

MINUTES of the Court of Verderers held on Wednesday, 18th February 2004 at 9.30 a.m. in the 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	Countryside Agency Appointed Verderer
	Mr A Gerrelli	Elected Verderer
	Mrs K Heron	Appointed Hampshire County Council Verderer
	Mr J F Kitcher	Elected Verderer
	Miss D Macnair	Elected Verderer
	Mr A H Pasmore	Elected Verderer
	Mrs P Thorne	Appointed DEFRA Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk
	Mr J R Gerrelli	Head Agister (first three items only)
APOLOGIES:	The Hon R Montagu	Appointed Forestry Commission Verderer

IN COMMITTEE

The Head Agister was present for the first three items.

2004/701 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 21st January 2004 were approved and signed.

2004/702 ANNOUNCEMENTS & DECISIONS DISCHARGE

A small amendment was made to the Announcements and Decisions which were then approved.

2004/703 CONDITION OF STOCK RESUME

The Head Agister reported that on the whole he is still quite happy with the condition of stock on the Forest. The Agisters are busy removing poor ponies and there are still problems with stranglers and flu. When ponies are affected by the virus they drop condition badly.

The commoners in the South of the Forest are very helpful and are assisting the Agisters but unfortunately as usual there is little help in the North. The Head Agister has been assisting the Agisters in the North in order to ensure standards are maintained.

The Agisters are also still removing 2 year old colts. Most have been caught but a few remain which will be caught as soon as possible. The team is very busy at the moment.

Miss Macnair remarked that lice are now a problem.

As the Stewardship Scheme prohibits the treatment of animals with Ivermectin whilst they are on the Forest, the Verderers' Veterinary Surgeon, Mr Ralph Ellis, will be asked if there is an alternative pour on wormer which can be used on cattle.

The Head Agister added that the Chairman of the Staff Committee and himself have started fortnightly tours around the Forest checking stock.

On Sunday last, they had a very successful day, visiting the west side of the Forest around Ibsley, Gorley, Abbotswell and Ogdens. 187 ponies were seen, 5 of which needed to be removed because their condition was below the required standard. Of these 5, 4 have already been taken off. The Head Agister felt the tours are very useful.

Photographer

A request has been received from a freelance photographer from London to take pictures at the drifts this year. Mr Arnhel de Serra wishes to create an exhibition of photographs taken at the drifts. The exhibition is intended to educate those who view it. He would also like to cover other aspects of Forest life. An example of his work was shown to the Court. The photographs will show a lot of action and black and white film will be used which seems to be particularly effective. The Court was happy to give approval and asked the Agisters to help Mr de Serra as much as possible. A copy of Mr de Serra's insurance will be requested.

The Head Agister left the meeting.

2004/704 STRANGLES & FLU

RESUME

The Chairman of the Staff Committee, continued the welfare report, saying that strangles rumbles on. It continues to effect only a few ponies although some have been very sick. Following veterinary advice, the animals are left on the Forest unless their condition is such that they need to be taken off.

Both the strangles and flu virus are clearly having an effect on the condition of stock at a difficult time of year. 2 of the ponies seen on Sunday were clearly suffering from the virus and will have to be removed. 2 year olds which are also changing their teeth are affected more than older ponies. It is understood that a few private riding horses may also have the infection. Swabs taken earlier in the year from one of the Head Agister's ponies proved inconclusive.

The records will be checked to see if the number of ponies removed due to poor condition is higher this year.

2004/705 DECLARATIONS OF INTEREST

RESUME

There were no declarations of interest in respect of any item on the Agenda. The Official Verderer felt that as the Stewardship Scheme agreement has not yet been signed, there is currently no requirement for any Verderer to declare an interest.

2004/706 FINANCIAL STATEMENT

RESUME

The financial statement for January was approved. The Clerk remarked that some more marking fee income in the next month would be helpful! The Official Verderer said that the Taxing Office at the High Court should be reimbursing the costs of the Appeal in due course.

2004/707 BYELAW ENFORCEMENT

RESUME

Apart from the Commoners who are currently subject to prosecution who continue to decline to pay marking fees, there have been no other breaches of the byelaws although there may be a few outstanding marking fees to collect.

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

IN ATTENDANCE: Mr Mike Seddon Deputy Surveyor of the New Forest
Mr Will Parke Area Land Agent (New Forest)

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER

2004/708 FORESTRY COMMISSION CAMPSITE SALES

Following the earlier presentment made by the Deputy Surveyor, and the subsequent presentment made by Mrs Collins at the January Court, the Verderers have considered the matter of whether or not bottled water should be added to the list of essential items that may be sold at the commission's campsites. We have concluded that there is no need to add this or indeed any other item to the already agreed list of basic goods.

2004/709 PONY PASSPORTS

We submitted detailed proposals to DEFRA explaining how we intend to address the issues surrounding the actual completion of applications, and silhouettes in particular. It has been confirmed that our proposed system is acceptable, and that the details contained in the entry on the Verderers' List will be compatible with the information needed to apply for a full horse passport.

2004/710 CYCLING ON THE FOREST

In response to Mrs Collins' concerns about the cycling map, the Forestry Commission explained that it wishes to produce a new map but that it would prefer to wait until the Strategic Cycle Network has been agreed. The Forestry Commission does its best to ensure its map is widely distributed. As a matter of interest the latest Ordnance Survey Explorer Map (formerly called the Outdoor Leisure Map) No 22 now includes the official off road Forest cycle network.

2004/711 VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME

We anticipate being able to sign the Scheme Agreement with Defra very shortly, and on the basis that it actually began to operate retrospectively on October 1st 2003. Application forms for joining the scheme need to be completed and sent back to the Verderers' Office by February 29th. We are aware that some commoners have reservations about the scheme, in particular there is a fear that the scheme is too intrusive, and is an attempt by the Verderers to impose further control upon the commoners. This fear is unfounded, and I can only stress that the sole purpose of this scheme is to support, not control, commoning. Anyone who has any such concerns or doubts should contact their Agister or the office in order to discuss and hopefully allay their fears. Once again I urge all practising commoners who paid marking fees in 2002 to take the time to fill in the form and return it. The scheme will only run if no less than 70% of commoners support it this year. Without year one there will be no year two.

ANIMAL ACCIDENT REPORT

2004/712 ANIMAL ACCIDENT REPORT FOR JANUARY 2004

Total Accidents for the Period: 11 (8)

	Killed		Collar		Injured		Collar		Uninjured		Collar		Not Found	
Ponies	5	(5)	2	(0)	4	(1)	0	(0)	0	(1)	0	(0)	1	(2)
Cattle	0	(0)	N/a	N/a	1	(0)	N/a	N/a	0	(0)	N/a	N/a	1	(2)
Donkeys	1	(0)	0	(0)	0	(0)	0	(0)	0	(1)	0	(0)	2	(4)
Pigs	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Sheep	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Totals	6	(5)	2	(0)	5	(1)	0	(0)	0	(1)	0	(0)	2	(4)

TOTAL KILLED & INJURED	11	(6)
Accidents During the Hours of Darkness	9	(8)
Vehicles Involved		
Private Cars / Light Commercials	9	(7)
Motor Cycles	0	(0)
Heavy Vehicles	0	(0)
Bicycles	0	(0)
Number of Local Motorists	4	(5)
Number of Accidents Not Reported	2	(1)
Total Killed and Injured for the Year to date	11	(6)
Number of Deer Killed	-	(-)

Figures in brackets () show previous year's totals.

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

There were no Presentments by the Deputy Surveyor.

PRESENTMENTS

2004/713 VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME
Presentment by Mr Jack Weaving

Mr Weaving said the desired stocking level under the Scheme of 5,000 ponies and cattle is too high. He referred to an assessment made by the 1988 New Forest Review Group which judged that 4,000 was appropriate. Above that, biological impoverishment and stock failure was considered to result. The late Colin Tubbs of English Nature was said to have agreed.

Mr Weaving went on to say that he considered the current levels of stock (5,143 was quoted) is still damaging the ecology and animals continue to fail. He suggested, therefore, the stocking level objective of the Scheme should be lowered.

The question of whether the Elected Verderers should participate in the Scheme was then raised with Mr Weaving quoting Section 16 (3) of the New Forest Act of 1877. He considered that the Elected Verderers should not participate because the Act states they must not participate in the profit of any contract entered into by the Verderers. Mr Weaving suggested that an independent body might administer and regulate the Scheme.

The Official Verderer responded by saying that English Nature had decided the ideal stocking level.

Mr Weaving remarked that English Nature has only existed since 1990 and that since then, things have remained much the same. He took the view that English Nature has only seen the later years and knows little enough. He added that English Nature would not know about the decline in ecology and welfare that took place between 1965 and 1985.

2004/714 LIFE 3 - THE WATER BASIN FORUM
Presentment by Mr Bob Cooper, Acres Down

Mr Cooper reported that he has raised with the Environment Agency, the objections of his group of Commoners to the proposed restoration of New Forest wet lands under the LIFE 3 bid. He added that he was surprised to learn that the CDA had withdrawn its objection and that the Environment Agency regards the matter as duly approved and that all objections have been overcome. He corrected this misapprehension very quickly.

The lack of an environmental assessment continues to concern Mr Cooper as he considers the Environment Agency is legally required to ensure an assessment is carried out.

Mr Cooper went on to say he believes the Environment Agency and English Nature will press on with the works regardless of local opinion. He added that he trusts that the Court's representative on the Water Basin Forum will make it clear to all other members that the Commoners of the Forest will stop this scheme, if necessary by legal action.

Mr Cooper advised the Court that his dung heap has been replaced.

IN COMMITTEE in the Library

CONSIDERATION OF PRESENTMENTS

2004/715 VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME RESUME
Presentment by Mr Jack Weaving

The Official Verderer repeated that the stocking levels required under the scheme have been decided by English Nature. Mr Frost said that he felt Mr Weaving is, in any event, wrong in his interpretation of Colin Tubbs' findings. Mr Frost will seek out the relevant paragraph in Colin Tubbs' book. It was also commented that the Illingworth Committee recommended 5,000 animals as being an appropriate stocking level.

The Court is well aware of the possible implications of Section 16 of the 1877 New Forest Act.

2004/716 LIFE 3 - THE WATER BASIN FORUM RESUME

Presentment by Mr Bob Cooper, Acres Down

Mr Cooper is concerned that works under the LIFE 3 Project might go ahead regardless of the Verderers' views.

Mr Pasmore said that it is not simply a question of whether the Habitats Directive can over-ride the New Forest Acts and therefore the Verderers, but also there is the question of possible destruction of private property - i.e. the grazing on the Forest. The legislation cannot

take away private property and if the LIFE proposals are going to destroy grazing, Mr Pasmore considered that is not acceptable.

The Official Verderer said that if the Court feels there is enough clear evidence of the brushing aside of rights, a special meeting should be convened to discuss the best way of dealing with the issue. It is important that the facts are gathered first. It was agreed the matter would be discussed again later in the meeting.

SUBMISSIONS BY THE FORESTRY COMMISSION

2004/717 ELECTRICITY SUPPLY TO BROOMY HURST, SHOBLEY, DISCHARGE
RINGWOOD

The request by the Electricity Board on behalf of the owner of the above property for permission to provide an electricity supply was approved subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

2004/718 LYNDHURST FLOOD RELIEF SCHEME DISCHARGE

The proposals by New Forest District Council for a scheme to relieve flooding in roads, gardens and properties in the Romsey Road / Wellands Road and Racecourse View areas of the village were given careful consideration.

The Forestry Commission agreed to ensure that the reeds which are to be planted in a specially constructed scrape approximately 10 metres square are not be allowed to spread.

The proposals were approved, subject to the condition that the reeds must not spread and the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

MATTERS ARISING FROM THE MINUTES OF PREVIOUS COURTS OF CONCERN TO THE FORESTRY COMMISSION AND ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2004/719 PROPOSED SALE OF FORESTRY COMMISSION PROPERTY - RESUME
SWAN GREEN COTTAGE

The Official Verderer apologised for the delay in sending the letter to the Deputy Surveyor setting out the Court's position. He said it would be done as soon as possible and that it will encapsulate the views expressed by the Verderers in the January Committee meeting.

2004/720 COPPICE OF LINWOOD & LONGCROSS COTTAGES RUBBISH RESUME

Mr Parke reported that the issue has been taken up with the tenants who have been given until the end of February to remove the rubbish and illegal fence. Mr Pasmore remarked that there are a quantity of telegraph poles which may have appeared since Mr Parke's visit.

- 2004/721 BRAMSHAW TELEGRAPH ROAD SIGNING RESUME
- Mr Parke had nothing further to report on this. Mrs Heron has also been chasing it up but Mr Martin Wiltshire at the County Surveyor's Office has been away. Between them, Mrs Heron and Mr Parke will endeavour to progress the matter, particularly with a view to obtaining a copy of the County's road signage policy.
- 2004/722 ORIENTEERING RESUME
- The Agreement, which has been subject to further minor amendment, should be signed shortly.
- 2004/723 PICKET POST JUNCTION FENCING RESUME
- Mr Parke continues to chase the Little Chef for some action but unfortunately to date without success. The Official Verderer asked for the contact details in order that he too may write. Mr Adams demanded further action but Mr Parke pointed out that there is nothing legally that can be done. The fence does not belong to the Highway Authority, Forestry Commission or Verderers and no-one can insist that the land owner repairs it. Despite warnings of the risk of a grave accident occurring, the Little Chef continues to ignore its responsibilities.
- Mr Pasmore asked if the time has come for the Forestry Commission, Hampshire County Council and the Verderers to share the cost of repairing the fence. The suggestion was given very careful consideration but it was felt that it is a dangerous precedent to set. There are many other places around the Forest where sub-standard fencing is a hazard to people or stock. Mr Adams then suggested the press should be involved. Mr Frost supported the idea. The Official Verderer said he would contact the local Member of Parliament to see if any pressure can be brought to bear from that direction. He will also contact the Chairman of the Commoners' Defence Association.
- 2004/724 BEECHWOOD ROAD LOG STORE RESUME
- Mr Parke reported that he has sent the owner of the property a final warning. The next stage will be to instruct lawyers.
- 2004/725 BRIDGES RESUME
- The Deputy Surveyor explained that wooden side rails have been attached to the Roman Bridge at Holidays Hill in order to limit the size of vehicles crossing the bridge. The Bridge has a weight restriction and narrowing it prevents its use by overweight vehicles.
- The railings on the bridge at Fulliford were not erected by the Forestry Commission. It seems that the railway authorities are responsible and they have been asked to remove them without delay.
- 2004/726 GALLERY OF PAST OFFICIAL VERDERERS DISCHARGE
- The Deputy Surveyor was pleased to agree to a gallery of past Official Verderers being displayed in the Court.

2004/727 HOLMSLEY PIT

RESUME

The Deputy Surveyor explained to the Court why the Forestry Commission does not wish to complete the restoration of the gravel pit. He went on to say that there are two principal issues remaining. The first is the removal of the gravel access road and the second is battering down the north face of the old quarry. The Forestry Commission is of the view that it has gone as far as is sensible with the restoration work and that there are other things that are of a higher priority. Further work on the North face of the pit will result in a loss of heathland. Taking up the gravel road will simply expose the underlying natural bleached gravel. Spreading the old topsoil heaps will not be permitted by English Nature because they have now grown over. This view was apparently aired at several local forums including the Open Forest Advisory Committee where the Commission's reasoning was broadly understood. Hampshire County Council's Ecologist and Mineral Planner is apparently satisfied for the pit to be left as it is now and for the access road to also be left. The Deputy Surveyor said the Commission is committed to ensuring the safety of stock and Forest users and will ensure the protective fence is maintained in future years. He said that the fence will be checked every six months.

A long and detailed discussion then took place during which members of the Court expressed their disappointment that the Forestry Commission had, in their opinion, reneged on their agreement to properly restore the pit. It was pointed out that private companies extracting gravel are now always legally obliged to fully restore their sites and it was questioned why the same rules should not apply to the Forestry Commission on the Open Forest. Mr Pasmore pointed out that Rockford Pit, the site of old gravel workings, was heathland before extraction began and is heathland now. He could not understand why the same should not apply at Holmsley. Miss Macnair commented that as a result of the Forestry Commission's procrastination, English Nature has decided it does not want further works carried out. New habitats have developed and English Nature does not want them to be disturbed. Miss Macnair added that this is not the first time this has happened and she felt the Forestry Commission should adhere to the agreements that it makes. Mr Adams said he regretted that he had seen this coming and felt the Commission has deliberately avoided any further restoration work. The Deputy Surveyor said he has inherited the problem.

Cllr Heron said she would like to speak with Hampshire County Council and Mrs Thorne said she would like to take a look at the site.

It was finally agreed that the issue should be resumed at the next meeting to give everyone time to consider the comments that have been made.

OTHER MATTERS OF CONCERN TO THE FORESTRY COMMISSION

2004/728 KNIGHTWOOD INCLOSURE

RESUME

The Verderers considered a paper and plan of the proposals by the Forestry Commission to "lay open" the majority of Knightwood Inclosure (Section 6 of the New Forest Act of 1877 refers). The plans follow in part the recommendation of the Forest Design Plan but are extended to

include the requirements of the LIFE III programme. Almost 99% of the inclosure will be thrown open.

Works will involve re- fencing sections of Woosons Hill, Holidays Hill and Anderwood Inclosure boundaries; removing some sections of the existing Knightwood inclosure fence line and retaining other sections of the Knightwood fences in order to maintain the integrity of the Highway fence on the A35 and meeting the needs of commoning by retaining drift fencing. The Verderers asked why the stretch of fence from the cattle grid on the road to Burley which travels westwards is to be retained as it appears to serve no useful purpose. Also it was requested that all tracks that are still in use should have gates provided for access purposes. The Forestry Commission will investigate both points.

2004/729 HIGH CORNER INN ENCROACHMENT RESUME

Mr Parke reported that he has visited the High Corner Inn and confirmed that he has approached the Property Manager and advised him that the encroachment must be removed forthwith.

2004/730 CYCLING DISCHARGE

As reported in Open Court, the Ordnance Survey Map of the Forest now incorporates the Forest cycle network. As the route is subject to an annual permission it was queried how it is that it is now on a map that may remain in use for many years to come. The Official Verderer felt it could be a case of over diligence on the part of Ordnance Survey but remarked that everyone is keen for cyclists to know where they are allowed to go! The Forestry Commission will advise Ordnance Survey of the status of the cycle routes and ask that in future they are approached before such information is included on their maps.

2004/731 LOGS BLOCKING CAR PARKS DISCHARGE

The Chairman of the Staff Committee advised the Forestry Commission that the practise of placing logs across car park entrances is causing problems with access by the Agisters. At Long Cross the Agister for the area had considerable difficulty getting to a pony. A similar problem has occurred at Bramble Hill. Additionally, there are problems with members of the public parking in front of the barriers at Durmast and Dur Hill.

The Deputy Surveyor said that the logs would be removed in the third week of March but if there is a serious problem in a particular place the log could be removed. Agisters were invited to contact Harry Oram. Whilst the Deputy Surveyor understood the concerns, he said the logs would need to be replaced next winter. He felt the solution is to relocate the barriers out of the car parks.

2004/732 TRACK FROM OGDENS TO FROGHAM DISCHARGE

Mrs Heron reported that this track is now in a dreadful condition. Unfortunately someone has now made an alternative track running parallel to the original one across the heath. Whilst it was understood that the Forestry Commission wished to "discourage" the use of the track, it is now so bad that it is totally impassable, hence a "bypass" has

been created. The Forestry Commission was asked if it could make the original track a "bit" better! Mr Parke said he will have a look at it.

2004/733 BEAULIEU AERODROME - MODEL AIRCRAFT AREA DISCHARGE

Mr Gerrelli said that joy riders have torn up the ground in the vicinity of the model aircraft flying area. He asked if some dragons teeth could be put in to prevent illegal access. The Forestry Commission agreed to see what can be done.

2004/734 VERGE CUTTING DISCHARGE

Mr Gerrelli asked if it is still policy to cut the verges back to a distance of one chain from the tarmac as in places it seems the cutting may not have gone back far enough. Mr Adams asked if it is necessary to leave the rather large Dog Rose bushes that are growing out of the verge at Goatspen in particular. They represent a hazard as they hide stock from oncoming vehicles and look rather odd as the rest of the vegetation has been cut back. The Deputy Surveyor promised to find out why Dog Roses are apparently being left uncut.

2004/735 ASHURST LODGE/BUSKETTS LAND EXCHANGE DISCHARGE

Mr Kitcher queried what is happening about the land exchange as nothing has been heard for some time now. Mr Parke said he would investigate to see if the matter can be progressed.

2004/736 BRAMSHAW TELEGRAPH TO WINDYEATS - ROAD HAUNCHING RESUME

Mr Pasmore reported that the concrete along the edge of the road is now fully exposed despite assurances from the Highway Authority that this would not be allowed to happen. In effect, the road has been widened which is precisely what the Court wished to avoid when the haunch repair works were carried out. The soil has been spread all over the carriageway and vehicles are now even encroaching on the verge beyond the concrete edge.

2004/737 LITTER CAUSED BY THE POUND BOTTOM LANDFILL SITE AND CONCRETE CRUSHING PLANT RESUME

Mr Pasmore expressed concern at the amount of litter on the verges which comes from lorries going to the Pound Bottom landfill. It seems that the litter collection arranged by the landfill site is not frequent enough. There is also a problem with large pieces of concrete that have fallen from the lorries going to the concrete crushing plant. Over the years they have accumulated and should be cleared.

It was suggested the New Forest Committee might be able to help because the Dump is in Wiltshire.

Mr Parke felt it should be possible to achieve a higher standard of litter clearance and promised to take it up with the Site.

The Deputy Surveyor and Mr Parke left the meeting

OTHER MATTERS ARISING FROM THE MINUTES OF PREVIOUS COURTS

2004/738 PONY PASSPORTS AND THE VERDERERS' PONY IDENTITY LIST DISCHARGE

The Official Verderer reported that the proposals which were discussed in the last Court have been put to DEFRA and approved.

The application forms for ponies to be entered on the List have been amended to include a box to tick indicating whether or not the animal described on the form is intended for human consumption. DEFRA has confirmed that the declaration will be transferable to a passport at a later date.

The letter which was written to DEFRA on the 26th January will be circulated.

Miss Macnair explained that stallions over 5 years of age could be entered on the Verderers' List if their owners do not wish to upgrade their registration certificates to a passport. Young horses, however, cannot be put on the List because they must be registered with the Breed Society and a passport will automatically be issued.

In the case of foals, if they are eligible for registration for the Society and their owners wish to register them, this must be done within 6 months of their birth. They will then automatically be issued with a passport. Foals not eligible for registration or those belonging to commoners who do not want to register them may be entered on the Verderers List.

2004/739 VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME RESUME

The Official Verderer said that the draft version of the Verderers agreement with DEFRA has been accepted. DEFRA is now waiting for a date for a visit by a Minister when the agreement will be signed and the scheme formally launched.

The Forestry Commission has endorsed the scheme and given its full support. The Commission wishes to approve sites for feeding on the Forest as is the case now. This was agreed.

The Clerk reported that so far 108 commoners have sent in application forms. The Official Verderer suggested that once the deadline has passed a second mailshot should be sent to any commoners who have not signed up in an attempt to persuade them to do so.

2004/740 MINESTAD MANOR COMMONERS RESUME

Certain Minstead Manor Commoners who have not been paying marking fees have asked to join the Scheme. They have asked if they can join and pay marking fees now which were due in 2002 and 2003. The Official Verderer felt that, where appropriate, it is important to encourage commoners to participate in the Scheme and felt the Court should permit the Minstead Commoners to join.

After a detailed discussion during which the history of the Minstead Manor dispute was aired, it was agreed that the Manor Commoners should be allowed to join. They will, however, be required to pay

marking fees on a without prejudice basis for all the animals that they have depastured at the full Forest rate rather than the common rate. Some Minstead commoners have been paying marking fees at the concessionary rate which applies to other commons in the Forest but they will now be required to pay at the full rate. For those commoners who have not before paid, as there is no way of knowing how many animals they depastured in 2002, they will not be permitted to join the scheme until next year. They will be required to pay marking fees for this current year - 2004 - in accordance with the byelaws (i.e. the animals must be paid for, marked and branded) and they will then be able to enter the scheme in Year 2, i.e. 1st October 2004 until 30th September 2005.

2004/741 SECTION 16 OF THE NEW FOREST ACT 1877

RESUME

A discussion then ensued about the effect of Section 16 on the Elected Verderers. If Elected Verderers are unable to take part in the Scheme it will be a serious disincentive to any commoner considering standing for Election over the next 10 years. There is also the risk that some current Elected Verderers may feel they would prefer to resign rather than forgo a potentially large sum of money which, as practising commoners, they are clearly quite reasonably entitled to claim.

The Official Verderer said he has a letter from DEFRA which states categorically that there is no "profit" element in the monies it will be paying in respect of the Stewardship Scheme. He felt that if a Government Department says there is no profit, it is a powerful argument. He went on to say that if an Elected Verderer wishes to enter the scheme he must accept that his entry is not without risk. It is feasible that someone could challenge him or her. However, that challenge would be costly to the person taking the action as legal aid would probably be unavailable. DEFRA is of the opinion that such action would not be in the public interest. A possible option open to Elected Verderers is for any money which might have been due to them had they entered the Scheme to be held by the Scheme in a separate bank account until such time as they cease to be an Elected Verderer, at which time the money could be paid over but at the absolute discretion of the Court. Elected Verderers will need to decide what action they each wish to take.

The Elected Verderers thanked the Official Verderer for all his efforts in resolving this problem.

2004/742 NON-PAYMENT OF MARKING FEES

RESUME

A date is awaited from the Magistrates Court for the cases against the commoners declining to pay marking fees to resume.

The Verderers' solicitor has reported that District Judge Babbington Brown has complained to Lord Justice Rose because of the decision that a different judge should hear the cases. The District Judge wishes to know why the Justices do not want her to hear the cases even though she made no decisions of fact when hearing them. The Magistrates Court is awaiting a decision on the District Judge's complaint before they schedule the hearings.

- 2004/743 MR COOPER'S RUBBISH DUMP DISCHARGE
- Mr Gerrelli reported that he has inspected Mr Cooper's dung heap and whilst it is undesirable for commoners to dump such waste onto common grazing, it does not appear to be hazardous to stock. It was agreed a letter will be sent to English Nature.
- 2004/744 VERDERERS' REVISED BYELAWS & THE NATIONAL TRUST RESUME
- The National Trust's consent to the revised byelaws is still awaited. Upon enquiry, it seems that one or two Bramshaw Commoners have urged the National Trust not to consent to the byelaws. The Official Verderer said he will write again asking the Trust to state its intentions in this respect. If nothing is heard by the date of the next Court a decision will be made as to what to do next. If the National Trust does not wish to consent then the Verderers' Byelaws will not extend to its commons and the Trust may be advised that there will be no Agister coverage on its land. This would, of course, be most unfair to the majority of National Trust commoners who are content to abide by the Verderers' Byelaws and welcome the services of the Agisters. It was suggested that this may be an issue to raise at a local Management meeting.
- 2004/745 LAND AT IBSLEY DISCHARGE
- Cllr Heron said that she is unable to report anything further at the moment and it was agreed this matter should be discharged from the Minutes for the time being. Cllr Heron will bring the subject back to the Court when there is something to report.
- 2004/746 STALLION SCHEME RESUME
- The Chairman of the Staff Committee said that everything is now agreed. The Clerk is designing a score sheet that will hopefully mean it will be possible to decide on the day of the inspections which young horses are passed and need to be vetted.
- A summary of foal numbers has been produced which appears to show the scheme has been successful in reducing the number born over the past three years. It was agreed, however, that it would be more helpful if the figures could be produced as a percentage of ponies caught in each year. This will be calculated as soon as possible.
- The future of the scheme was then briefly discussed. It was agreed it is important to ensure an even spread of stallions in the various districts. It was further agreed that it is essential to introduce more young horses. The scheme ends this year (2004) and a decision will have to be made as to the future. Agreement with the commoners will be required for the scheme to be continued and funding will have to be secured. The scheme is, however, considered to be most important and every effort will be made to ensure its continuation.
- Miss Macnair reported that the Welsh are very interested in running a similar scheme on the Breacon Beacons.

2004/747 KINGSTON GREAT COMMON

RESUME

This matter was raised at the New Forest Committee meeting in private session. The New Forest District Council has agreed to take the lead if it is necessary to proceed to law. In the meantime, Mr Chris Fairbrother of the Countryside Agency will put the issues to some experts on the CROW Act in an effort to diffuse the situation. The owner of the Common has made it clear that his argument is not with the Forest. English Nature has conceded that it has the most effective powers on conservation grounds but it wishes to wait for the outcome of Mr Fairbrother's enquiries.

2004/748 REVISED REQUEST FROM JO IVEY RURAL RESEARCH ASSOCIATES (JIRRA) ON BEHALF OF FOREST FRIENDLY FARMING DISCHARGE

After some discussion it was agreed that provided a representative of JIRRA comes to the Verderers' Office a set of labels will be provided for envelopes which will be sent from the Queen's House. A copy of the list must not be taken away.

REPORTS FROM OUTSIDE BODIES

2004/749 KEY PARTNERS WORKSHOP

DISCHARGE

Miss Macnair attended the Workshop. Miss Macnair commented that the workshop was a good opportunity to meet other people whom one would not normally meet. She was concerned, however, that out of 32 items, commoning came only 10th in the list of priorities. This result was calculated from 300 responses from people and bodies involved in the management of the Forest.

There is much concern that if commoning is equally as far down in the priority list of a National Park Authority, it could result in serious problems for the commoners and the Forest.

One interesting item that came out of the meeting was that there may be an opportunity for commoners to finish cattle on some land in Wiltshire. The land has been used for a barley crop but the farmer is being subsidised to turn it to downland. If this proves to be the case there will be a need for grazing animals to help maintain it. It could be very useful for rearing ponies and finishing cattle.

Hampshire County Council also apparently has quite a lot of land that needs grazing but Miss Macnair pointed out that at a recent National Pony Society Welfare meeting, concern was expressed at a lack of supervision on some conservation grazing sites.

2004/750 NATIONAL PONY SOCIETY WELFARE MEETING

DISCHARGE

Miss Macnair reported that in addition to the concerns expressed about welfare of stock on conservation grazing, the NPS is also very worried about DEFRA's continued refusal to allow ponies to be included in the fallen stock disposal scheme. The BHS is pushing for equines to be included and there are increasing concerns about dumping, particularly with the new passport legislation as well. It is paramount that DEFRA comes up with an affordable scheme for the proper disposal of equines.

2004/751 NEW FOREST COMMITTEE DISCHARGE

The Official Verderer gave a brief resume of the last meeting.

2004/752 CYCLING WORKING GROUP DISCHARGE

Mr Frost attended this meeting. He felt there is definitely a sea change in attitudes towards cycling. All the little routes that don't go anywhere on the strategic map have been deleted. At Beaulieu Road the road bridge will be used rather than the proposed track on Open Forest. At Castle Hill/Castle Lane in Burley, cyclists are apparently quite happy to use the metalled road. Everyone involved is very pleased that the Verderers have approved the Ashurst to Lyndhurst Cycle route although there is possibly an issue over signage which will have to be addressed. English Nature attended the meeting as well which was most helpful as they wasted no time in stating categorically if a proposed Forest route is unacceptable. Mr Frost said he has asked for a copy of the new map before it is finalised. This subject will be brought back to the Court when there is something further to report.

2004/753 PROGRESS FORUM RESUME
May/June

Mr Pasmore attended the forum as did Mr Frost. Mr Pasmore felt the questions were as predictable as the answers and he was not sure the meeting was terribly constructive. Mr Frost said that the Verderers' refusal to permit dog waste bins was raised but it seems the view that specific recreational users should not be allowed to modify the Forest was broadly accepted. Another meeting is scheduled for May when some solutions to problems identified at this meeting will be suggested.

To be confirmed

2004/754 NEW FOREST CONSULTATIVE PANEL RESUME

Mr Kitcher attended the last Panel meeting. Mr Clive Chatters reportedly said that the Countryside Stewardship Scheme is the most important thing in the Forest for years. Mr Frost remarked that the Panel would welcome a presentation on the Scheme at the next meeting which is scheduled for the 11th March. It was agreed the Official Verderer should give a presentation on that evening and the Clerk was requested to ask for it to be included on the Agenda.

STAFF MATTERS (including the Staff Committee)

2004/755 STAFF COMMITTEE MEETING DISCHARGE

The Chairman of the Staff Committee commented that some matters arising from the Minutes of the last meeting have already been addressed. He returned to the subject of stock inspections and invited the other Elected Verderers to join him if they wished. He went on to say that he intended to carry out an inspection every fortnight.

2004/756 THE AGISTER TEAM DISCHARGE

The new Agister, Mr Mike Lovell is keen and enthusiastic and is working very well. He and Robert Maton are working as a team and the Chairman of the Staff Committee remarked that he would like to see the Agisters in the north working together a little more often.

2004/757 OUTSTANDING MARKING FEES

RESUME

The Official Verderer said he was surprised to see a reference to unpaid marking fees in the Minutes of the Staff Committee as he was under the impression that there are no additional fees outstanding. The Chairman of the Staff Committee and the Clerk explained that there are often names on the marking fee register who apparently haven't paid but upon investigation it is discovered that other members of the family have paid in that particular year. It is very difficult to keep track of who is paying for what in which year! Following a meeting which is due to be held on Monday with the Agisters, any commoner whose marking fees are outstanding will be asked for them immediately for last year and this year. At the next Court a list will be produced of anyone who has still not paid.

One Agister has sent reminders to some of his commoners - apparently with mixed results! The Staff Committee will give consideration to adopting a system of reminders for commoners who the Agisters have difficulty in tracking down, advising them that they should send their fees by post to their Agister or the office. This should improve efficiency and hopefully reduce mileage costs.

STAFF TRAINING

2004/758 CHAIN SAW TRAINING

RESUME

Mr Kitcher suggested that Agister Mike Lovell might be able to join a chainsaw training course that will undoubtedly be held for the Forestry Commission's new apprentices who are due to join shortly. The Clerk will make enquiries.

HEALTH AND SAFETY AT WORK

There were no health and safety matters to report at this meeting.

ANY OTHER BUSINESS

2004/759 HYDE COMMON

RESUME

The County Council has carried out bracken eradication works on Hyde Common but there is concern because all the top soil appears to have been removed in some areas in an attempt to remove the root structure of the bracken. All that is left is the natural white gravel which will take years to recolonise with vegetation. Mr Adams felt there are more effective ways of dealing with bracken such as spraying. Mr Pasmore said he has written to Hampshire County Council on the subject. In addition, some of the bracken that has been removed has been dumped on Gorley Common and the whole area is a mess. To the north of Hyde Church a valuable gorse brake has been removed, together with holly trees and some oaks.

2004/760 VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME

DISCHARGE

Mr Pasmore returned to this subject, expressing concern about how to persuade enough commoners to enter the scheme. It was agreed that if in a months time there is a need to chase people up a plan of action will be devised.

2004/761 LIFE 3

DISCHARGE

This subject was also revisited. The Clerk reported that a member of the Forestry Commission's staff, whose name she did not want divulged, had implied that certain works might be carried out regardless of whether or not the Verderers gave consent. Mr Pasmore was very concerned. He said the Court could legally refuse to give permission for the destruction of streamside lawns and grazing. He said it is most important that all consultations are fully reported. Mr Kitcher said that he believes the Planning Authority has greater powers than English Nature and that if the Verderers object to certain works, those wishing to carry them out would need to apply for formal planning permission. If there is genuine evidence of interference with commoning rights it is likely that planning permission would not be given.

2004/762 LYMINGTON RIVER STRATEGY

DISCHARGE

The Environment Agency's plans for flood relief for Brockenhurst and Lymington continues to cause concern. Mr Peter Quarmby of Environment Agency visited the Official Verderer recently and said that schemes are needed in order to protect Brockenhurst and Lymington. He seemed quite determined that such schemes would go ahead and since a scheme on the Open Forest would be by far the cheapest option, the Environment Agency is duty bound to investigate it rigorously. English Nature and the Forestry Commission are known to be concerned, as is the Court. This is another matter that requires vigilance.

There being no further business, the meeting closed at 1.45 p.m.