

**MINUTES of the Court of Verderers held on Wednesday 17<sup>th</sup> February 2010 at 9.30 a.m. in the Verderers' Hall & Library, The Queen's House, Lyndhurst.**

PRESENT: Mr O Crosthwaite Eyre Official Verderer  
Mr R Deakin Elected Verderer  
Mr P Frost Natural England Appointed Verderer  
Mr A Gerrelli Elected Verderer  
Mr J F Kitcher Elected Verderer & Chairman of the Staff Committee  
Miss D Macnair Elected Verderer  
Mr C Maton National Park Appointed Verderer  
The Hon Mr R Montagu Forestry Commission Appointed Verderer  
Mr A H Pasmore Elected Verderer  
Mrs P Thorne DEFRA Appointed Verderer

IN ATTENDANCE: Miss S Westwood Clerk to the Verderers  
Mr J R Gerrelli Head Agister

APOLOGIES: None

**IN COMMITTEE in the Library**

2010/4770 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 20<sup>th</sup> January 2010 were approved.

2010/4771 CONDITION OF STOCK RESUME

The Head Agister explained that the snow and ice in January meant the Agisters were unable to remove ponies which otherwise would have been taken off the Forest. They are, however, now catching up and sweeps have been arranged with commoners assisting in catching and removing any ponies whose condition is below the Verderers' standard. There are poor ponies throughout the Forest but as usual it is mostly mares who still have foals with them and two and three year old ponies changing teeth who are losing condition.

A lot of ponies still look well. They are eating the gorse and the Forestry Commission has continued with the holly cutting programme which has helped as well.

The Head Agister said he is happy with how things are going but the Agister team is working flat out.

It was suggested that the system which was employed some years ago of removing foals from mares at the drifts unless the mares were in grade one condition, helped prevent problems later in the winter. However, in general members of the Court were not supportive of this suggestion. Some commoners prefer to leave foals on the Forest for as long as possible so that the mare can teach the foal how to live on the Forest. It was also commented that this winter some ponies had lost condition in the space of a couple of weeks, and it is thought the cough which has been spreading through some of the herd is to blame.

The Court agreed that on the whole, problems which arise are quickly resolved as the Agister team is in control of the situation.

The Head Agister left the meeting and Mr Kitcher confirmed that he was happy with the Head Agister's report which he felt summed up the conditions on the Forest at present.

2010/4772 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2010/4773 DECLARATIONS OF INTEREST RESUME

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

Mr Gerrelli declared an interest in campsites. The Official Verderer declared an interest in matters concerning golf clubs, and stated that prior to the discussion on the renewal of the Bramshaw Golf Club licence he will leave the meeting. Mr Maton declared an interest in National Park planning matters.

2010/4774 FINANCIAL STATEMENT RESUME

The Financial Statement for January 2010 was approved.

2010/4775 REPORT ON MARKING FEES RECEIVED AS AT END OF JANUARY 2010

Ponies	4265	Pigs	3
Cattle	364	Sheep	32
Donkeys	97		
SUB TOTAL	4726	TOTAL ALL ANIMALS	4761

2010/4776 ANIMALS REMOVED IN JANUARY DUE TO POOR CONDITION RESUME

46 mares with yearlings (last year's foals)  
29 mares  
77 fillies  
6 colts  
5 geldings  
1 cow  
2 donkeys

Total 166

2010/4777 BYELAW ENFORCEMENT RESUME

No new byelaw offences have been reported by the Agisters.

2010/4778 REVISION OF THE VERDERERS' BYELAWS RESUME

The Court is still awaiting confirmation that the Minister has signed the byelaws.

2010/4779 DRIVE SAFE DAY – DRIVING INSTRUCTORS DISCHARGE

The Clerk reported that Hampshire County Council Road Safety Team sent out a newsletter to the driving instructors registered on their Pass Plus Subsidy Scheme. Dorset County Council has also been

contacted but to date a reply has not been received.

The Clerk suggested that if any further reports are received of driving instructors giving unhelpful advice, efforts should be made to find out the identity of the instructor concerned. He or she could then be contacted direct.

2010/4780 THE ATLAS PROJECT

RESUME  
April

The hardware and software is now on order.

**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**

2010/4781 STALLION SCHEME

The Verderers' Stallion Scheme Sub Committee, which is attended by representatives of the Commoners Defence Association, has recently met in order to undertake its annual review of the existing scheme. It's recommendations will be presented to the full court in committee later on this morning.

2010/4782 DUMPED HORSE – OFFER OF REWARD

On Monday 11<sup>th</sup> January, the Agister for the Ocknell area of the Forest found a dead horse. The animal, a tri-coloured cob filly of approximately 3 years old, was in appalling condition. She was emaciated, had clearly been scouring badly (suffering from diarrhoea) and may have been ill for some time. There was blood around her head and she may have died at the scene.

Dumping any animal in the Forest, whether dead or alive, is an offence, punishable through the Magistrates' Court and the Verderers, Police and Forestry Commission will make every effort to find and prosecute those responsible.

The police are investigating this offence and are appealing for information. Tyre marks left in the snow, indicate that the vehicle used to transport the animal had double wheels on the rear axle.

In view of the animal's dreadful condition the Verderers and Forestry Commission have decided to offer a reward of up to £1,000 for information that leads to the successful conviction of the person(s) responsible for dumping this animal.

2010/4783 HLS

We have now received the formal letter from Natural England offering us the opportunity to prematurely end our existing Countryside Stewardship Scheme and replace it with the bigger and more wide-ranging Higher Level Scheme.

The letter includes full details of the terms and conditions, the management

requirements and the funds being made available. We will be formally approving those documents this morning, and I will be seeking the authority of the Court to sign the agreement itself on March 1st.

As announced last month, we have sought the close involvement of the Forestry Commission and the National Park Authority, and we jointly agreed to form a partnership to manage the ten-year HLS together, thus pooling the talents and expertise of our respective organisations in this exciting venture. Subject therefore to our agreement this morning, as from March 1<sup>st</sup> the HLS will be in place, and our partnership with the FC and the NPA will begin. We will form an HLS Board to be responsible for and manage the HLS, and we will be recruiting a full time HLS Manager to assist us with this task. Full details of this post can be found on our website.

It has now been confirmed that, once it is created, the HLS will receive an annual fixed basic payment from NE of just under £1,600,000 for the ten-year life of the scheme. That sum will be split so that half will be permanently ring-fenced for exclusive use by the Verderers in support of grazing on the open forest. For the sake of continuity that ring-fenced fund will be referred to within the HLS as the Verderers' Grazing Scheme Fund.

The other half of the annual HLS payment will be mainly used for an extensive programme of restoration projects on the open forest, largely to be led by the FC in conjunction with the NPA and NE over the next ten years.

If the Court approves the HLS this morning, it is hoped that a formal signing ceremony by all three partners will take place here in the Verderers' Hall after our next Court on March 17<sup>th</sup>.

## **ANIMAL ACCIDENT REPORT**

2010/4784 ACCIDENT REPORT FOR JANUARY 2010

The Agisters attended 15 accidents, compared with 14 for the same period last year.

4 ponies and 2 cattle were killed, and 1 pony and 1 cow were injured.

12 accidents occurred during the hours of darkness.

13 involved private cars or light commercials and 2 accidents were not reported.

10 accidents involved local motorists.

The total killed and injured for January is 8, compared with 7 in the same month last year.

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

There were no Presentments by the Deputy Surveyor

## **PRESENTMENTS**

2010/4785 ILLEGAL CAR PARKING

Presentment by Mr Graham Ferris on behalf of the New Forest Commoners' Defence Association.

The CDA expressed concern at the dramatic increase in illegal parking which blocks

vehicle access to the Open Forest.

Cars parked close to barriers and gateways restrict legitimate access by commoners who may need to inspect or remove stock from the Forest in the course of their commoning activities. Illegal parking may also prevent emergency vehicles from gaining access in the case of a fire or human casualty and as such should be of concern to all who use the Forest for recreation, and who care for the environment. The Court was asked to support the CDA's request that all relevant authorities (Forestry Commission and Police) adopt a less tolerant attitude to illegal parking. All available powers should be used and "no parking" signs on the barriers and gates should be redesigned to be more obvious and forceful.

2010/4786 DAMAGE TO BOLDERWOOD HA-HA  
Presentment by Mr Brian Tarnoff on behalf of the New Forest Association

Mr Tarnoff advised the Court that another feature of the Forest's landscape heritage has been damaged by works authorised by the Forestry Commission. Last year damage to the ancient monument "Studley Castle" was noted as "a serious incident" by the Forestry Commission but the site was still subject to further damage.

The ha-ha earthwork which forms part of the landscape of the royal estate of Bolderwood Lodge has been filled in and levelled.

The NFA stated that procedures must be put in place that prevent damage to the historical and archaeological heritage.

All Forest engineering works should be carried out after consultation of the relevant archaeological maps. Those working on sites that include important features should be briefed and the already proposed bonding agreement (Court Minutes for September and October 2009 refer) to leave sites in a fit state should be implemented.

The Court was asked to insist the Forestry Commission improves its methods of working to avoid further damage.

### **IN COMMITTEE in the Library**

#### **CONSIDERATION OF PRESENTMENTS**

2010/4787 ILLEGAL CAR PARKING DISCHARGE

The Official Verderer reported that a study of illegal car parking and how it can be resolved will be one of the projects undertaken under the HLS agreement.

The Deputy Surveyor said that the Forestry Commission is equally concerned about illegal parking and has a system for dealing with the problem.

Firstly, the Keepers and Rangers operate "Park Wise" which is a system whereby stickers are attached to vehicles parked in inappropriate places. The stickers advise the drivers why they should not park where they have.

Secondly, Forestry Commission staff will speak to drivers if they are present and the registration numbers of all illegally parked vehicles that have a sticker attached are noted.

Thirdly, if a particular vehicle is noted on a number of occasions, a letter will be sent by the Forestry Commission to the driver.

The Police "Forest Watch" initiative could also be brought into play if the problem worsens. The Deputy Surveyor undertook to look at the signs to see if the messages can be improved.

Another method of addressing the problem is also underway and that is to reduce the size of the bellmouths where barriers are sited to make it more difficult to park. The bellmouths may be narrowed down or removed completely where it is safe to do so. On quieter roads, the barriers can be situated closer to the tarmac.

It was agreed the Agisters can be provided with a supply of stickers but they must adhere to the system of recording registration numbers.

Mr Frost suggested creating lay-bys in which two or three cars can park, properly fortified to prevent trespass onto the Open Forest, as a possible solution. Reportedly they have been used to good effect in Dartmoor.

2010/4788    DAMAGE TO BOLDERWOOD HA-HA    DISCHARGE

The Deputy Surveyor said that the Bolderwood Ha-Ha is an unscheduled site; a piece of local archaeology. The damage was caused last summer when the walkway into the inclosure was enlarged. The Deputy Surveyor went on to say that the existing protocols should be adhered to. Operational site assessments are undertaken and the Forestry Commission is committed to ensuring they work and efforts are being made to improve the system in order to ensure that archaeological sites are not damaged in future. Mr Pasmore expressed concern that sites which are not scheduled are regarded as less important than those that are, to which the Deputy Surveyor replied that the whole Forest has been worked at some point in the past. Maps are available showing vulnerability and importance and it may be necessary to revisit the protocol to agree when it is appropriate for sites to be worked on and when not.

The Official Verderer said he would write to the New Forest Association and copy the letter to the Deputy Surveyor.

**NEW SUBMISSIONS BY THE FORESTRY COMMISSION**

2010/4789    NETWORK RAIL BRIDGE REPAIRS AT IVY GUTTER    RESUME

The details of the proposed works were unfortunately not available at this meeting but Mr Street advised the Court that a site compound will probably be needed. Details should be available for the March Court.

2010/4790    WATER SUPPLY TO LAND AT BROCKISHILL ROAD, BARTLEY    DISCHARGE

The proposal to run a water supply pipe from the main in Brockishill Road across approximately 1 metre of Crown Land into an adjacent field was approved subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.



2010/4795 AFRICAN HORSE SICKNESS DISCHARGE

Miss Macnair and Mrs Thorne prepared a paper for consideration by the Court. Members of the Court were asked to let Mrs Thorne have any comments or suggested amendments by 24<sup>th</sup> February. The paper will then be finalised and sent to DEFRA.

Procedures for managing an outbreak of African Horse Sickness will need to be considered when the New Forest Animal Diseases Contingency Plan is reviewed.

2010/4796 CAMPSITE SURVEY RESUME

The Campsite Survey is almost complete. Aerial photographs have been received and the document is awaiting printing. A copy was requested for each Verderer, the Verderers' Office, the Forestry Commission and Forest Holidays.

### **SSSI RESTORATION WORKS**

2010/4797 HARVESTLADE DISCHARGE

The proposed works at Harvestlade were approved.

2010/4798 FLETCHERS WATER DISCHARGE

These proposals were turned down by the Court in 2006 and it was therefore decided that in the first instance, a vote should be taken as to whether the scheme is acceptable in principle. The Deputy Surveyor was asked to clarify the Forestry Commission's position on a number of issues such as how long it is considered acceptable for a lawn to be flooded before water returns to a channel, what is meant by "thoroughly clearing out a drain" and style of bridges. It was then agreed that the Verderers would consider the proposals and make their decision later in the meeting.

### **ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION**

2010/4799 LIMWOOD HOTEL SIGN & HELIPAD DISCHARGE

The Hotel has been advised that its illuminated sign is unacceptable. However, it was agreed that consent for the present sign, minus the light will probably be approved subject to the necessary planning permission being obtained.

It is understood that the Hotel is applying for retrospective planning permission for the helipad.

2010/4800 HIGH CORNER INN SIGN DISCHARGE

The latest sign complies with the terms of the Inn's existing licence and is, therefore, considered acceptable. However, an 'A' board in addition to the sign is not.

It was agreed that an acceptable design for signs is plain timber with white lettering. The Forestry Commission is preparing a document setting out a preferred design style and principles to be adhered to.

2010/4801 ANIMAL DISEASES LIAISON GROUP DISCHARGE

It was agreed that Mr Kitcher will replace Mr Adams as the Court's representative on this group.

#### **VERDERERS' HIGHER LEVEL STEWARDSHIP SCHEME (HLS)**

2010/4802 MEMORANDUM OF AGREEMENT DISCHARGE

The Memorandum of Agreement was circulated to members of the Court.

Concern was expressed at the word "enhanced" in Item 2.6 of Schedule 1. The Court requested this word be removed or replaced with something that does not imply that access for recreational activities will be increased.

The MOA was discussed further later in the meeting.

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

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

2010/4803 STALLION SCHEME DISCHARGE

The Stallion Scheme Sub-Committee's proposals were adopted. In essence, approximately 40 stallions and colts will be turned out this year for one month from 15<sup>th</sup> May to 13<sup>th</sup> June. Slight changes are being made to the way the marks are awarded, otherwise the scheme is relatively unchanged from previous years.

The Official Verderer confirmed the New Forest Trust is able to contribute £3,000 towards the rent for the grazing. It was, however, suggested that the Stallion Scheme should be funded by the HLS unless circumstances change and this was agreed.

#### **VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME (CSS)**

2010/4804 CSS UPDATE DISCHARGE

The last meeting of the CSS sub-committee took place yesterday but the committee will re-emerge as the Verderers HLS Grazing Scheme Committee. A number of projects were approved for 2010.

#### **VERDERERS' HIGHER LEVEL STEWARDSHIP SCHEME (HLS)**

2010/4805 MEMORANDUM OF AGREEMENT RESUME

Subject to the removal of the word "enhanced", the Court agreed the Official Verderer can sign the Agreement. The Scheme will be officially launched in the Verderers' Hall after the March Court. The Chairman of the Board in the first year of the scheme will be the Official Verderer.

## **NEW FOREST NATIONAL PARK**

2010/4806 RECREATION MANAGEMENT PLAN

RESUME

Some Verderers have submitted comments direct to Mr Trotter but it is not clear whether a formal response from the Court is expected. The Official Verderer or the Clerk will find out and also confirm whether there is a later draft. If so, it will be circulated.

## **ITEM RESUMED FROM EARLIER IN THE MEETING**

2010/4807 FLETCHERS WATER

DISCHARGE

In view of the concerns of some members of the Court, it was agreed that in the first instance it should be decided whether the proposed works should be approved in principle. Mr Maton therefore proposed that the works should be approved in principle with Mr Frost seconding the proposal. A vote was cast and the result was as follows:-

Three Verderers voted in favour, two voted against and five abstained.

The decision of the Court was therefore, to approve the works in principle and a discussion then took place as to the conditions under which consent would be given.

A debate also took place as to whether under conservation legislation the Court is actually required to approve remedial action in situations such as this where the habitat is considered by ecologists and conservationists to be in an unfavourable condition. The Official Verderer said he would ask Sarah Oakley (FC) for a copy of the Habitats Directive.

As regards the works at Fletchers Water, after detailed discussions, the Court decided to accept Mr Pasmore's paper which sets out conditions for approval, subject to some amendment. Mr Pasmore will make the necessary amendments and provide the Clerk with a copy. This will be forwarded to the Forestry Commission and a copy will be appended to these Minutes.

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

2010/4808 COMMON V FOREST RATE OF MARKING FEE

RESUME

A commoner is claiming he is entitled to pay his marking fees at Common rate for stock running on the Forest. It was agreed this is unacceptable and the Clerk will write to him explaining that unless his animals spend at least 75% of their time on the common, he will have to pay the Forest rate.

2010/4809 AGISTERS' EXPENSES

RESUME

The Inland Revenue has acknowledged receipt of the enquiry regarding an increase in the Agisters' expenses. However, it seems there will be a delay in obtaining a decision due to pressure of work in the office that deals with such matters. The Court agreed that the increase will be backdated.

## **TRAINING**

2010/4810 HUMANE SLAUGHTER & MANUAL HANDLING

RESUME

No further training, other than these two subjects have been identified as being required.

## **HEALTH AND SAFETY AT WORK**

There are no health and safety issues at present.

## **ANY OTHER BUSINESS**

There was no other business.

**The Official Verderer withdrew from the meeting and Senior Elected Verderer, Mr Anthony Pasmore, took the chair for the following and final item to be discussed at this meeting.**

## **MATTER RESUMED FROM EARLIER IN THE MEETING**

2010/4811 BRAMSHAW GOLF CLUB LICENCE RENEWAL

DISCHARGE

The Court has been asked to approve a new 25 year permission for Bramshaw Golf Club to use a large portion of the Open Forest. The Verderers considered this application very carefully over several Courts and decided they are not willing to agree to a new 25 year permission. However, agreement will be given for a 15 year period (subject to the provisos at the end of this minute) for the following reasons:-

1. There is an inevitable conflict between the natural beauty, peacefulness and traditional farming practices of the Forest and the use of commonable land as a golf course. The Court believes that this conflict needs to be reconsidered regularly and that 25 years is too long a period between reviews.
2. The Court recently restricted its approval of a new licence at Lyndhurst to 10 years. There have been problems in the past at that club, in respect of the management of the course. The record at Bramshaw is better and accordingly the Verderers consider fifteen rather than ten years as appropriate.
3. A restricted period of permission gives far greater and more effective control over potential abuses by any licence holder.
4. The Verderers are unhappy at a number of the proposals in the management report provided to them. In particular, they would not expect to approve any more fencing than is currently allowed.

In arriving at its decision, the Court has had due regard to national park purposes.

### **Matters to be taken into account in the new licence**

The Verderers wish to see a very tight control of notices and golf course furniture. They would not wish to see (and are unlikely to

approve) any expansion of existing structures.

Ring barking of trees as suggested in the report will not be approved by the Verderers - it is an unsightly and dangerous practice.

Controlling grazing levels, other than as the Court thinks fit for the proper management of the commonable lands, is not acceptable.

The Verderers consider it inappropriate that cultivations and the use of chemicals and fertilizers which are not generally allowed on the Open Forest because of conservation restraints, should be allowed here.

The Verderers consider that the area of turf cutting suggested is excessive.

The Verderers note that there is conflict between the golf course and the cattle-keeping carried on by an adjoining commoner. They hope that this can be resolved by negotiations between the parties, perhaps by the golf course paying the commoner to relocate an access and compensating him for any inconvenience. They believe that where there is conflict between the lawful and proper use of common rights and organized recreation, the farming interest must prevail.

There was no further business and the meeting closed at 1.25 p.m.