

Minutes of the COURT OF VERDERERS held on Wednesday, 15th January 2003 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 & Staff Committee Chairman
Mr N D Anderson TD Appointed Forestry Commission Verderer
Mr P Frost Appointed Countryside Agency Verderer
Mr A Gerrelli Elected Verderer
Mrs K Heron Appointed Hampshire County Council Planning Verderer
Mr J F Kitcher MBE Elected Verderer
Miss D Macnair Elected Verderer
Mr A H Pasmore Elected Verderer
Mr J Perry Appointed DEFRA Verderer

IN ATTENDANCE: Miss S Westwood Clerk

APOLOGIES: None

IN COMMITTEE

The Official Verderer congratulated Mr Jeff Kitcher at his recent appointment as a Member of the British Empire which he considered was richly deserved.

Mr Brian Ingram, the Head Agister, was present for the first item.

2003/1 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Monday 16th December 2002 were approved and signed.

2003/2 CONDITION OF STOCK RESUME

Report by the Head Agister.

Generally stock is not too bad. Mares with foals and youngstock continue to go back in condition. Planned sweeps of the Forest with commoners have had to be postponed because of the freezing weather. The cold weather has, however, helped the animals and many are looking brighter.

The Chairman of the Staff Committee agreed with the Head Agister's summary of stock condition. The Agisters will remove animals which are losing condition before they become poor.

Cattle

There is a problem with some cattle at Godshill which belong to one of the less co-operative commoners and the Head Agister is doing his best to ensure a resolution to the matter by later this week.

The Head Agister has briefed the team on the Verderers' policy on Animal Welfare and the Verderers' Byelaws, a copy of which is to be sent out with the newsletter.

Strangles

There is a bad outbreak of strangles in the Acres Down, Bolderwood, Withybeds area with a small number of riding horses having contracted the infection. The hunt has been asked to keep away from the area for the time being to reduce disturbance. The condition of stock will be carefully monitored over the coming weeks.

Breaches of the Byelaws

A commoner in the north-west of the Forest has allowed two ponies to be at

large on the Forest for which marking fees have not been paid and which are unsatisfactorily marked. Additionally, one of the animals is an entire colt of rising two years of age, quite capable of serving mares. The animal is not registered, has a parrot mouth and appears to suffer from sweet-itch. The owner is at present being somewhat uncooperative but has said that the Blue Cross animal welfare charity has agreed to take them. The Head Agister was instructed to collect marking fees from the commoners' friend who has offered to pay and to ascertain when the Blue Cross is taking the animals. Provided this is to happen within a reasonably short period of time the animals will be allowed to remain on the Forest unbranded as the owner claims her brand has been stolen. The Head Agister was asked to keep the Staff Committee Chairman informed of what happens.

The Official Verderer asked that in future such problems should not be brought to the Court but dealt with by the Chairman of the Staff Committee, the Head Agister and the Clerk. If there are any specific difficulties the Official Verderer should be advised. He went on to say that the Byelaws must be rigorously enforced. The Court should be kept apprised of progress, probably through the Staff Committee minutes.

Colts – Byelaw 9(1)

This byelaw stipulates that entire male horses of two years or over at the first of May in any year must not remain on the Forest after that date except with the approval of the Verderers. In view of the problems with the colt mentioned above and with the recently introduced stallion scheme, which means that the mature stallions are no longer on the Forest in the early spring, it was suggested that the byelaw be amended, bringing forward the date by which two-year old colts have to be removed. There was serious concern that unpassed colts, capable of serving mares, could seriously undermine the stallion scheme.

Poor Mare

A mare belonging to one of the commoners currently subject to prosecution for non-payment of marking fees is losing condition and needs to be removed from the Forest.

The Official Verderer decided that the best way of dealing with all these matters was for a special meeting to be held, to be attended by himself, the Chairman of the Staff Committee and other interested Verderers. It was agreed the meeting would take place on Thursday, 20th January at 5.00 p.m. at the Official Verderer's office in Bramshaw.

The Head Agister left the meeting.

2003/3

ANNOUNCEMENTS & DECISIONS

DISCHARGE

The Announcements and Decisions were circulated and no amendments suggested.

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

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

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER

2003/4 MR JEFF KITCHER MBE

Many of you are probably already aware that Mr Jeff Kitcher, Elected Verderer, has recently been awarded an MBE for services to the Forest and commoning. We would like to express our congratulations on this achievement.

2003/5 ORIENTEERING

The clash between the drift and an orienteering event on Sunday 3rd November 2002 resulted from a breakdown in the usually efficient communications between the Forestry Commission's recreation staff and the Agisters and the need to change the date of the drift because of severe weather conditions the week before. In future, and in order to minimise confusion, the area to be covered by such events will be described in the recreation diary in greater detail.

Orienteering is one of the activities included in the recently signed Memorandum of Understanding between the Forestry Commission and the Verderers, under Schedule III B which covers activities where the Verderers' "advice is not to be unreasonably disregarded". The Verderers are considering whether or not to issue such advice which will be aimed at trying to protect the Forest from any increase in numbers taking part or the frequency of events.

Mr Cooper asked the Deputy Surveyor to let him know how much the Forestry Commission received in respect of the Orienteering event on 3rd November. The Deputy Surveyor wrote to Mr Cooper setting out the fees which were as follows:- £533.00 for the event and £485.00 for car parking, making a total of £1,018.00. The total receipts for all orienteering events in 2002 was £1,649.00.

2003/6 LEGAL FEES & COSTS & THE VERDERERS' AUDITED ACCOUNTS

The legal costs in respect of the prosecution of various commoners for breach of the Verderers' byelaws is as yet unknown since the Verderers' solicitors, Messrs Moore & Blatch, have yet to submit any fees for their professional services rendered to date. We can report that two defendants have pleaded guilty and they have been ordered to pay £309 each in order to cover the Verderers' legal costs in bringing the prosecutions.

The audited Accounts for the last financial year show total costs for legal and professional fees and these Accounts are now published and can be inspected by any interested party.

2003/7 ELECTRIC FENCE AT EMERY DOWN

We have checked the location of this fence and confirm once again that it is not on Crown Land and is therefore outside the jurisdiction of the Court. We cannot take any further action in this connection.

2003/8 PRESENTATION OF A CHAIR IN MEMORY OF SIR DUDLEY FORWOOD

The presentation of the chair in memory of Sir Dudley Forwood will take place after this Court at 11.00 a.m. in the Verderers' Hall. All those who wish to attend are welcome to do so.

ANIMAL ACCIDENT REPORT

2003/9 ANIMAL ACCIDENT REPORT FOR THE YEAR 2002

Total Accidents for the Period: 149 (168)

Killed	Collar	Injured	Collar	Uninjured	Collar	Not Found
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Ponies	70	(75)	8	(6)	19	(16)	-	(1)	6	(11)	-	(-)	28	(24)
Cattle	5	(13)	n/a	N/a	8	(12)	n/a	N/a	2	(2)	n/a	n/a	10	(10)
Donkeys	2	(1)	-	(-)	-	(3)	-	(-)	-	(2)	-	(-)	-	(-)
Pigs	-	(-)	n/a	N/a	1	(-)	n/a	N/a	-	(-)	n/a	n/a	-	(-)
Sheep	-	(-)	n/a	N/a	-	(-)	n/a	N/a	-	(-)	n/a	n/a	-	(-)
Totals	77	(89)	8	(6)	28	(31)	-	(-)	8	(15)	-	(-)	38	(34)

TOTAL KILLED & INJURED	105	(120)
Accidents During the Hours of Darkness	93	(123)
Vehicles Involved	113	(140)
Private Cars / Light Commercials	113	(140)
Motor Cycles	2	(-)
Heavy Vehicles	1	(2)
Number of Local Motorists	79	(99)
Number of Accidents Not Reported	33	(25)
Total Killed and Injured for the Year to date	105	(120)

Number of Deer Killed 82 (66)

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

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

None

PRESENTMENTS

2003/10 CYCLING
Presentment by Col Peter Sweet, long term indigenous commoner

"Since the Court gave authority under Section 1(2) of the 1970 New Forest Act, your Minute 7823 refers, I have every year complained to the Court about the lack of control of cycling on the Open Forest. Happily each year you have only given the Forestry Commission a further year to put their house in order.

Last year the Deputy Surveyor did not make his Presentment to prolong cycling in Open Court so we the public have not have the opportunity until today to make any comments on it. This to me is not in order and may I ask you in future to ensure that any Presentment by the DS on cycling is made in Open Court so that we may comment before you make your decision.

Cycling is still not under control on the Open Forest. Recently when out on Wilverley Plain I stopped a family cycling across the Lawn to point out that they should not be cycling there as it was not a waymarked cycling route. To my astonishment he replied to me, addressing me by name to say that he was a local and knew he should not be there, adding that he had been cycling where he liked for years and everyone knew that no action was ever taken if stopped by a Keeper or Ranger. However, I am glad to say he said he would leave the Plain and return to Brockenhurst on the old railway line.

I understand that the FC Cycling Working Group, though it has members concerned with cycling, tourism, the local authority etc., in it, they have no member other than the FC who deals with land management, like the CDA, whose animals deep the Forest in the state we still see today. May I suggest that the CWG be strengthened to cover this aspect of the cycling problem".

2003/11 CYCLING
Presentment by Mrs Pat Thorne of Linwood, Practising Commoner

Mrs Thorne echoed Col Sweet's concerns and asked for assurance that, in future, this issue will always be raised in Open Court.

2003/12 ORIENTEERING
Presentment by Mr Eddie Holtham

"I'd like to back up the comments made by Mike Cooper about orienteering at the November

Court, but on a different tack.

I think anyone who uses the Forest especially for a sporting event, should respect it and clear up their rubbish when they finish.

I picked up these navigation check-off cards off the Forest a couple of weeks ago, they had been left in position for at least 4 months. I'm sure this ring would fit over a horse's head.

Can I ask that this is pointed out to them".

The Clerk was handed the items collected by Mr Holtham

2003/13 TWO YEAR OLD COLTS
Presentment by Beryl and Tony Bull, Practising Commoners

"Under the present byelaw 9 (1) colts may remain on the Forest until 1st May of their second year.

We suggest that the date is changed to 1st March so that the ruling may be enforced well before the breeding season.

This year there will be no licensed stallions running the Forest until early May but as the byelaw stands, any unlicensed colt could still be out if its owner was unco-operative".

2003/14 PRESENTATION OF CHAIR IN MEMORY OF SIR DUDLEY FORWOOD
Presentment by Mrs Jill Preston

Mrs Preston remarked that she had read in the New Forest Post that the chair was made of French Oak! She enquired if this was true and if so why was it not made of English Oak?

IN COMMITTEE

CONSIDERATION OF PRESENTMENTS

2003/15 PRESENTATION OF CHAIR IN MEMORY OF SIR DUDLEY FORWOOD DISCHARGE

The Deputy Surveyor confirmed that the chair is in fact made of English Oak.

2003/16 CYCLING DISCHARGE

The Official Verderer commented that the lack of public consultation was an oversight on the part of the Verderers. He gave an assurance that in future such matters will be dealt with by Presentment.

There is some confusion between the Cycling Working Group which seems to have been abandoned and the New Forest District Council/Hampshire County Council Cycling/Transport Group.

2003/17 ORIENTEERING DISCHARGE

The Deputy Surveyor confirmed that organisers are told they must clear up after their event. The Orienteering Federation will be reminded of this. The Deputy Surveyor added that the FC would have taken the same action if the matter had been taken straight to its office at Queen's House, rather than being brought to the Open Court.

2003/18 TWO YEAR OLD COLTS / REVIEW OF THE VERDERERS' BYELAWS RESUME

This matter is already under consideration and will be discussed further. It is a matter of amending the byelaws which the Official Verderer thought in this instance would be fairly straightforward. He suggested members of the Court read through the byelaws to see if there is anything else that needs to be considered. A small sub-committee will then meet to prepare draft wording for consideration before approaching the Minister. He added it may be necessary to include a means of empowering the Verderers to impound and dispose of unmarked/unidentifiable animals.

SUBMISSIONS BY THE FORESTRY COMMISSION

There were no submissions for consideration at this meeting

MATTERS ARISING FROM THE MINUTES OF THE LAST COURT AND PREVIOUS COURTS OF CONCERN TO THE FORESTRY COMMISSION

2003/19 A31 PICKET POST FENCING RESUME

A further letter has been sent to Mott MacDonald asking for the fence to be improved. A small step towards resolving the problems may have been achieved in that the solicitors who are believed to act for the land owner have confirmed they have passed the Court's letters to their client.

2003/20 A31 PICKET POST JUNCTION RESUME

Mr Parke reported that he understands the only means of creating a woodland to enable the fencing to remain would be under Section 10 of the 1964 New Forest Act which permits the creation of ornamental woodland. The woodland would, however, have to be large enough to satisfy the definition of the Act. Additionally, it would have to screen the whole of the junction and the fence lines would have to be considered again. The possibility of including the north side of the junction as well was raised. In order to progress the matter it was suggested that members of the Court visit the site to consider the possibilities.

2003/21 PIGS RESUME

The Clerk reported that the commoner who was enquiring whether he has common rights for pigs on the western commons has been requested to provide evidence of his claim. He has also been advised that his pigs should not be running on the Crown land outside the pannage season.

Mr Parke explained that Vicinage only applies if the rights on both pieces of common land are the same. A further letter will be written to the commoner who will be given 10 days to respond. Mr Pasmore asked for copies of the correspondence.

2003/22 ORIENTEERING RESUME

The Deputy Surveyor was advised that the Verderers would be discussing

this matter later in the meeting with a view to providing formal advice to the Forestry Commission.

OTHER MATTERS OF CONCERN TO THE FORESTRY COMMISSION

2003/23 NEW FOREST CAMPSITES – HOLLANDS WOOD RESUME

The Deputy Surveyor tabled a document which had been presented to the Consultative Panel on the 9th January 2003 in respect of proposals for Hollands Wood Campsite. The paper is intended as a first step in the consultation process.

Mr Thompson and Mr Parke left the meeting.

OTHER MATTERS ARISING

2003/24 PONY PASSPORTS RESUME

DEFRA'S response to the latest proposals is still awaited.

2003/25 NON-PAYMENT OF MARKING FEES BY CERTAIN NATIONAL TRUST COMMONERS RESUME

The prosecutions are proceeding. Pre-trial review dates have been arranged.

2003/26 GOATS RESUME

A response from the National Trust is awaited.

2003/27 HIT & RUN REWARD SCHEME RESUME

The New Forest Pony Breeding and Cattle Society and the Commoners' Defence Association have agreed to contribute £100.00 each towards the reward. The Court will also contribute £100.00. Arrangements will be made for the cheque to be presented at the next Open Court in order that some publicity can be obtained.

The amendments to the rules were agreed.

2003/28 WATER TROUGHS DISCHARGE

After some discussion it was agreed that the troughs should be retained. The Official Verderer will, however, approach the National Trust to see if it is prepared to accept responsibility for the trough on Penn Common.

2003/29 NEWSLETTER DISCHARGE

The newsletter has been approved and will be sent as soon as possible to all commoners on the marking fee register.

OTHER AGENDA ITEMS

2003/30 NEW FOREST LIVESTOCK SOCIETY DISCHARGE

The Court agreed to support the Livestock Society's application for charitable status.

REPORTS FROM OUTSIDE BODIES

2003/31 NEW FOREST COMMITTEE DISCHARGE

There was nothing specific to report.

Copies of the Minutes of the New Forest Committee's meetings are filed in the Verderers' office for any members of the Court who wish to read them.

2003/32 NEW FOREST CONSULTATIVE PANEL DISCHARGE

The Deputy Surveyor's paper on Hollands Wood Campsite was presented to the Panel.

The Panel Minutes will be circulated as usual.

STAFF COMMITTEE MATTERS

2003/33 BRITTONS COTTAGES RESUME

The suggestion that the Forestry Commission has charged £500 for a parking area outside the Cottages is to be investigated.

2003/34 SUSPECTED PIG RUSTLING DISCHARGE

Mr Kitcher reported that before Christmas he accosted two men acting suspiciously around some pigs. The registration number of their car was reported to the police and it turned out to belong to a motorcycle. It is believed a pig may have been rustled as commoner Mr Mike Ralph has lost one of his animals which was running in the area. Unfortunately, due to lack of evidence, there is nothing more that can be done.

2003/35 STALLION SCHEME DISCHARGE

The Court approved minor amendments to the Scheme which will be published shortly. The Stallion Inspection will be held on Saturday, 12th April at Beaulieu Road.

HEALTH & SAFETY AT WORK

2003/36 AGISTER ANDREW NAPHTHINE RESUME

There was nothing to report at this meeting except to say that Agister Naphthine has a further hospital appointment in mid-February.

ANY OTHER BUSINESS

2003/37 SALARIES DISCHARGE

A merit increase was agreed for a member of staff. Details are on the employee's personnel file.

2003/38 THE LORD LIEUTENANT DISCHARGE

The Official Verderer reported that the Lord Lieutenant of Hampshire, Mrs Mary Fagan, will be attending the Court on the 16th April.

2003/39 THE LOCAL ACTION GROUP AND THE LEADER + PROJECT DISCHARGE

The Court has been asked if it is still interested in having a representative on this group. The Official Verderer felt it is important as some matters with which the group are involved directly affect commoning. He agreed to attend on the Court's behalf but apologised that he will not be available for the next meeting on the 3rd February.

- 2003/40 ORIENTEERING RESUME
- After a detailed discussion, members of the Court decided they would like to discuss the future of orienteering events in the Forest direct with the National Orienteering Federation. The Official Verderer and Mr Anderson will prepare a suitable letter.
- 2003/41 STREAM CATCHMENT FORUM DISCHARGE
- This Forum has been set up to discuss the management of watercourses in the Forest. Mr Kitcher will represent the Court and will report as and when necessary.
- 2003/42 COMPOSTING FACILITY DISCHARGE
- Mr Anderson advised the Court that his composting facility application has been approved by the Salisbury District Council and a decision is now awaited from Wiltshire County Council.
- 2003/43 A31 HEATHLAND IMPROVEMENT WORKS RESUME
- Mr Pasmore drew the Court's attention to proposed works on the A31 at various locations where it is intended to cut down trees to make room for heather. English Nature have approved the works. The work at some locations, i.e. in cuttings, is not considered to be a problem but in some places such as Stoney Cross and Handy Cross there is a real concern that screening will be lost. It was agreed the Official Verderer, Mr Pasmore and Mr Frost should take the matter forward. Mr Pasmore agreed to draft a suitable letter advising Mott MacDonald of the Court's concerns and asking for consultation.
- 2003/44 THE VERDERERS' WEBSITE DISCHARGE
- A gentleman by the name of Mr Graham Cooper has offered to maintain the website free of charge. The Court was pleased to take up his offer.
- 2003/45 WELFARE OF STOCK – WORMERS RESUME
- The Clerk reported that this project has been delayed because it was impossible to meet the very short deadline for submission of a detailed application to the LAG by early January. It is hoped the submission may be submitted in time for the next meeting which is believed to be in March.
- 2003/46 DECLARATIONS OF INTEREST DISCHARGE
- A meeting has been arranged for 2 o'clock this afternoon with Mr Ross Macdonald, the Proprietor of the New Forest Golf Club. Neither the Official Verderer nor Mr Anderson will attend the meeting because of their personal interests in golf clubs on and adjacent to the Forest.
- 2003/47 FINANCIAL STATEMENT RESUME
- The Statement of the Court's financial position up to the end of December 2002, prepared by the Clerk, was accepted.

There being no further business, the meeting closed at 1.23 p.m.

