

MINUTES of the Court of Verderers held on Wednesday 20th January 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 J F Kitcher	Elected Verderer & Chairman of the Staff Committee
	Miss D Macnair	Elected Verderer
	Mr C Maton	National Park 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:	Mr A Gerrelli	Elected Verderer
	The Hon Mr R Montagu	Forestry Commission Appointed Verderer

IN COMMITTEE in the Library

2010/4711 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 16th December 2009 were approved.

2010/4712 CONDITION OF STOCK RESUME

The Head Agister reported that whilst the recent cold and snow did not seriously adversely affect the animals, the wet weather beforehand did. However the snow and ice prevented the commoners and Agisters from riding and driving in stock and in any event it was not safe to tow a trailer on the icy roads.

Some ponies are below the condition standard set by the Verderers and these animals are being caught and removed as quickly as possible. These, as usual, are mostly mares with foals and 2 and 3 year olds who are changing their teeth.

Since Christmas 117 animals have been removed and 12 animals have been destroyed, some being older animals which the Agisters have been asked by their owners to humanely despatch. The Agisters have been extremely busy.

Having said all this, a lot of stock looks absolutely fine. The Forestry Commission is cutting holly which is helping the ponies maintain condition.

The Agisters are arranging sweeps with commoners who usually help and some commoners are catching their own stock.

Miss Macnair commented that some are coughing. There appears to be a virus going round which is not strangles. The Head Agister reported that one commoner has had her animals examined by a vet and he has confirmed that her animals do have a virus. Animals which catch this illness seem to lose condition extremely quickly. Antibiotics will help with any secondary infection but they do not work against viruses.

The Official Verderer remarked that clearly the Agisters have been extremely busy and he recognised that getting round the Forest over the past few weeks has been extremely difficult. To have caught so many in a relatively short space of time is no mean feat.

The Head Agister left the meeting and Mr Kitcher commented that he couldn't really add much more. Some young ponies are worse than some mares with foals. The Agisters can't do more than they are. Some commoners are catching their own animals, particularly in the south but it is recognised that some commoners in the north do rely almost entirely on the Agisters.

Mr Maton commented that some ponies have lost condition in 2 weeks and he remarked that the Agisters do a good job.

Mr Frost asked if there have been any problems disposing of carcasses. The response was that the Kennels have been extremely busy but to date it appears they are coping.

2010/4713 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2010/4714 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.

Mr Kitcher declared an interest in Network Rail's vegetation clearance operations.

2010/4715 FINANCIAL STATEMENT RESUME

The Financial Statement for December 2009 was approved.

2010/4716 REPORT ON MARKING FEES RECEIVED AS AT END OF DECEMBER 2009 RESUME

Ponies	4834	Pigs	324
Cattle	2539	Sheep	91
Donkeys	128		
SUB TOTAL	7501	TOTAL ALL ANIMALS	7916

2010/4717 ANIMALS REMOVED IN DECEMBER DUE TO POOR CONDITION RESUME

14 mares with foals	15 fillies
1 mare	1 colt

2010/4718 BYELAW ENFORCEMENT RESUME

No new byelaw offences have been reported by the Agisters.

- 2010/4719 REVISION OF THE VERDERERS' BYELAWS RESUME
We are awaiting confirmation that the Minister has signed the byelaws.
- 2010/4720 STALLION SCHEME RESUME
A meeting of the Stallion Sub-Committee is to be held this afternoon.
- 2010/4721 30 MPH SPEED LIMIT RESUME
The Official Verderer wrote to Cllr Ken Thornber (HCC) and he has replied. The proposals for the 9 pinch-points on the Burley Road at Brockenhurst are awaited.
- 2010/4722 DRIVE SAFE DAY – DRIVING INSTRUCTORS RESUME
The Clerk has written to Hampshire County Council's Road Safety Team and is awaiting a reply.
- 2010/4723 THE ATLAS PROJECT RESUME
The computer required to operate the system will be purchased shortly.
- 2010/4724 TOURISM CAN DISCHARGE
It was agreed that this item can be discharged.
- 2010/4725 AFRICAN HORSE SICKNESS RESUME
Miss Macnair and Mrs Thorne will prepare a draft response for discussion at the next Court.

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

- 2010/4726 VERDERERS' ELECTION
The election took place on 27th November last year with four candidates contesting the three positions. The turn out was just over 50%, which I believe is the average turn out historically for our Verderers elections, with 1,282 votes being cast.
Both Anthony Pasmore and Anthony Gerrelli were re-elected, and Richard Deakin was newly elected as a Verderer and I am very pleased to welcome him to the Court.
- 2010/4727 COUNTRYSIDE STEWARDSHIP SCHEME (CSS)
As promised, cheques were posted in early December to all participants in the scheme, and application forms for this year's scheme will be sent out in February.

2010/4728 HIGHER LEVEL SCHEME (HLS)

Matters have been progressing rapidly, and much of the essential documentation for upgrading our existing CSS to HLS is now almost ready. Work is also nearing completion on a separate agreement between the Forestry Commission, the National Park Authority and ourselves, that will effectively create the partnership that will oversee the Scheme, and that agreement needs to be jointly signed before we enter in to the actual HLS agreement with Defra.

The plan is for the HLS Partnership to automatically spring into existence the moment that the HLS agreement is signed which, barring any last minute difficulties is planned for 1st March this year. From inception the HLS will be managed by what will be called the HLS Board which will be comprised of the three partners as voting members, and representatives from Natural England and the Commoners Defence Association as non-voting members.

Fuller details of the actual sums involved, the management structure and the projects that will be launched in the first 24 months of the HLS will be announced next month.

2010/4729 WELFARE TOUR

The Verderers' Winter Welfare Tour, held in December, was attended by representatives of the RSPCA, the British Horse Society, The Horse Trust, World Horse Welfare (formerly ILPH), the Donkey Sanctuary, the New Forest Commoners' Defence Association and the New Forest Pony Breeding and Cattle Society, as well as the Regional Field Manager from the Government's new Animal Health Agency (formally the DEFRA State Veterinary Service).

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 444 ponies were inspected, as well as 17 donkeys and several cattle.

All representatives present remarked how surprised they were to see the good condition of all the animals seen, particularly in view of the wet and windy weather we have recently experienced, as well as the first of the winter frosts. Once again the Agisters were praised for the excellent job they have done in removing ponies which have fallen below the Verderers' standard.

2010/4730 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 2010.

ANIMAL ACCIDENT REPORT

2010/4731 ACCIDENT REPORT FOR 2010

The agisters attended 196 accidents, compared with 152 in 2008 and 167 in 2007.

65 ponies were killed and 26 injured (12 were wearing collars).

5 cattle were killed and 7 injured

4 donkeys were killed and 4 injured and 1 pig was killed.

108 accidents occurred during the hours of darkness, 25 at twilight and 63 in daylight.

157 involved private cars or light commercials, 1 involved a heavy vehicle and 3 involved motorbikes. 35 accidents were not reported. 100 accidents involved local motorists.

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

There were no Presentments by the Deputy Surveyor

PRESENTMENTS

There were no Presentments at this Court.

IN COMMITTEE in the Library

NEW SUBMISSIONS BY THE FORESTRY COMMISSION

2010/4732 ELLINGHAM SPORTS CLUB

RESUME
December
2010

Ellingham Sports Club has decided that rugby shall no longer be played at Picket Post. The Ground will from now on be used for cricket only, the Rugby Club having moved to Ringwood. The Club wishes to create a new cricket square 225 square metres on the lower sports field. This will be fenced with posts and three strands of plain wire. At the same time, the current cricket square on the top sports field will be reduced by 250 square metres. This will result in a net gain in grazing available to the commoners' stock of 25 square metres. The Club will remove and dispose of the redundant rugby posts and the existing railings round the fenced area on the top sports field. All will be disposed of off site.

The proposals will provide a place for the Third XI to play but will result in a reduction in sporting activity from approximately 50 rugby games to a maximum of 9 games of cricket. Heavy wear to the grass sward during the winter months will stop.

The Court was mindful of the past problems with this sports club where all sorts of machinery and rubbish has been left laying around on the Open Forest creating a hazard to stock and necessitating numerous requests for it to be cleared up.

In view of the past problems, but taking account of the claim that the use of the Ground will be less intensive in future, the Court approved the proposals on a temporary basis for 12 months. Permanent consent is dependent upon the removal of all rubbish and equipment from the Open Forest.

2010/4733 HOLMSLEY GATEHOUSE

DISCHARGE

The Forestry Commission and the present owner of No. 11 Gatehouse are seeking to regularise the situation as regards the present property, its curtilage and car parking. Since the original Crossing Keepers' Cottage was demolished, and the present building constructed, there have been various issues relating to the property including drainage and a number of encroachments which may include a filtered sewage discharge.

Court confirmed it is happy to approve this expenditure.

The Forestry Commission confirmed that providing the Verderers are willing to do the work, pay for the materials and maintain the fencing and gates in the future they have no objection to the proposals.

2010/4739 HUSKY EVENT

DISCHARGE

Concern was expressed that the marshalls at this event appeared to be under the impression that they had exclusive use of the inclosure whilst the event was taking place. This was felt to be an inappropriate use of the Forest.

The Deputy Surveyor apologised for the reportedly impolite manner in which Mr Kitcher was addressed by one of the marshalls at a recent husky event. He agreed that clearer guidance about commoning and commoners needs to be communicated to the organisers of events where marshalling is required. Marshalls should be managing safety, not preventing access.

Unfortunately, there was reportedly a second incident where a commoner was less than polite to a marshall and so there are clearly communication issues which need to be addressed.

The marshalls should be present to ensure that legitimate and urgent access can take place safely. They are in radio contact and in this instance it should have been possible to stop the sleds temporarily to allow the commoner's vehicle through.

This particular event has been running for nearly 20 years without problems. The relationship with the organisers has been very good. The event takes place on gravel tracks only and advance warning signs are erected. The event is also on the permissions list, a copy of which is kept in the Verderers' Office and copies are sent to the Agisters each week.

2010/4740 WORKS ON THE OPEN FOREST

DISCHARGE

The Deputy Surveyor said the present conditions covering works on the Open Forest are quite stringent and reasonable and it was agreed that it is not necessary to consider this matter further.

2010/4741 ROUNDHILL FACILITIES BLOCKS

DISCHARGE

Forest Holidays has advised the Forestry Commission that whilst its aspiration is to realign the facilities blocks it does not intend to apply for planning permission this year.

A site meeting is to take place shortly between Forest Holidays and Natural England to look at the state of the ground and any re-instatement issues.

No more hard-standing or gravel areas will be laid.

2010/4742 LIMWOOD, PONDHEAD DISCHARGE

It was confirmed that there is no planning permission for a helicopter landing pad. However, it seems there may be a surfaced helipad on the property. Mr Maton said he will advise the planning department. Some commoners have apparently expressed concern that Forest stock and animals in neighbouring fields may be frightened by a helicopter taking off and landing but it was pointed out that helicopters have flown in and out of New Park for years. It seems the animals soon become used to them – even deer.

2010/4743 BRAMSHAW GOLF CLUB LICENCE RENEWAL RESUME

The Forestry Commission provided 4 copies of the Management Plan. An electronic version is also available. The Deputy Surveyor said the Plan should address the Court's concerns about the effect of the course on the commoners' grazing. The Forestry Commission and Club would prefer a 25 year licence with a 10 year break clause if conditions of the licence are not met.

2010/4744 CAMPSITE SURVEY UPDATE RESUME

Mr Frost reported that he is attending a meeting tonight and will update the Court in February.

SSSI RESTORATION WORKS

2010/4745 WARWICKSLADE CUTTING SOUTH RESUME
April

A report on the current state of the area was circulated prior to the meeting, together with the Forestry Commission's response.

The Forestry Commission was keen to point out that the project is not complete. The contractors were obliged to pull out due to the very wet ground conditions before Christmas in order to comply with the Verderers' condition in their consent that damage to the site must be kept to a minimum.

There have been serious differences of opinion about what was agreed and what has actually been carried out. The Court felt that the Forestry Commission has not adhered to what was agreed, however the Forestry Commission feels it is unfair to judge the result until the works have been completed.

Particular issues have been raised concerning ground levels in the stream i.e. precisely what is meant by "clearing a ditch", incorrect "falls" and trees that appear to have been deliberately felled over the watercourse in order to assist the formation of debris dams.

It was suggested that what had originally been a free-flowing, self maintaining system now has a number of embryo debris dams which may result in flooding of the adjacent lawns.

The Deputy Surveyor suggested that it is necessary to wait until the spring to see what happens but he did agree that cut trees should not be placed across the stream. He added that they can agree what is meant by clearing a ditch. The Deputy Surveyor went on to say that

the job is not yet finished and he said the Forestry Commission must be given the opportunity to finish the works. He said he will look at the issue of the trees and also the falls.

2010/4746 HARVESTLADE

RESUME

Most of the works set out in the paper following the site meeting of the 7th September were agreed. However, there are two meanders, extending to 117m in total which have become apparent following scrub clearance. The proposal is to re-instate the meanders. Mr Frost and Mr Pasmore wish to visit the site to look at the area. It was agreed therefore, that this matter will be resumed at the next Court.

2010/4747 BLACK GUTTER AND DITCHEND BROOK

DISCHARGE

The proposals for the restoration of these streams were considered.

Mr Pasmore was concerned at the protection of the Ford in Ditchend Bottom. He requested tighter wording on the restoration as this is a very important crossing. Agreement must be reached on the depth of the ford – 12" to 18" is felt to be the maximum acceptable; the nature of the base material (which must not be rejects but needs to be a soft gravel type base, safe for horses), and re-reinforcement of the approaches.

Concern was also expressed about the outfall from Pitts Wood where there is an enormous amount of cut timber laying around. There are constant blockages on Must Thorn Bottom which will continue until the timber is cleared up. It was felt that reviews via the OFAC would not be satisfactory because of the infrequency of the meetings and the time it takes to get anything done. The situation will become far worse if the channel is shallow.

The Deputy Surveyor suggested the Court, which meets monthly, would be a better option for voicing concerns and also by direct contact with Mr Dave Morris and Mr Richard Stride. Arrangements can then be made for the problems to be dealt with when there is a working party in the area.

Subject to these matters being satisfactorily addressed the Court was prepared to approve the proposals.

2010/4748 FLETCHERS WATER

RESUME

Unfortunately the planned site meeting on the 28th January is not convenient for a number of Verderers who wish to attend. It was suggested that the 29th would be more convenient and the Deputy Surveyor agreed to ask Ms Sarah Oakley to try to re-arrange the meeting for that date. The matter will be resumed at the next Court.

2010/4756 FRITHAM HOUSE – ILLEGAL PARKING RESUME
July

This is another area where car free ditching and dragons teeth are needed. Mr Street said he has dealt with the illegal parking but it is felt the problem is likely to re-occur. The Deputy Surveyor said this is another area where works are planned but cannot be undertaken at present.

2010/4757 DAMAGE TO VERGES IN THE VICINITY OF THE ROYAL OAK, FRITHAM RESUME
May

The problem of damage to the Forest caused by verge parking has yet to be addressed. The Deputy Surveyor repeated what he has said in the past, that the issue needs input from a number of agencies to avoid the risk of the problem simply being transferred elsewhere in the area. However, in order to proceed, evidence is required as to whose cars are creating the problem – are they customers at the Royal Oak or other visitors to the area. It was agreed the matter will be resumed in May and it is hoped that in the meantime some progress can be made.

The Deputy Surveyor and Mr Street left the meeting.

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

The matters on the Agenda under this heading were dealt with prior to the Open Court.

VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME (CSS)

2010/4758 CSS UPDATE RESUME

Everything is progressing normally. The Scheme Manager is preparing to receive applications for the next scheme year.

VERDERERS' HIGHER LEVEL STEWARDSHIP SCHEME (HLS)

2010/4759 HLS UPDATE RESUME

The Official Verderer updated the Court on the progress of the scheme.

NEW FOREST NATIONAL PARK

2010/4760 RECREATION MANAGEMENT PLAN RESUME

The latest draft of the Recreation Management Plan has been published for consultation. The NPA would like the support of the other Forest management bodies. The Official Verderer suggested that individual Verderers should contact Mr Trotter direct if they wish to comment on the plan. The Official Verderer will write to Mr Trotter concerning the Court's position and the use of the logo.

MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2010/4761 CONSULTATIVE PANEL DISCHARGE

Wiltshire County Council advised that works on the A338 that it was originally intended would be carried out under a road closure will instead be carried out using temporary traffic lights. Concern was expressed that the inevitable delays would result in motorists seeking alternative routes, including across the Open Forest. Wiltshire County Council responded to the concerns by agreeing to erect additional temporary signs on the Open Forest roads warning motorists to expect wild animals and stock on the roads. It is hoped the signs will help to limit the number of road accidents involving Forest animals.

STAFF MATTERS (including the Staff Committee)

2010/4762 AGISTERS' EXPENSES RESUME

The Clerk reported that she has written to the Inland Revenue regarding the proposed increase in Agisters' expenses and a response is awaited.

2010/4763 AGISTER MIKE LOVELL'S CONDITION DISCHARGE

Agister Lovell is almost fully recovered.

2010/4764 HELPERS ON DRIFTS DISCHARGE

To assist the Agisters in managing uninvited public who attend drifts, it would be most helpful if Verderers could attend where possible. Members of the Court agreed they will do their best to help.

TRAINING

2010/4765 HUMANE SLAUGHTER & MANUAL HANDLING RESUME

The Clerk said she will discuss additional training with the Head Agister.

HEALTH AND SAFETY AT WORK

2010/4766 HEALTH & SAFETY REVIEW DISCHARGE

The review is complete and each Agister has been provided with a folder in which is contained risk assessment and training sheets together with other relevant health and safety documentation.

ANY OTHER BUSINESS

2010/4767 UNCO-OPERATIVE COMMONERS DISCHARGE

It was suggested that commoners who do not co-operate with the Agisters should lose some of their CSS payment. The sub-committee would require the necessary information in order that a decision can be made. It was agreed the Stewardship Scheme Manager should liaise with the Head Agister.

2010/4768 IMPOUNDED PONIES

DISCHARGE

The Clerk suggested that the £1.00 per day currently paid to any Agister who is looking after an impounded animal should be reviewed. The Court unanimously agreed that the sum of £15.00 per week plus expenses (hay, bedding, hardfeed etc.) should be paid in respect of each animal. At present the Head Agister has three unbranded geldings, removed from the north of the Forest. These animals will be advertised as soon as possible.

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

2010/4769 BRAMSHAW GOLF CLUB LICENCE RENEWAL

RESUME

Sarah Kelly, the Landscape Officer at the National Park Authority should be asked to undertake a Landscape Assessment of the Golf Course.

In addition, members of the Court need time to consider the Management Plan, which was provided by the Forestry Commission earlier in the meeting.

For these reasons a decision on this matter will be deferred until February.

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