

MINUTES of the Court of Verderers held on Wednesday 21st January 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
Vacant National Park Appointed Verderer

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

APOLOGIES: None

IN COMMITTEE in the Library

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

2009/4070 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 17th December 2008 were approved.

2009/4071 CONDITION OF STOCK & THE WELFARE TOUR RESUME

The Head Agister reported that the Agisters are busier much earlier this year removing stock which is going back in condition. Whilst a lot of animals look well, some older mares without foals, are losing condition quite rapidly which is unusual.

The Head Agister left the meeting.

Mr Adams concurred with his assessment of conditions adding that he has seen several older mares, who usually maintain their condition very well, get poor very quickly.

The CSS may have encouraged some commoners to keep some older ponies that they might otherwise have taken off and it is hoped the new rules this year which allow commoners to reduce their animal numbers without losing payment may help resolve this issue.

2009/4072 STRANGLES RESUME

Unfortunately there are still one or two cases of strangles on the Forest. At present Burley is affected.

2009/4073 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2009/4074 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.

2009/4075 FINANCIAL STATEMENT RESUME

The Financial Statement for December 2008 was approved.

2009/4076 REPORT ON MARKING FEES RECEIVED AS AT END OF DECEMBER 2008 RESUME

Ponies	4484	Pigs	439
Cattle	2566	Sheep	62
Donkeys	127		
SUB TOTAL	7177	TOTAL ALL ANIMALS	7678

2009/4077 ANIMALS REMOVED IN DECEMBER DUE TO POOR CONDITION RESUME

Mares with foals	2		
Mares	5	TOTAL PONIES	14
Fillies	7		
Cattle	1	TOTAL CATTLE	1

2009/4078 BYELAW ENFORCEMENT RESUME

Mr Barnes appeal is due to be heard on the 2nd, 3rd and possibly 4th February.

2009/4079 REVISION OF THE VERDERERS' BYELAWS RESUME

The Official Verderer advised that the final draft of the statutory instrument containing the Verderers' revised byelaws has been received. He asked the Court for its approval for the Minister's signature to be requested and this was agreed unanimously.

2009/4080 NATIONAL TRUST APPROVAL OF THE REVISED BYELAWS DISCHARGE

The Official Verderer reported that the National Trust's Senior Rural Surveyor, Mr Malcolm Francis, wrote on the 22nd December giving the Trust's unequivocal support to the revised byelaws.

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

2009/4081 NEW FOREST GOLF CLUB

In committee held on December 17th 2008 we gave our formal consent under the New

Forest Acts to the granting by the Forestry Commission of a ten year lease to the New Forest Golf Club on the expiry of its existing 25-year lease on 31st December 2008.

In considering the request for our consent we formally sought the views of both the National Park Authority and Natural England due to the sensitivity of the site, and because of our longstanding concerns about the potential impact of the intensity of recreational use on this confined part of the open forest.

In its landscape assessment, written at our request, the National Park Authority expressed the view that the existence of a golf course with its manicured greens, sand bunkers, car park and club house at its present location is essentially alien to the New Forest. We completely agree with that opinion. In granting our consent we wish to make it plain that we consider the continued existence of an eighteen hole golf course as having an adverse impact on the public's access to that part of the Forest, as well as an undesirable urbanising effect on the area. For these reasons we wish to see the Club working towards reducing the course to nine holes by the end of the ten year lease which will, we believe, greatly reduce its influence on that part of the Forest.

In reaching our decision we have had regard both to our own policy on formal recreational facilities on the open forest (Policy Number 6), and to the National Park's purposes.

2009/4082 COUNTRYSIDE STEWARDSHIP SCHEME (CSS)

As promised, cheques were posted before Christmas to all participants in the scheme, and application forms for this year's scheme will be sent out in late February.

2009/4083 WELFARE TOUR

The Verderers' winter Welfare Tour was held on Tuesday, 9th December and was attended by representatives of the RSPCA, the British Horse Society, The Horse Trust, the Blue Cross, the Donkey Sanctuary, the New Forest Commoners' Defence Association and the New Forest Pony Breeding and Cattle Society, as well as a senior Veterinary Officer from the Government's new Animal Health Agency (formally the State Veterinary Service), Dr Malla Hovi.

The Verderers' Welfare Tours take place every spring and winter, and give an important twice-yearly opportunity for the national and local welfare organisations to see the condition of the stock for themselves. The tour covered a wide area of the Forest and over 400 ponies were inspected, as well as numerous cattle and 23 donkeys.

Dr Hovi, who has taken a special interest in the semi-feral herds of the New Forest, commented after the tour that she found all the stock that she had seen to be in very impressive condition, especially after such a poor and damp summer. Her praise for the welfare of the ponies, cattle and donkeys was unanimously endorsed by all the other representatives.

Chief Inspector Robbie Roberts of the RSPCA went on to say that he felt he could sleep well at night, knowing that the Agisters and the owners of the stock on the Forest were working so well together caring for the animals.

We are obviously very pleased that the country's foremost animal charities have endorsed what we do as Verderers, and once again have specifically asked us to pass on a big thank you to our team of Agisters for their continuous vigilance and hard work out on the Forest 24 hours a day, seven days a week.

2009/4084 MARKING FEES

We would like to remind all those who owe marking fees that the discount for early payment is only available to those who pay their fees during the month of January. All fees that are due must be paid in full by May 1st 2009.

2009/4085 TWO YEAR OLD COLTS

We would like to remind commoners that two year old colts must be removed from the Forest by the 1st February.

ANIMAL ACCIDENT REPORT

2009/4086 ACCIDENT REPORT FOR 2008

The Agisters attended 152 accidents in 2008 compared with 167 in 2007.

The total number of animals killed and injured in 2008 was 94 compared with 128 in 2007.

51 ponies were killed and 11 injured
12 cattle were killed and 8 injured
8 donkeys were killed and 1 injured
2 pigs were killed and 1 injured

109 accidents occurred during the hours of darkness.

127 involved private cars or light commercials, 1 involved a motorcyle and 4 involved heavy-goods vehicles.

20 accidents were not reported.

92 accidents involved local motorists.

The figure for the a number of animals killed and injured is the lowest since 1956.

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

None

PRESENTMENTS

2009/4087 CYCLING ON THE FOREST
Presentment by Mr Martin Hart

"I am a 58 year-old resident of the Forest who suffers from multiple sclerosis (MS). I am making this presentment on my own account and do not represent any organisation. A few personal details are relevant to the submission I am making. On a good day, I can cycle 20 miles, but only walk, unaided, 300 yards. All the medical professionals I see recommend that I should cycle as much as possible. As I have some balance problems, I am not confident riding on roads and try to arrange circular routes avoiding roads wherever possible.

I am not fit enough and have no desire to ride off-track and can fully understand that those who do are causing damage to the Forest and its flora and fauna. However, the lack of continuity of many Forest rides on gravel or other well-worn tracks is frustrating and difficult to understand. For example, the gravel tracks from Fritham to Holly Hatch and through the Sloden Enclosure to Ogdens form an excellent circuit with the

Hampton Ridge track, but to do this at present is not permitted. I believe that there is a strong case for opening up the gravel and other well-worn paths (e.g. Ashurst Walk to Matley Heath) and then taking stronger action to prevent the unacceptable riding of bicycles and horses off-track.

If I can be of any assistance in promoting this approach with the Forestry Commission and NPA, I should be happy to do so".

IN COMMITTEE in the Library

CONSIDERATION OF PRESENTMENTS

2009/4088 INCREASING THE CYCLE NETWORK

DISCHARGE

The Deputy Surveyor explained that in the opinion of the Forestry Commission the present cycle network is too restrictive as there are a number of core links missing. He said that adding the links suggested by Mr Hart would make the cycle network work better.

The Court, however, said that the existing routes were chosen for very good reason. Mr Hart's proposed Fritham to Holly Hatch route and the one through Sloden Inclosure to Ogdens (both over the Open Forest for the greater part) which in his opinion would form an excellent circuit with Hampton Ridge, would encourage trespass into what has been designated and agreed a tranquil area of the Forest. The area already suffers intensive use and adding these routes to the cycle network would increase usage even further.

As respects the proposed Ashurst to Matley route, that is presently a dirt track across the Open Forest. If it were to be designated a formal cycle route it would undoubtedly have to be gravelled for health and safety reasons. Such modification of the Forest for a recreational user group is considered by the Court to be unacceptable.

The Court felt that whilst it is accepted there are some poor connections for cyclists, it does not want to see the existing routes extended without a net gain to the Forest.

Disabled persons with cars or disabled vehicles which are too wide to pass through the wicket gates are provided with keys for access.

In reply to a request by the Deputy Surveyor, the Court confirmed it is prepared to approve alterations to the present cycle network where there is an advantage to the Forest, for example by the closure of a more damaging route in favour of one which will cause less damage and disturbance.

The Official Verderer said he will write to Mr Hart.

SUBMISSIONS BY THE FORESTRY COMMISSION

2009/4089 GAS SUPPLY TO LYNES MEAD, TYRELLS LANE, BURLEY

DISCHARGE

The Court approved the proposals to route a gas supply pipe to this property across Tyrells Lane. The approval is subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

2009/4090 GAS SUPPLY TO BERRY KNOLL, COACH LANE, BURLEY DISCHARGE

The Court also approved the proposals to route a gas supply pipe to this property across Coach Lane. The approval is subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

MATTERS ARISING OF CONCERN TO THE FORESTRY COMMISSION

2009/4091 KINGSTON GREAT COMMON RESUME
March

The Official Verderer reported that he has received a letter from Mr S Trotter at the National Park Authority in which the Authority confirms it considers the fence to be intrusive; that it impedes the free movement of livestock and as such affects the exercise of common rights. The letter sets out the Authority's proposed next steps in respect of this fence.

2009/4092 NEW FOREST CAMPSITE SURVEY RESUME

Progress is being made with obtaining financial support for the survey.

2009/4093 ROAD WIDENING – LINWOOD ROAD RESUME

Mr Street reported that the Highway Authority has requested a further site meeting at Linwood to agree how much of the additional tarmac needs to be removed to return the road to its former width. Mrs Thorne will attend the meeting on behalf of the Court.

2009/4094 ROAD WIDENING AND DAMAGE TO FOREST ROAD, BURLEY RESUME

The Highway Authority has already been asked to remove the additional tarmac laid during recent maintenance works but in the meantime, due to Ringwood Road having been closed for roadworks, a great deal of damage has been caused to the verges of Forest Road. The road has now been closed to through traffic to prevent further damage. Photographs have been taken of the damage and a site meeting will be required prior to repair and reinstatement works being undertaken. The Court felt this road should be made single track with passing places and the same works could be undertaken on a number of the Forest's roads.

2009/4095 HALE PURLIEU RESUME

Narrowing points to discourage over-running and excessive speed, as promised by Hampshire County Council at a site meeting last summer is urgently required. The Clerk will contact the Highway Authority to ascertain the current position.

2009/4096 ROAD MAINTENANCE AGREEMENT RESUME

Mr Street is requesting that the Highway Authority, Forestry Commission and the Verderers revisit an agreement drawn up in 1999 in respect of road maintenance in the Forest. He hoped it might be possible to agree generic prescriptions for certain works and he confirmed the Highway Authority is responsible for the first meter of verge under an agreement made in the 1970's.

- 2009/4097 ENCROACHMENTS RESUME
April
- No practical progress has been made at Bartley but the occupier has until the end of March to remove the encroachment.
- Mr Street said he now has three further encroachments to deal with at Hinchleslea, Holmsley Crossing Keepers Cottage and the rear of the school in Brockenhurst.
- Mr Street advised that he will shortly have at his disposal new aerial photography, a new Ordnance Survey Master Map and a registered title overlay. The system is very accurate and will greatly assist in dealing with illegal encroachments by providing details of boundaries before and after.
- 2009/4098 30 MPH SIGNS DISCHARGE
- A meeting of the Signage Committee is to take place shortly.
- 2009/4099 NETWORK RAIL TREE CUTTING CLAIM FOR DAMAGES RESUME
March
- The Clerk confirmed the claim has been submitted to Network Rail and an acknowledgement received.
- 2009/4100 MIRE RESTORATION AT PICKET BOTTOM DISCHARGE
- The Deputy Surveyor said the site has been inspected and water is running round the culvert. Work will be undertaken to remedy the problem. If it does not work, further discussions will take place about the possibility of constructing a ford.
- 2009/4101 ISLANDS THORNS DISCHARGE
- The Deputy Surveyor stated that the damage will be reinstated but agreement is awaited from English Heritage about what can be done as respects the Scheduled Ancient Monument.
- The timber cannot be removed yet as the Forest is too wet. Although there are no plans to undertake further felling this year, the Deputy Surveyor said there is no question of the area being left for five years as was originally suggested.
- A great deal of disagreement remains between the Forestry Commission and the Court concerning certain Open Forest felling operations such as this – Islands Thorns being technically part of the Open Forest. The Court feels strongly that the present system of managing such woodland is unsatisfactory as far too much brash is left on the ground which should be removed. The Deputy Surveyor made it clear that the Forestry Commission will not alter its way of working as it has other considerations to take into account in addition to the Court's views, but did agree that if the Agisters complain there is a hazard to stock, individual issues will be addressed.
- 2009/4102 MILLERSFORD PLANTATION RESUME
March
- The contract for rhododendron clearance at Turf Hill will commence shortly. Remnant timber stacks will be collected up and burned.

2009/4103 STALLIONS, STOCK AND THE HEALTH AND SAFETY EXECUTIVE RESUME
April

The Official Verderer is working with the Deputy Surveyor to draft a joint approach regarding potential incidents on the Forest. Once finalised, a copy will be circulated and once agreed sent to the HSE Inspector.

ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2009/4104 PRE-ERECTED TENTS AND PRE-PREPARED CARAVANS ON FOREST CAMPSITES RESUME

"Camping for Beginners" is being advertised at Holmsley and Setthorns where tents and caravans all ready for occupation are available.

Apart from concerns that such tents and caravans may be left for too long on their pitches resulting in damage to grazing, the Court felt that this is not in the spirit of the original consent given for camping in the 1960's. It was felt this could be the thin end of the wedge and concern was expressed that the very large mobile home type caravans which are akin to "cabins" could be next.

It was queried how far Forest Holidays is going to be allowed to go as respects commercial trading on the campsites which the Court in the past has not allowed. Forest Holidays is asked to clarify what it is doing.

In the meantime, the Deputy Surveyor assured the Court the tents and vans would be moved in accordance with accepted and agreed practice.

2009/4105 ROUNDHILL CAMPSITE RESUME

The proposed siting of the blocks has still to receive planning consent.

The Court asked that proper re-instatement be undertaken where the gravel has been removed, leaving lowered areas of earth which are now filling up with water. Additionally, piles of slabs remain on the site as do some 6" square electrical boxes and these items need to be removed.

2009/4106 REDUNDANT SIGNS DISCHARGE

The Forestry Commission was asked to ensure that redundant "Forest Operations" and other signs are removed when work is complete. South Oakley and Church Moor in particular have various redundant signs. The Deputy Surveyor confirmed he will take the necessary action to ensure such signs are removed.

2009/4107 HOLLY CLEARANCE – STOCKLEY COTTAGE TO WHITLEY RIDGE DISCHARGE

Following recent verge clearance, cut holly was left alongside the road. Ponies subsequently dragged it onto the road where it created a hazard to both stock and motorists.

It was also pointed out that following gorse cutting, in some areas regimented straight lines have been left by the flail mower which look unsightly.

In reply the Deputy Surveyor said the contractors would be asked to ensure cut material is dragged well away from the road and he added that usually the edge is varied when cutting very thick gorse to avoid straight lines.

The Deputy Surveyor and Mr Street left the meeting.

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

2009/4108 PUBLIC CONSULTATION ON REVISED EQUINE IDENTIFICATION LEGISLATION RESUME
March

The combined views of the New Forest Commoners' Defence Association, the New Forest Pony Breeding and Cattle Society, the New Forest Livestock Society and the Verderers have been included in a response which will be forwarded to DEFRA in the next week.

2009/4109 DEFRA CONSULTATION ON THE CODE OF PRACTICE FOR THE WELFARE OF EQUINES DISCHARGE

Following consideration of the document, it was felt there is nothing of concern to the Court which warrants a response.

COUNTRYSIDE STEWARDSHIP SCHEME

2009/4110 UPGRADE TO HIGHER LEVEL SCHEME (HLS) DISCHARGE

The letter of reassurance from Natural England has not yet been received.

The Verderers' Stewardship Scheme Manager, Mr Draper, is reportedly assisting some people with their HLS applications. It was suggested this may be a good opportunity to resolve certain long standing issues such as dumping of concrete waste at Waterslade. The Official Verderer will speak with Mr Draper.

NATIONAL PARK

2009/4111 STATUTORY BODIES LIASON GROUP RESUME

Mr Pasmore attended the meeting in place of the Official Verderer. The meeting basically set out the Park's plans for the next steps in relation to its Management and Recreation Plans.

In respect of the Forest Management part of the plans, various workshops will be held around the Forest as before in order to canvas views prior to a final draft of the document being produced.

As far as the planning document is concerned, after a further six week's statutory consultation period there will be a public enquiry during which an Inspector will invite people to put forward their views.

The Chief Executive has stated that once all the plans are complete, she expects all the statutory bodies to sign up to the plans and append their logos.

The Court expressed concern that it will not be able to sign up to the plans if they are at odds with its policies or are, in its opinion, damaging to the Forest, or if they do not have regard to National Park purposes in the correct priority. The Official Verderer said he would advise Ms Cornish of the Court's concerns.

2009/4112 DEFINITION OF A COMMONER

DISCHARGE

A letter has been received from the National Park Authority setting out its position regarding planning applications and commoners. The letter dated 16th January 2009 will be circulated to all members of the Court.

OTHER AGENDA ITEMS

2009/4113 REMOVAL OF THE FOREST PERAMBULATION FROM THE ORDNANCE SURVEY LEISURE MAPS

RESUME

Concern was expressed that the statutory perambulation of the New Forest (delineated by the 1964 New Forest Act) has been deleted from the Leisure Map and replaced by the National Park Authority's boundary. The Clerk was asked to write to the Ordnance Survey explaining the importance of this statutory boundary and requesting its reinstatement.

2009/4114 POLICY FOR DEALING WITH UNIDENTIFIED ANIMALS FOUND ON THE FOREST

DISCHARGE

The draft policy drawn up by the Clerk for dealing with unidentified animals was approved unanimously and will in future be applied at all times when dealing with unidentified/abandoned animals in the Forest.

2009/4115 FEEDING ON THE FOREST

DISCHARGE

A detailed debate took place concerning certain problems that have been identified resulting from some commoner's stock feeding activities.

The Court agreed that feeding on the Forest is not a right but a privilege which must not be abused. The system of requesting the Forestry Commission and Natural England to authorise sites where commoners may feed their stock on the Forest will continue. However, supervision of the sites will be improved with the Agisters being instructed to report any commoner who is not feeding on his/her agreed area(s) to the office. The point is to ensure that feeding on the Forest does not cause unacceptable damage to the fabric of the Forest or inconvenience to other Forest users. Commoners may be asked to move feeding areas from time to time to prevent problems.

MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS

There were no reports.

STAFF MATTERS (including the Staff Committee)

2009/4116 AGISTERS' MILEAGE

RESUME
March

The cost of diesel appears to be remaining more or less static and as agreed, the rate paid to the Agisters has been reviewed again. As a result the decision was made that the rate be reduced to 22p per mile with effect from 1st February. The rate to be reviewed again in two month's time. This was agreed unanimously.

TRAINING

No training is currently being undertaken.

HEALTH AND SAFETY AT WORK

2009/4117 HEALTH AND SAFETY REVIEW

DISCHARGE

A health and safety review is to be undertaken shortly.

ANY OTHER BUSINESS

2009/4118 CONTRACTS OF EMPLOYMENT

DISCHARGE

The Contracts of Employment for the Court's employees are also being reviewed to ensure they comply with current legislation.

2009/4119 OFFICE CHRISTMAS CLOSURE

DISCHARGE

It was suggested that the period the office was closed over Christmas was rather long. However the Official Verderer explained that the period of closure is in line with the Forestry Commission and has been accepted for many years. This year was slightly longer than usual due to the dates on which Christmas and New Year fell.

2009/4120 USE OF QUAD BIKES ON THE FOREST

DISCHARGE

The Official Verderer reported that the Deputy Surveyor wishes the Court to know that he will be writing to a number of people who have been seen regularly using quad bikes on the Forest. He has asked for the Court's support in requesting these individuals to stop using this method of transport. It was agreed that the use of quad bikes, even by those with a permit to take vehicles onto the Forest, is undesirable. It was noted that the Forestry Commission's Keepers do use quad bikes for specific purposes, such as extracting deer carcasses from areas where there is no alternative. Accordingly, the Agisters will be advised that they must not use quad bikes, not least because of health and safety implications.

There was no further business and the meeting closed at 1.20 p.m.