more work will be put into trying to agree some wording to be used on six Forest car park entrances. In the north they are Turf Hill, Ashley Walk and Bramshaw Telegraph. The Verderers who live in the south of the Forest were requested to suggest three car parks in their areas, otherwise three can be selected from the list of car parks from where the worst cycle trespass is known to take place. Wording such as "Walking only. No cycle route" was suggested. The Deputy Surveyor and the Official Verderer will try to agree some suitable words.

ACTION
OV & KP

SSSI RESTORATION WORKS

2011/5823 PINNICK WOOD, BUCKHERD BOTTOM & CROCK HILL DISCHARGE

Pinnick Wood – Mr Penfold said that clearly some settling is needed prior to any further work taking place. The timber, debris and stacks of Scots Pine will be removed. It seems the contractor did not complete the works as agreed and Mr Penfold said things will be put right as soon as ground conditions permit – which will now be next year.

Buckherd Bottom – Work is scheduled to take place in this area next year. Mr Penfold said the problem of exposed heather bales and stakes sticking up will be resolved. Again it will be necessary to wait until drier weather next year.

Crock Hill – There has been some confusion as to exactly where the problem is. Mr Pasmore explained it is on the track from Crock Hill to Hampton Ridge through Islands Thorns. The Deputy Surveyor said he will pass on the information.

2011/5824 CLAYPITS BOTTOM DISCHARGE

The Forestry Commission was asked to remove the brash from the lawn in Claypits Bottom. The Deputy Surveyor said he will pursue this.

2011/5825 SSSI RESTORATION WORKS - SNAGGING RESUME

As a result of the discussions on the above issues, the Deputy Surveyor confirmed that he is keen to come up with a system for dealing with problems which arise following SSSI restoration works. He agreed, that a system must be put in place to ensure such problems do not arise, and if or when they do, that they are dealt with promptly. Mrs Westerhoff said there is in any event a need to go back to make sure that the works that are carried out achieve what was intended. The Official Verderer stated that there is an allowance in the HLS budget for snagging, so there is no financial reason for inaction. Mr Penfold said that Ms Sarah Oakley will lead on this.

Action
SO

2011/5826 LATCHMOOR STREAM RESTORATION PROJECT DISCHARGE

Approximately 100 people attended the recent site visit. Some remain unconvinced but the consensus of opinion is that the works should go ahead. Ms Alison Barnes, who is the NPA's representative on the HLS board, has confirmed she is now satisfied with the extensive consultation and is therefore supportive of the project. The Official Verderer has therefore given the HLS board the Verderers' support and this SSSI restoration project will now proceed. The Deputy Surveyor said he is determined that the project will be a success. He said that the Forestry Commission will ensure a quality result and it will not risk damage as a result of working in poor weather conditions.

Mr Pasmore asked that the minutes record his dissent. He said he considers this is a damaging scheme which should not be undertaken.

2011/5827 PONDHEAD DISCHARGE

A site visit took place on 28th November 2011. Following the visit a proposal document was prepared by Miss Sarah Oakley. A paper was also prepared by Messrs Deakin & Pasmore. The recommendations contained in Messrs Deakin & Pasmore's paper were accepted by both the Court and the Forestry Commission and the restoration works will be undertaken on that basis. A copy of Messrs Deakin & Pasmore's paper and map is appended to these minutes.

ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2011/5828 NATIONAL GRID PROPOSALS FOR 400kV LINES DISCHARGE

The National Grid has advised the Forestry Commission and the Clerk that it proposes to work on vegetation clearance under the lines and also wishes to undertake maintenance on the pylons. Further details are being obtained and will be brought back to the Court when they are available.

Action
MSt / SW

2011/5829 VISIT BY THE INDEPENDENT PANEL ON FORESTRY & PROGRESS REPORT RESUME

The interim report on the future of the Public Forest Estate has been published.

Action
OV

The New Forest Consultative Panel chairman has been asked to take the lead in co-ordinating the local arrangements for the visit to the New Forest by the Independent Panel on 28th February 2012.

2011/5830 FORESTRY COMMISSION STAFFING IN THE NEW FOREST DISCHARGE

The Deputy Surveyor briefed the Court on the current situation regarding the re-organisation of the District. He thanked everyone for their patience.

Mr Penfold left the meeting.

ENCROACHMENTS OF INTEREST TO THE FORESTRY COMMISSION

- 2011/5831 LAND AT KINGS COPSE RESUME
- Mr Street has researched the alleged encroachment. Some old photographs have now been found which show the changes which have taken place in the past five years concerning the gateway and telegraph pole. This is a perambulation boundary and so the Verderers do have an interest in the newly constructed gateway. The matter will be progressed in the new year.
- Action
MSt
- 2011/5832 HOME FARM, BARTLEY DISCHARGE
- The encroachment has been abated. The Official Verderer reported that he has inspected the site along with Julie Stubbs from the Land Advice Service. They are content that apart from a minor banking issue, the work is acceptable. The sides of the newly dug ditch are rather steeper than further along the ditch, but more damage would be caused if the gradient was to be reduced and therefore it is felt it is better to leave it as it is. Photographs have been taken and they will be retained on file.
- 2011/5833 HOME FARM, ASHURST RESUME
- The Forestry Commission was in correspondence with the owner of the property who is now unfortunately deceased. However, other members of the family now farm the land and it is considered that they must accept responsibility for abating the encroachment. The Court confirmed it wishes to support the Forestry Commission in resolving this long standing encroachment and it was agreed that as well as withholding CSS payments now, the occupiers of the property will not be allowed to join the new scheme until the encroachment has been abated.
- Action
CD/SW
- 2011/5834 LIST OF ENCROACHMENTS ON CROWN LAND RESUME
- An updated list of encroachments was circulated.
- Action
MSt

Mr Street left the meeting.

OTHER MATTERS ARISING

- 2011/5835 STALLIONS 2012 DISCHARGE
- The CDA's recommendations have been received and a paper was circulated. Mr Deakin said a meeting of the Stallion Sub-Committee will be set up in the New Year but in the meantime if anyone has any comments or suggestions he will be pleased to hear them.
- Action
All
- 2011/5836 HOT BRANDING/MICROCHIPPING RESUME
- Mrs Thorne is drafting a response to the RSPCA's recent report which calls for hot branding to be banned. The response will be circulated and comments are invited.
- Action
PT
- 2011/5837 VERDERERS' OFFICE DISCHARGE
- The Official Verderer said he is committed to securing improved working conditions for the Verderers' administrative staff. In principle, the offices

next door to the present Verderers' office are available, however, it is dependent on the Forestry Commission's requirements for its own staff following its reorganisation. There is also the question of funding the work that is required to remedy several defects in the building itself.

2011/5838 VERDERERS' COURT DATES FOR 2012 DISCHARGE

The following dates were approved:-

| | |
|----------------------------|--|
| 18 th January | 15 th February |
| 21 st March | 18 th April |
| 16 th May | 20 th June |
| 18 th July | No meeting in August |
| 19 th September | 17 th October |
| 21 st November | 19 th December (committee only) |

All meetings are on a Wednesday.

In Committee at 9.30 a.m. Open Court at 10.00 a.m.

HIGHER LEVEL STEWARDSHIP SCHEME

2011/5839 BEAULIEU ROAD WATER SCHEME DISCHARGE

The Official Verderer reported that following consultation with Natural England, the monies received from the private dwellings and the hotel will be paid into the HLS account. The New Forest Trust and the Livestock Society have been informed that they are welcome to apply for funding from the HLS for future maintenance.

VERDERERS GRAZING SCHEME (VGS)

2011/5840 PAYMENTS TO DECEASED SCHEME MEMBERS DISCHARGE

The Court agreed that providing animals have run out for the period required, monies due to deceased scheme members will be paid to the executors of their estate, via the solicitor handling the estate.

2011/5841 PIGS OUT BEYOND THE END OF THE PANNAGE SEASON DISCHARGE

The commoner whose pigs were out beyond the end of the pannage season, and which were seen to be damaging the grazing due to being improperly ringed, will have this month's payment relating to pigs withheld.

2011/5842 COMMONERS LIVING AWAY FROM THE FOREST DISCHARGE

The Verderers have asked the VGS manager to obtain confirmation that commoners who are living away from the Forest actually have the right to turn out stock. Commoners in this category will receive their payments this year but membership of the scheme in future years will be dependent upon them being able to prove they genuinely occupy land with common rights. The Clerk asked for a definition of 'occupy' in this context. It was agreed this needs further discussion.

2011/5843 PAYMENTS FOR PONIES UNDER THE VGS SCHEME DISCHARGE

The Official Verderer advised the Court that he has been told by Natural England that payments for ponies and cattle cannot be the same. NE's Commons Unit suggested that if cattle equal 1 LU (Livestock Unit), equines should be a maximum of 0.6 LU. The Official Verderer asked the Commons Unit for recognition of a Native Breed Supplement, and it was agreed by Natural England that registered New Forest ponies can be increased 0.8 LU. Other equines would be 0.4 LU, including un-registered ponies, donkeys, Shetlands, mules and also geldings. Some members of the Court did not approve of Natural England's position. It was agreed that this will be discussed further, in January's VGS Management Committee and reported at the next Court.

Action
OV

2011/5844 NATIONAL TRUST COMMONS DISCHARGE

Natural England has told the National Trust that it must reach agreement with the Court over the payment of its commoners under the Verderers' Grazing Scheme. At present there are too many animals receiving too much financial support on certain commons which are over-grazed.

2011/5845 REVISION OF THE RULES OF THE VERDERERS' GRAZING SCHEME RESUME

All the above items, in addition to some others not discussed today, will be considered as part of the review of the VGS rules. A revised set of rules will be drafted at a special meeting of the VGS Management Committee, for discussion in January's Court.

Action
OV

MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2011/5846 COMMONERS' DWELLINGS SCHEME DISCHARGE

Mrs Westerhoff said that the first stage of applications from two commoners have been considered and approved.

FINANCIAL AND OTHER MONTHLY REPORTS

2011/5847 FINANCIAL STATEMENT FOR NOVEMBER 2011 RESUME

The Financial Statement for November was approved.

2011/5848 MARKING FEES RECEIVED TO DATE RESUME

(previous year in brackets)

| | | | | | |
|---------|------|--------|-------------------|------|--------|
| Ponies | 4598 | (4820) | Pigs | 302 | (552) |
| Cattle | 2385 | (2246) | Sheep | 130 | (153) |
| Donkeys | 128 | (119) | | | |
| TOTAL | 7111 | (7185) | TOTAL ALL ANIMALS | 7543 | (7770) |

2011/5849 ANIMALS REMOVED IN NOVEMBER FROM THE FOREST DUE TO POOR CONDITION RESUME

A mare with a foal and a cow with a calf were removed from the Forest in November due to poor condition.

2011/5850 RTA REPORT FOR NOVEMBER RESUME

The Clerk reported that the Agisters had attended 25 accidents compared with 26 for the same period last year.

3 ponies, 1 pig, 1 cow and 1 donkey were killed. 4 ponies and 1 cow were injured.

22 accidents occurred during the hours of darkness. 14 accidents involved private cars or light commercials and 1 involved a motorcycle.

The number of accidents not reported was 5 and 8 accidents involved local motorists.

The total killed and injured for the year to date is 88 compared with 85 up to the same time last year.

Earlier in the meeting, during the discussion on the condition of stock and other related matters, Mr Readhead said that he would like to discuss road traffic accidents involving commoners' stock in more details, perhaps at the next meeting. Two accidents occurred in quick succession last night on the B3078 – one at Bramshaw Telegraph and the other at Black Gutter. Both were on straight stretches of road. He felt more needs to be done to try to reduce the annual toll of commoners' animals on the Forest roads.

Action
DR

TRAINING

No training is currently taking place or due in the near future.

HEALTH AND SAFETY

There are no health and safety issues at present.

ANY OTHER BUSINESS

2011/5851 BUCKLAND CRUISER DISCHARGE

The Clerk reported that she understands the New Forest Pony Breeding and Cattle Society has written to the commoner who questioned the breeding of Buckland Cruiser.

The Society carried out some investigations and is content that Buckland Cruiser's DNA confirms that he is a New Forest Pony.

2011/5852 NEW FOREST AND SOUTH DOWNS JOINT LOCAL SUSTAINABLE TRANSPORT FUND BID RESUME

Mr Pasmore kindly offered to read the papers and report back in January.

Action
AHP

2011/5853 HAMPSHIRE MINERALS & WASTE PLAN DISCHARGE

Mrs Westerhoff advised the Court that the Hampshire Wildlife Trust is drafting a full response to the latest plan.

There was no further business and the meeting closed at 13.22 hrs