

**MINUTES of the Court of Verderers held on Wednesday 18<sup>th</sup> February 2009 at 9.30 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 J F Kitcher	Elected Verderer
	Mr A Gerrelli	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 (joined the meeting after the Open Court)
	Vacant	National Park Appointed Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister
APOLOGIES:	Mrs Thorne	For the pre-Court Committee and Open Court

**IN COMMITTEE in the Library**

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

2009/4121 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 21<sup>st</sup> January 2009 were approved.

2009/4122 CONDITION OF STOCK & THE WELFARE TOUR RESUME

The Head Agister reported that some animals are deteriorating rapidly. The rain and snow followed by frosts at night is the worst possible weather for stock whose condition in some cases has suffered as a consequence.

The Agisters have been working extremely hard over the past two weeks to remove animals that are going back in condition. They are in control of the situation and are removing a few ponies every day.

The animals have lost condition a lot earlier than usual this year. It is usually March and April which are the worst months.

The Head Agister then went on to say that despite this, a lot of animals are actually looking very well.

The Agisters have found a few commoners who are reluctant to take animals that have been returned to them, in some cases because their back-up grazing is wet. However, there have been no major disagreements and no-one has refused to take an animal.

The Official Verderer said he sensed that the Agisters are frustrated with some owners and the Head Agister agreed saying that it is the same old story that some commoners are really helpful and pro-active, whilst others rely entirely on the Agisters and do nothing towards removing stock, even when the animals are close to home. This problem arises every year and to date it hasn't been possible to find a

satisfactory solution. These few difficult commoners know the Agisters will catch poor stock for them because the public expects the Agisters to deal with animals reported to them.

**The Head Agister left the meeting.**

Mr Adams, Chairman of the Staff Committee, said he broadly agreed with the Head Agister's report. He felt stock on the whole looks well and he is happy that the Agisters have the situation under control. The Elected Verderers have offered to provide help to the Agisters if necessary.

Mr Adams agreed that there are always some commoners who won't catch their own animals and are somewhat uncooperative and that situation is nothing new. He has suggested some mini drifts be arranged with owners being warned well in advance that some of their animals will come in.

It appears that some members of the public are unsure who to contact about problems with stock on the Forest although this was felt to be a minority. The emergency contact details cards produced by the National Park Authority have been widely distributed and service stations and various retail outlets also have supplies and so many people should be aware of the system for reporting sick, injured or poor animals in the Forest. The Clerk added that assuming the press picks up on the Announcement about the condition of stock, there will be an opportunity to reinforce the message about who to contact.

2009/4123 STRANGLES RESUME

The strangles outbreak at Wootton seems to have abated. Agister Maton reported a few in the Brockenhurst area with one or two on Whitefield Moor. No new cases have been seen at Burley Lawn although there are some ponies in the inclosure which haven't been seen lately. A Shetland in Forest Road was found to have the illness.

2009/4124 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2009/4125 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. Mr Gerrelli declared an interest in campsites.

2009/4126 FINANCIAL STATEMENT RESUME

The Financial Statement for January 2009 was approved.

2009/4127 REPORT ON MARKING FEES RECEIVED AS AT END OF JANUARY 2009 RESUME

Ponies	3203	Pigs	4
Cattle	261	Sheep	12
Donkeys	81		
SUB TOTAL	3545	TOTAL ALL ANIMALS	3561

2009/4128 ANIMALS REMOVED IN JANUARY DUE TO POOR CONDITION RESUME

Mares with yearlings	22		
Mares	18	TOTAL PONIES	80
Fillies	35		
Colts	2		
Geldings	2		
Cattle	0		
Mules	1	TOTAL CATTLE	0

2009/4129 BYELAW ENFORCEMENT RESUME

Mr Barnes' appeal was dismissed. He has 28 days to appeal to the High Court but can do so only on a matter of law.

The Official Verderer thanked the Agisters, Clerk and Stewardship Scheme Manager for their help and patience in preparing and subsequently giving evidence at the hearing.

2009/4130 REVISION OF THE VERDERERS' BYELAWS RESUME

DEFRA has made some further amendments to the Statutory Instrument and in consequence the Official Verderer felt the Court should re-pass them. Once the SI is available, a special meeting of the Court will be convened.

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

IN ATTENDANCE: Mr Mike Seddon, Deputy Surveyor of the New Forest  
Mr Mark Street, Area Land Agent (New Forest)

#### **ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER**

2009/4131 KINGSTON GREAT COMMON

We have been liaising with the National Park Authority for over two years on the issue of the illegal fence that spans Kingston Great Common. It has always been our joint view that this fence should never have been erected, and even though it has gaps in it, it is not only an unwelcome eyesore on the landscape but it is also an impediment to the free movement of animals in that area. This fence is, in short, an interference with common rights.

We have remained silent for over a year on this subject in order to allow negotiations with the landowner, but the time has now come to openly demand its removal and join with the Authority in any action it takes.

2009/4132 NETWORK RAIL

Network Rail recently consulted with several of the forest's statutory bodies in relation to the construction of a chain of digital signal communications masts at various sites within the National Park boundary. Having considered these proposals in our December committee, we were unanimously dismayed that the open forest is to be disfigured by these masts. However, since these installations constitute a special development which is automatically "permitted" under current legislation, we accept that Network Rail can, if it wishes, simply proceed with these works without interference.

Knowing this, we have joined forces with the National Park Authority in expressing our concerns.

We believe that Network Rail must be left in no doubt that anything it does within the New Forest boundary must be approached in a different and much more sensitive manner, even though such works are automatically allowed by law on the grounds of public safety.

Network Rail has therefore been told unequivocally that these sorts of proposals would not normally be allowed in the Forest in the absence of the special Permitted Development rights. This is an important message, especially as it is inevitable that further and extensive engineering works will take place in the years ahead as equipment needs to be upgraded or replaced.

2009/4133 RECREATIONAL HORSE KEEPING

We wrote to the National Park Authority in December 2008 asking for clarification on the relationship between a commoner and the draft policies contained in the draft Management Plan and Recreation Management Strategy. In a letter from the Chief Executive, it has been confirmed that the issue of whether someone is a practising commoner is not a factor that is directly relevant to planning decisions on change of use from grazing to recreational horse keeping.

The critical issue, in terms of planning, is what the land is used for and how that use is defined under planning law. Thus whether or not the person using the land is a commoner is irrelevant.

We have asked the NPA to issue a statement on this important matter so that there can be no further doubt, and we are grateful to the Chief Executive for having agreed to do this.

2009/4134 ENFORCEMENT OF THE BYE-LAWS

Mr Colin Barnes of Penn Common, Bramshaw, was found guilty of breaching the Verderers byelaws after a trial in the Southampton Magistrates Court last Spring on April 30<sup>th</sup> 2008.

Mr Barnes was charged with not marking his cattle in 2007 to the satisfaction of the Verderers (byelaw 14), and after hearing evidence the Magistrates found the case proved. Mr Barnes was fined £100 and ordered to make a contribution of £2,000 towards the Verderers' legal costs in bringing the prosecution. As is his right, he appealed against his conviction and sentence, and on the 2<sup>nd</sup> February 2009 his case was heard again, in full, at a four-day hearing in the Southampton Crown Court.

Mr Barnes' Appeal was dismissed, and the conviction and sentence were both upheld.

In giving his judgement on the 5<sup>th</sup> February Mr Recorder Compton said that he was satisfied that the Verderers requirements under their byelaws were perfectly reasonable, and he rejected the multitude of obscure legal arguments that Mr Barnes presented in his attempt to prove that the bye-laws are invalid.

The judge also stated that he was very concerned that Mr Barnes was being used as a vehicle for a legal campaign against the byelaws, and he was out of his depth. He beseeched Mr Barnes to consider what he was doing, and the potential damage to the New Forest in the long term if such a campaign persists. He said that it is "sad that a laudable institution like the Verderers is being dragged through the Courts, and to achieve what? I am not sure".

We agree with the Judge. We hope that whoever is behind what may be some sort of misguided campaign to have our bye-laws declared invalid will realise that this does not serve the Forest's interests. In these difficult times we simply cannot afford to sacrifice our scarce resources in order to fend off totally pointless legal attacks.

We are greatly relieved that we have once again been awarded full costs in contesting the Appeal of some £46,000, so at least the funds that we need to continue with our duties in the Forest will not be affected.

#### 2009/4135 AMENDED BYELAWS

Almost a year after submitting our amended byelaws to DEFRA in London we are now at the point where they will be signed by the Minister. From the very beginning of this process we were assured that there is no problem with the various amendments that were inserted. However we have now been informed that the DEFRA lawyers have made some minor amendments of their own in order to make the byelaws "gender neutral", along with some numbering changes. An extra sentence has also been added to paragraph 20(2) in order to bring the byelaws up to date in terms of the Human Rights Act.

Since these are, strictly speaking, further alterations, we shall shortly publish notice of our intention to ask the Minister to confirm the byelaws in selected local newspapers as required by the New Forest Acts.

As usual, copies of the amended byelaws can be inspected on our website and in our office. The copies will be in the form of the actual statutory instrument that the Minister will be signing.

#### 2009/4136 ELECTIONS

Looking ahead to later this year, three out of the five Elected Verderers – John Adams, Anthony (Tony) Gerrelli, and Anthony Pasmore – will complete their six year term of office in the autumn. If more than three candidates come forward there will be an election for the three posts in November.

We wish to encourage all those who are eligible to vote to do so, so that the three candidates who are elected are seen to be supported by a majority of the commoners that they represent.

The rules for voting in our unique Forest election are very straightforward. You must be over 21, and occupy at least one acre of land to which a right of common over the New Forest is attached.

You must also be included in the electoral register for the election, which only requires you to complete a simple registration and declaration form, which must then be

returned to the Verderers' office by September 1<sup>st</sup>.

A form will automatically be sent to all those whose names appeared on the last Electoral Register in good time for completion and return by the 1<sup>st</sup> September. In addition, copies of the form will also be available here in the hall on the day of our March Open Court and from the office from that day onwards.

In order to assist those who wish to check if they are eligible to vote in the November election, our normal fee for conducting a search of Forest Rights will be waived where that is the reason for the search. Please call the office to make an appointment if you would like to make an election search.

2009/4137 CONDITION OF STOCK

This is turning out to be one of the hardest winters for stock that we have had for many years with continual cold, wet weather by day and freezing conditions by night; the very worst sort of weather for depastured stock. The Agisters are working extremely hard to locate and remove animals which are losing condition. We must however, remind commoners that it is their responsibility to look after their own stock. The Agisters should be regarded as a safety net, it is not up to them to catch and remove every animal whose condition deteriorates. Commoners must ensure that they inspect their stock regularly or arrange for a capable agent (not an Agister) to do so on their behalf. Commoners are reminded that it is a condition of the Verderers' Countryside Stewardship Scheme that a high standard of stockmanship is maintained at all times and failure to co-operate with the Agisters is likely to jeopardise payments.

2009/4138 2 YEAR OLD COLTS

We would remind commoners that 2 year old colts should have been removed from the Forest by 1<sup>st</sup> February, 2009. Any still remaining should please be removed without delay.

2009/4139 CYCLING

At our January Court, Mr Martin Hart made a Presentment requesting additional cycling routes to be provided in the Forest. Mr Hart referred to three routes in particular which he felt would make good circular routes.

We gave Mr Hart's suggestions careful consideration. However, the two suggested routes in the north of the Forest would encourage further trespass into what has been designated and agreed a tranquil area. The other route in the south would undoubtedly result in a dirt track being gravelled for health and safety reasons, and such modification of the Forest for a recreational user group is felt to be unacceptable.

Whilst it is accepted that there are some poor connections for cyclists, we do not wish to see the existing routes extended without a net gain to the Forest. Alterations to the cycle network will only be considered where there is an advantage to the Forest, for example by the closure of an intrusive route in favour of one which will cause less disturbance.

In the meantime we should remind ourselves that cycling in the Forest is already extremely well catered for with 124 miles of waymarked routes criss-crossing the area. As Verderers we have given our consent to those routes since we recognise the popularity of cycling with all its benefits to the public. All that we wish to maintain is a sensible balance between what the Forest can offer the public for recreation and what it can actually endure.

## **ANIMAL ACCIDENT REPORT**

2009/4140 ACCIDENT REPORT FOR JANUARY 2009

The Agisters attended 14 accidents compared with 12 in same period last year.

5 ponies were killed and 1 pony and 1 cow were injured.

13 accidents occurred during the hours of darkness.

12 involved private cars or light commercials.

2 accidents were not reported.

10 accidents involved local motorists.

The total killed and injured for January is 7 compared with 9 for the same period last year.

## **PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST**

None

## **PRESENTMENTS**

2009/4141 COLIN BARNES APPEAL

Presentment by Mr Michael Cooper on behalf of the New Forest Commoners' Defence Association

Our committee would wish to show their support to the Verderers in the light of the successful Appeal against Mr Colin Barnes, and wholly concur with your statement issued to the press concerning the wasting of time and public funds due to unnecessary complex legal arguments. We are pleased that the verderers will be fully reimbursed with their costs of £46,000, but saddened that the majority of this will have to come from the public purse.

*The Official Verderer thanked the CDA for its support in respect of this case and said it is important to know the CDA Committee is behind the Court.*

2009/4142 FOREST RUNNING STALLIONS

Presentment by Mr Michael Cooper on behalf of the New Forest Commoners' Defence Association

Having regard to the current economic climate, the committee are mindful that this years crop of foals may well suffer at the point of sale, as prices are likely to fall, and as a result, could well increase the possibility of welfare issues later down the line. We believe it prudent at this time to ask the Verderers to convene a meeting of all stallion owners, with a view to them not being turned out in 2009, or at least the amount of depasture time being significantly reduced. This we believe is a responsible course of action, and would go some way to greatly reduce the numbers of Youngstock in 2010. It is felt that the commoners will be seen by the public at large, to be taking a prominent and sensible step during these most difficult times.

2009/4143 DRAGONS TEETH ADJACENT TO BADGERS COTTAGE, LINWOOD ROAD

Presentment by Mr Michael Cooper on behalf of the New Forest Commoners' Defence Association

At last October's court, I made a presentment referring to some dragons teeth that

had been placed on a 120 metre length of verge, adjacent to Badgers cottage, Linwood Road. Since that time, nothing has been done concerning their removal, and from January this year, there have been two accidents to the knowledge of a local resident. Could we once again ask that the Verderers pursue this with the Highways agency as a matter of some urgency, before a more serious incident occurs at this location.

*The Official Verderer said that the Court is in communication with Hampshire Highways in an effort to resolve this problem.*

## **PRESENTATION**

### 2009/4144 PRESENTATION OF DIGITAL CAMERAS TO THE AGISTERS BY EXXONMOBIL

The Official Verderer welcomed Mrs Carol Dunford from ExxonMobil to the Court. He explained that she is present today to present a set of five digital cameras to the Agisters for use in the course of their duties. The idea for the cameras originally came from Miss Lucinda Ingram, daughter of retired Head Agister, Brian Ingram. Miss Ingram works for ExxonMobil at Fawley and when approached, the company was quick to find the funds to purchase the cameras which will be utilised by the Agisters for the very serious purpose of gathering and recording evidence of various incidents and problems on the Forest.

Mrs Dunford then presented the cameras on behalf of ExxonMobil to the three Agisters present – Head Agister Jonathan Gerrelli and Agisters Peter Rix and Mike Lovell.

## **IN COMMITTEE in the Library**

## **CONSIDERATION OF PRESENTMENTS**

### 2009/4145 COLIN BARNES APPEAL DISCHARGE

The Court is grateful for the CDA's support.

### 2009/4146 FOREST RUNNING STALLIONS RESUME

It was agreed that the Stallion Sub-Committee should meet as soon as possible to discuss the CDA's proposals. Miss Macnair commented that mare owners should be consulted as well. Mr Kitcher remarked that all the commoners he has spoken with agree that the stallions should be kept in. Mr Adams will arrange a meeting of the Stallion Sub-Committee and the Court will await its recommendations.

### 2009/4147 DRAGONS TEETH ADJACENT TO BADGERS COTTAGE, DISCHARGE LINWOOD ROAD

This matter is on the Agenda for discussion later in the meeting.

## **SUBMISSIONS BY THE FORESTRY COMMISSION**

### 2009/4148 NETWORK RAIL TREE CLEARANCE WORK – MAIN LINE - DISCHARGE LONDON TO WATERLOO

A report by Mr Pasmore had been circulated to the Court prior to the meeting. The Court adopted Mr Pasmore's paper.



The proposals by Network Rail contained in the Form of Assent for Night Possession Sunday 1<sup>st</sup> March 2009, referenced N3008-Night Possession 17<sup>th</sup> February 2009.

The work programme contained in this Assent involves felling a number of oak, silver birch and Alders in the vicinity of Crook Hill Bridge, Sandhole Gate Bridge and north of Fulliford Passage.

The Court's approval was given on condition that no timber is to be pulled about over the Forest.

2009/4149    ESSO MIDLINE CATHODIC PROTECTION WORKS    DISCHARGE

These proposal is to make three connections between ground markers of the Eso Fawley to Marchwood, Fawley to Avonmouth and Fawley to Seisdon oil pipelines, using 25mm double insulated cable, which will be installed approximately 500mm below the surface of the ground.

The equipment used will be a pedestrian-operated belt trenching machine. A banksman and appropriate signs will be suitably positioned during the work for safety of members of the public and animals.

The work will take place at two locations and is to be completed in one working day.

The Court approved the works subject to an Agister being the final arbiter of the degree of compaction of the trench necessary to ensure the safety of livestock and the public. The Clerk is to be advised when the works are to take place in order that an Agister can be present to inspect the restoration.

2009/4150    SSSI HABITAT RESTORATION    DISCHARGE  
LATCHMOOR BROOK/WATERGREEN

Two reports were circulated to the Court prior to the meeting, one written by Mr Frost and the other by Mr Pasmore.

The two reports were adopted and it was agreed the proposed restoration works should go ahead subject to further information being provided with respect to the proposed route of the meander at Nos. 5 and 6 on the Forestry Commission's plan (between D and E on Mr Pasmore's plan), and also agreement on the specification for a crossing place over the stream to Alderhill. With respect to the specification for a crossing place, the Court advised the Forestry Commission that it considers the long term maintenance of fords to be an issue which has yet to be resolved.

The Deputy Surveyor will be provided with copies of both reports which will be included in the Minute Book with these minutes, the second of which (Mr Pasmore's) contains the conditions upon which consent for part of the work is given and the remainder withheld.

2009/4151 RESEARCH ON CRASSULA HELMSII IN NEW FOREST PONDS – DISCHARGE  
MR IAN STONE IN CONJUNCTION WITH THE FORESTRY  
COMMISSION

Consent was given for four exclosures, one each at Woodfidley, Hatchet Triangle, Balmer Lawn and the eastern end of Hatchet Pond, to enable research work detailed in a paper prepared by Mr Ian Stone and the Forestry Commission to be undertaken. Consent is, however subject to the condition that all fencing is to be erected under Forestry Commission supervision and must be properly maintained. One exclosure will remain until 2010 to provide an opportunity for the Forestry Commission to undertake extended research but Mr Stone's exclosures will be removed at the end of June 2009.

#### **MATTERS ARISING OF CONCERN TO THE FORESTRY COMMISSION**

2009/4152 NEW FOREST CAMPSITE SURVEY RESUME

A large proportion of the funding needed for the survey has been secured with only one or two organisations yet to agree to assist. Mr Street offered to liaise with the consultant who will be carrying out the Survey, Mr Jonathan Cox, as respects suitable maps.

2009/4153 DRAGONS TEETH ADJACENT TO BADGERS COTTAGE, RESUME  
LINWOOD ROAD

Mr Street advised the Court that he has not been able to progress this matter with the Highway Authority which has been extremely busy following the recent very bad weather.

2009/4154 ROAD WIDENING AND DAMAGE TO FOREST ROAD, BURLEY DISCHARGE

The Clerk reported that the Highway Authority has confirmed it has completed the works on Ringwood Road, Burley, however proposals have not yet been drawn up as respects haunching and verge repairs to Forest Road. This matter will be brought back to the Court as soon as there is something to report.

2009/4155 HALE PURLIEU RESUME

The Clerk reported that Mr Mike Seed of Hampshire Highways is seeking "in principle" agreement to his proposals to construct traffic calming measures along the long straight section of the road across Hale Purlieu as follows:

Soiling of the verge – to the extent of the deteriorated verge caused by traffic and/or the hardened verge from the trials last year.

Construct 4 passing bays – the bay area to be either gravel or one of the soil stabilisation methods trialled if acceptance is obtained from all parties.

Protect the verge using either dragons teeth or road markers – again whichever is agreed.

The Court gave approval in principle as requested and detailed proposals are awaited.

- 2009/4156 ROAD MAINTENANCE AGREEMENT RESUME  
June
- Mr Street explained that this is all linked in with the other highway matters already discussed. It was agreed to resume this in June.
- 2009/4157 PRE-ERECTED TENTS AND PRE-PREPARED CARAVANS RESUME
- The Deputy Surveyor confirmed that 7 pre-erected tents will be available to campers at Roundhill and Holmsley. They will be standard pitches, i.e. without electricity. In addition, there will be 2 pre-prepared touring caravans at Holmsley.
- The tents and vans will all be subject to the usual 21 day movement requirement. The tents measure 17ft x 17ft and are of an average size, designed to sleep 6 persons.
- The Court asked if the tents will remain permanently erected or whether they will only be put up in the event of a booking being received. Additionally, the Court wished to be advised if the number of pre-prepared tents or caravans is to be increased.
- The Deputy Surveyor said he does not consider Verderers' consent is required for these tents and vans however the Court wishes to reserve its position.
- Forest Holidays has appointed one of the site managers, Mr Tony Mann, as the local contact for the Forest and the Deputy Surveyor said he would let the Clerk have his contact details.
- 2009/4158 ROUNDHILL CAMPSITE DISCHARGE
- The installation of the gas tanks is proceeding. The contractors are those who laid the new sewage pipe across Balmer Lawn and the Deputy Surveyor said he has confidence in their workmanship.
- Planning permission for the siting of the facilities blocks has yet to be submitted. The Deputy Surveyor said it will not be this season but the intention is to ensure the accesses to the blocks is on hard standing.
- ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION**
- 2009/4159 JOINT APPROACH TO PUBLIC ACCESS AND FREE ROAMING STOCK ON THE CROWN LANDS. RESUME
- A draft paper was circulated for comment. Additionally, it was agreed the Court's insurers must be consulted.
- 2009/4160 RAILWAY COMMUNICATION EQUIPMENT RESUME
- The Forestry Commission and the Court require detailed proposals before any agreement is given regarding this project. Network Rail will be advised.
- 2009/4161 GAS REGULATOR BUILDING AT KNAVES ASH – ROOF SHINGLES DISCHARGE
- The Court selected sample A (the lighter colour), roof shingles.

- 2009/4162 BUSKETTS FAMILY FRIENDLY TRAIL DISCHARGE
- Mr Frost advised the Deputy Surveyor that in his opinion the car parking site is unsuitable and may be hazardous due to poor sightlines.
- 2009/4163 ROADSIDE SIGN AT WOODLANDS DISCHARGE
- An "A Board" advertising sign is put out daily on the Forest opposite Costicles Pond. The Deputy Surveyor said as it is on Crown Land it will be dealt with.
- 2009/4164 WOODLANDS LODGE BOUNDARY FENCE DISCHARGE
- It is a matter of concern that the boundary fence has been removed at this property. When the fence is replaced it will be important to ensure that it is erected in the correct place. Mr Street said he will take some photographs and ensure the fence-line is not lost.
- 2009/4165 ROADSIDE LITTER DISCHARGE
- Roadside litter appears to be on the increase and the Lyndhurst to Beaulieu Road and the Cadnam to Brook Road are considered to be some of the worst. In addition there are a lot of discarded bottles and other litter on the cycle route from Church Place Cottage to Sandhole Bridge. The Deputy Surveyor undertook to take the matter up with the NFDC.
- 2009/4166 NEW POUND – PONDHEAD DISCHARGE
- Mr Adams asked for a site meeting to agree a suitable location for a new pound. Formerly, a commoners' holding has been used to manage stock in the area but it is no longer available.
- 2009/4167 POSSIBLE PERMANENT TRAVELLERS SITE AT DILTON DISCHARGE
- Concern was expressed that a permanent travellers site may be approved at Dilton. It is thought the Gypsy Liaison Officer may be looking to obtain formal consent for the site which is on private land. Access is via Roundhill campsite. The Deputy Surveyor said he will investigate.
- 2009/4168 ROAD SIDE VERGE IN FURZEY LODGE DISCHARGE
- Mr Kitcher reported that the verge along Furzey Lodge is in a dangerous condition with a deep drop off the tarmac which could damage vehicles. The Forestry Commission will carry out an inspection.
- 2009/4169 BEAULIEU ROAD HOUSE SIGN RESUME
- The occupiers of the property with the large stone sign on the verge are genuinely concerned that the stone is considered inappropriate and they wish to resolve the issue. It was confirmed Verderers' consent is required for such signs. The Forestry Commission will advise the occupiers as to what may be acceptable.

2009/4170 PONDHEAD FARM DISCHARGE

Whilst in the area, Mr Street will inspect the Forest outside Pondhead Farm as there have been complaints that the Forest is being used inappropriately.

**The Deputy Surveyor and Mr Street left the meeting.**

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

2009/4171 STALLION SCHEME DATES DISCHARGE

Provisional dates have been set but in view of this morning's Presentment, they may change.

2009/4172 THE NEW FOREST PERAMBULATION AND THE ORDNANCE SURVEY RESUME

The Clerk received a very swift acknowledgement to the letter concerning the removal of the perambulation from the OS map covering the Forest. Ordnance Survey has promised to respond in detail shortly.

Mr Pasmore advised that the Forest's MP's, Dr Julian Lewis and Mr Desmond Swayne have written to Ordnance Survey, supporting the Verderers' request that the perambulation be re-instated.

**COUNTRYSIDE STEWARDSHIP SCHEME**

2009/4173 UPGRADE TO HIGHER LEVEL SCHEME (HLS) DISCHARGE

The proposal to include certain capital works on the Forest is probably illegal and so cannot proceed. However, it will be possible to upgrade to a Higher Level Scheme which may include some types of capital works and the Commoners' Defence Association has confirmed its support. Details will be circulated when available.

**NATIONAL PARK**

2009/4174 STATUTORY BODIES LIAISON GROUP DISCHARGE

Working Groups are now being arranged and representatives sought. The Court will be represented as follows:-

Socio-Economic Policies Group – Mrs Pat Thorne  
Traffic and Transport – Mr Ralph Montagu  
Service Villages – Mr Frost  
Zoning Policies – Mr Pasmore  
Recreational Horsekeeping – Miss Macnair  
Housing – including Affordable Housing – it was felt this falls outside the remit of the Court and so a representative will not attend.

The National Park Authority will be advised as to which Verderers will represent the Court on the various groups in order that papers can be sent to them direct.

2009/4175 VERDERERS' ELECTION

DISCHARGE

It was agreed that the election should be broadcast as widely as possible in order to try to increase the number of registered voters.

#### **OTHER AGENDA ITEMS**

2009/4176 ESCAPE OF STOCK THROUGH DEFECTIVE PRIVATE PERAMBULATION FENCING – MAYS FIRS, HALE

RESUME

After much discussion and consideration, it was agreed that the Court cannot set a precedent by repairing this fence. This mirrors Forestry Commission policy. Mr Pasmore had expressed concern that animals could escape through the fence which has been in poor condition for many years. Such animals could access roads outside the Forest where an accident could occur. The owners of the fence are so far refusing to make the necessary repairs. One letter has been written but no response has been received. A second, more robust letter will now be written. In the meantime Mr Pasmore asked that the National Trust, whose land abuts the fence, be contacted to see if it can help in any way.

2009/4177 CATTLE GRID AT BRAMSHAW GOLF CLUB & THE BELL INN

RESUME

A pony is negotiating this cattle grid on a regular basis. The grid has been replaced and the new grid is considered by the Chairman of the Staff Committee to be of a satisfactory construction. The owner of the pony is reluctant to move her and the Clerk will write requesting him to do so on the basis that the pony is considered mischievous.

#### **MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS**

2009/4178 ENVIRONMENT AGENCY WATER FRAMEWORK DIRECTIVE

DISCHARGE

Mr Frost attended a recent meeting which discussed the South East River Basin District Plan.

The main item to come out of the meeting which is of interest to the Court is that the Environment Agency is seeking assistance from land managers in controlling pollution.

2009/4179 LOCAL ACTION GROUP – CAPITAL WORKS FUNDING SCHEME

DISCHARGE

Mrs Thorne reported that she attended a meeting of this group but that it is still in its infancy. Mr Pasmore asked for some information when it is available.

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

2009/4180 FENCING ON A HOLDING IN THE SOUTH OF THE FOREST

RESUME

The fence on a commoners holding which abuts the Forest is in an extremely poor state of repair. Forest stock frequently escape through it and complaints have been received from the owners of the stock as well as adjacent landowners.

It was agreed that a condition of the Countryside Stewardship

Scheme is that holdings must be maintained to a satisfactory standard. The Scheme Manager will be asked to write to the owner of the property.

2009/4181 TWO YEAR OLD COLTS DISCHARGE

A few colts are still at large and the Agisters are doing their best to catch and remove them from the Forest.

2009/4182 UNCO-OPERATIVE COMMONERS DISCHARGE

Commoners who refuse to accept stock taken back by the Agisters, those who will not take responsibility for their own stock and those who return animals to the Forest before their condition has improved to an acceptable standard can all be subject to penalty under the Countryside Stewardship Scheme. Warning letters will be written as and when appropriate.

2009/4183 INSPECTION OF FIVE YEAR OLD STALLIONS DISCHARGE

Miss Macnair asked that the Stallion Sub-Committee consider not re-inspecting the five year old stallions that have run out on the Forest this winter. Mr Adams confirmed the request will be considered by the sub-committee.

#### **TRAINING**

No training is currently being undertaken.

#### **HEALTH AND SAFETY AT WORK**

2009/4184 HEALTH AND SAFETY REVIEW RESUME

The review is now underway.

#### **ANY OTHER BUSINESS**

2009/4185 MARE CONTRACEPTIVE DISCHARGE

Mrs Thorne reported that regrettably the Verderers' veterinary surgeon, Mr Ralph Ellis MRCVS, considers that at present there is no possibility that the contraceptive vaccine can be administered to Forest run stock. It is not licensed for use in the UK and the method of administration is not practical on the Forest.

2009/4186 VIP ATTENDANCE AT VERDERERS' COURTS DISCHARGE

The Official Verderer advised the Court that the High Sheriff, Mr Michael Campbell would like to attend the March Open Court and Committee afterwards. The Lord Lieutenant, Mrs Mary Fagan, would like to join the April pre-Court committee and Open Court.

The Court is happy to welcome them both.

There was no further business and the meeting closed at 1.15 p.m.