

**MINUTES of the Court of Verderers held on Wednesday 13<sup>th</sup> January 2016 at 9.30 a.m. in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.**

PRESENT:	Mr Dominic May	Official Verderer
	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	Mr A B Dowsett	Forestry Commission Appointed Verderer
	Mr J Greenwood	Elected Verderer
	Mr E Heron	National Park Appointed Verderer
	Miss D Macnair MBE	Senior Elected Verderer
	Mr G M H Mills	DEFRA Appointed Verderer
	Mr A H Pasmore	Elected Verderer
	Mr D Readhead	Elected Verderer
Mrs D Westerhoff	Natural England Appointed Verderer	
IN ATTENDANCE:	Miss S Westwood	Clerk to the Verderers
	Miss Justine Bayley	Assistant Clerk to the Verderers
	Mr J R Gerrelli	Head Agister

**IN COMMITTEE in the Library**

2016/8409 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on 16<sup>th</sup> December were approved and signed.

2016/8410 DECLARATIONS OF INTEREST RESUME

The Official Verderer, and Elected Verderers Mr Deakin, Mr Greenwood, Miss Macnair and Mr Readhead all declared an interest in the New Forest Higher Level Stewardship Scheme, the Verderers Grazing Scheme, and the new Basic Payment Scheme. Mr Pasmore declared an interest in the new Basic Payment Scheme.

Miss Macnair is a member of the New Forest Pony Breeding and Cattle Society Council.

Mr Deakin, Mr Readhead and Mr Greenwood are members of the New Forest Commoners' Defence Association committee. Mr Deakin is also Treasurer.

Mr Dowsett is a Forestry Commission Volunteer Ranger.

Mr Deakin and Mr Readhead are members of the New Forest Stallion Syndicate.

Mr Greenwood is employed part-time by Cadland Estate and therefore has an interest in the Stallion Grazing. Mr Greenwood also has a stallion of his own.

Mr Deakin and Mr Readhead are Directors of the New Forest Livestock Society.

Mrs Westerhoff is a tenant of the Forestry Commission.

Cllr Heron declared his membership of Hampshire County Council, New Forest District Council and the New Forest National Park Authority. He will declare any additional interests that may arise during the course of the meeting at the item.

Mr Mills advised the Court that he owns a commercial riding establishment at Bagnum.

2016/8411    CONDITION OF STOCK    RESUME

The Head Agister told the Court that overall stock is still looking well; the dry cold weather is a welcome change as the cold wet spell has taken a toll on some younger ponies. Mares with foals are also starting to lose condition, but overall there are no major concerns and the Agisters will continue to monitor stock closely. This is a busy time of year for the Agisters who are occupied with marking cattle.

Richard Deakin asked the Head Agister if he is aware of any holly pollarding being carried out. The Head Agister has spoken to Richard Stride about track clearance at Thorney Hill, but as yet nothing has been done. He went on to say that the FC is late to start pollarding. They usually start with the first frost. Richard Deakin said that with the wet conditions on the Forest, and this being a job to be carried out on foot, he thought it would have been started before now.

2016/8412    REPORT ON ANIMALS REMOVED FROM THE FOREST    RESUME

This very useful report had been circulated prior to the Court.

2016/8413    STOCK DEATHS - OTHER THAN ROAD TRAFFIC ACCIDENTS    RESUME

This very useful report had been circulated prior to the Court.

2016/8414    REPORT ON MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR    RESUME

	<u>2015</u>	<u>2014</u>
Forest Ponies	4649	4310
Forest Cattle	3346	2709
Forest Donkeys	107	96
Forest Pigs	372	140
Forest Sheep	0	0
Total Forest Stock	8474	7255
Common Ponies	715	727
Common Cattle	1137	1098
Common Donkeys	93	60
Common Pigs	63	23
Common Sheep	232	142
Total Common Stock	2240	2050
Ponies, Cattle & Donkeys on the Forest	8102	7115
Ponies, Cattle & Donkeys on the Commons	1945	1885
Total Ponies, Cattle & Donkeys	10047	9000
Total Stock – Forest & Commons	10714	9305

The impact of the Basic Payment Scheme on the increase of stock numbers was discussed. There are differing opinions on whether the BPS will continue to have an influence on the number of stock turned out in the future.

2016/8415 BYELAW ENFORCEMENT

DISCHARGE

The Head Agister advised the Court of an outstanding pannage pig in Linwood. It was seen by the Agister on Monday 11<sup>th</sup> January who advised the pig's owner of its location and asked him to remove it from the Forest immediately. It is felt that the Commoner involved has no legitimate excuse for not removing his animal at the end of pannage. The Commoner is also known to have not complied with the turn out conditions of the Right of Common of Mast in previous years. The Clerk will write to the Commoner to tell him that he must remove his pig from the Forest immediately.

Action  
Clerk

**Head Agister Jonathan Gerrelli left the meeting.**

2016/8416 ANNOUNCEMENTS & DECISIONS

RESUME

The Announcements and Decisions were approved.

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

IN ATTENDANCE: Mr Bruce Rothnie, Deputy Surveyor

**ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER**

'Happy New Year everyone, and welcome to our first Court of 2016, welcome to our new Verderers, Jim Greenwood and Anthony Pasmore who joined the Court in December 2015.'

2016/8417 LATCHMORE WETLAND RESTORATION

'Thank you to Fiona Macdonald for coming to our November Court and sharing with us her concerns about the bullheads, sea trout and European eel. I can assure her that fish are considered within the Environmental Statement which is prepared for the Planning Application.

Coincidentally, in our November Court committee, the Deputy Surveyor showed us a film of a brown trout spawning in the stream at Harvest Slade Bottom, four weeks after the completion of the wetland restoration. This film can be viewed on the HLS website.'

**ANIMAL ACCIDENT REPORT**

2016/8418 THE ANIMAL ACCIDENT REPORT FOR 2015

**THE ANIMAL ACCIDENT REPORT FOR DECEMBER 2015**

The Agisters attended 11 accidents in December 2015. This compares with 21 in December 2014.

3 ponies were killed or had to be destroyed and a cow and a donkey were injured. In the remaining accidents, the animals were either uninjured or nothing was found.

10 accidents occurred in the dark and 1 at twilight.

5 motorists were local.

## **THE ANIMAL ACCIDENT REPORT FOR THE WHOLE OF 2015**

The Agisters attended 127 accidents in 2015. This compares with 140 accidents in 2014, so this is a welcome reduction.

24 animals were killed outright, 8 were ponies wearing collars, 31 animals were injured and had to be destroyed, a further 21 suffered less serious injury, 8 were uninjured and in 43 instances nothing was found.

31 accidents occurred in daylight, 17 in twilight and 79 in the dark.

18 accidents were not reported.

In percentage terms, the number of animals killed in road traffic accidents in the Forest in 2015 was 0.51% of all stock depastured. This is the lowest percentage on record.

## **THE SPEED CAMERA VAN**

Since the 1<sup>st</sup> of October 2015, the start of the 2<sup>nd</sup> year of the Initiative, the Speed Camera Van has caught 2573 drivers speeding on the Forest's roads. 1018 of these were on the unfenced roads.

## **PRESENTMENT BY THE DEPUTY SURVEYOR**

### **2016/8419 SLIPPERY BRIDGES**

'I would like to respond to the presentment made by Ailsa Farrand on behalf of the NFEA in the November Court expressing concern for the slippery nature of some wooden bridges around the Forest and with specific reference to bridges near Beaulieu Road that span the railway.

We are grateful to the Chairman of the NFEA for sharing his recent correspondence received from the Railway Minister which appears to place the responsibility for the maintenance of the surface of the railway bridges with the Highways Authority. However, we have yet to test whether this general statement does apply to the bridges over the railway in the Forest. I am pleased to see that all the Forest bodies are working closely together on this, sharing information and I am hopeful that this co-operation will lead to remedial action.

With regard to concern for bridges around the Forest, the Forestry Commission has recently changed to fitting non-slip surface strips which are screwed to the wooden deck. We believe this new surface will be both practical and longer lasting than former materials. 15 bridges around the Forest have had these strips fitted to date. A further programme of work will occur as funds allow, but we have prioritised those sites where specific concerns have been raised and where other repairs have had to take place. We are grateful to NFEA members for continuing to report any sites of particular concern.'

## **PRESENTMENTS**

### **2016/8420 EXBURY ESTATE FENCES**

Presentment by Kay Harrison practising Commoner, on behalf of the NFCDA

'I am here to make a presentment on behalf of the New Forest Commoners Defence Association.

I would like to talk about, and ask for help with, the Forest boundary fence that runs from

Otterwood Gate near Moonhills, Hilltop, across Cowleys Heath, up to and inside Kings Copse Inclosure. In previous times this was the Exbury Estate Forest boundary, but with some woodland parcels having been sold in 2015, is now under multiple ownership.

Some members of the Court may be aware that a small number of Forest Animals have been finding their way into Exbury Estate from the Forest for most of the past year. In more recent times, following further fence degradation, animals have been able to access the estate without any impediment, with the consequence that huge numbers can be found inside the estate on a daily basis. These animals roam the woodlands, break into private property, and graze the verges of Summer Lane, the main route to Exbury Village. It has been common place for the local Agister, the Police and local residents to return animals from this road to the Forest on several occasions every day. More than 100 animals were driven out over the Christmas week. The major concern is associated with the presence of animals on the roadside in an area that is protected by a Forest boundary grid, with drivers not expecting to encounter animals. Ill-informed public comments on social media have blamed the animal owners. However, the Commoners are lawfully depasturing their stock and the fault clearly lies with land owners on the Forest boundary who are failing to maintain their fences. There have been near misses, and it is inevitable that eventually there will be a road traffic accident with the potential for serious injury to animals and vehicle occupants.

While there are many weak points along the entire boundary fence, the obvious points of access are several significant gaps in the fence of the aerial field at Cowleys Heath. This section is still owned by Exbury Estate, which is aware of the failure of the fences and of the presence of animals in the Estate.

Could we ask that the Verderers use their influence to ensure that Exbury makes its boundary fence stock proof as a matter of extreme urgency, before there is a loss of human or animal life on Summer Lane.

Could we also ask that all other new owners of boundary fences in this area are made aware of their duty to maintain stock proof Forest boundary fences, and of the potential for damage claims against those owners should Forest animals stray into danger through their defective fences.

Thank you.'

2016/8421 EXBURY ESTATE FENCES  
Presentment by Mr Chris Aldhous

'I am no stranger to this Court, having made my first presentment when John Burry was Official Verderer. I turn out ponies and have a few acres around the Forest including land off Summer Lane, Exbury.

Since before Christmas ponies and cattle from the Forest have been crossing the Exbury Estate to the track alongside my property.

From there they have direct access to Summer Lane on the wrong side of the cattle grid.

They are both a nuisance and a danger both to road users and themselves.

Initially we drove the ponies into a pen on my property and phoned the Agister, but a very short time after he had collected the animals they were back.

I would ask the Verderers to ensure that those responsible get the fences repaired to an acceptable standard as soon as possible.'

2016/8422 EXBURY ESTATE FENCES  
Presentment by Mr Brian Ingram, Practising Commoner.

'I would like to support the last two presentments; on several occasions with the Agisters I have removed Forest animals from the Exbury Estate. Almost as soon as they are removed they are back in through another gap in the fence. Exbury Estate as the original land owner should be aware of its responsibilities regarding its Forest boundary fences and should also know who their land has been sold or leased to and should have made the new occupiers aware of their responsibilities.'

2016/8423 FUELWOOD ALLOCATION  
Presentment by Mr Graham Baker

'I made a presentment to the Court last year regarding my wood allocation being uncollectable due to the size of the stacked logs.

I would like to publicly thank the Deputy Surveyor and staff for this year's allocation. The logs were stacked in a size that two men could easily lift into a trailer.

Mr Rothnie, Thank you.'

2016/8424 EXBURY ESTATE FENCES  
Official Verderers response

'Thank you for your presentments regarding the Forest boundary fence at Exbury Estate. Land owners should fence their land against legally depastured stock. The Office has been in contact with Exbury Estate and we will carry on fighting this issue.'

### IN COMMITTEE in the Library

#### CONSIDERATION OF PRESENTMENTS

2016/8425 EXBURY BOUNDARY FENCING

DISCHARGE

Mr Deakin said he has personal history of the fencing issues at Exbury Estate. For years the Estate has been aware of animals living within its boundaries. Agister Lovell removes the animals, but they are soon back in. This has not caused any real issues until just before Christmas when the number of animals on the Estate dramatically increased. Agister Lovell visited the Estate office and met with Mr de Rothschild, but nothing came from the meeting.

Agister Lovell then contacted the Clerk for help and she telephoned the Estate Office. Mr Deakin, as a local representative of the Commoners and in his capacity of Verderer, went to meet with the Agent on the 21<sup>st</sup> December 2015. The agent claimed to have no knowledge of his fencing responsibilities and said that the land was tenanted.

The situation escalated on Boxing Day when 30 cows were removed from the Estate, 10 cows were removed on the 27<sup>th</sup> Dec, and 40 on the 29<sup>th</sup>. Agister Lovell has been called out to remove animals at least twice a day on most days since before Christmas, and has received help from the police and local Commoners.

As the Estate Office was closed for the Christmas period, Mr Deakin wrote a letter to the Estate to remind it of its legal obligations should anything

happen to a member of the public or a Forest animal as a result of it getting through the Estate's boundary. On the 11<sup>th</sup> January a temporary, ineffective repair consisting of a single strand of electric tape was made, however, not all the gaps were filled and it was not long before the animals were back in again. Richard Deakin again visited the Estate Office and advised that a presentment would probably be made in Open Court as the Commoners were being unjustifiably blamed for the problem. The Exbury Agent confirmed to Mr Deakin that the Estate definitely own the problem stretch of fence.

The Official Verderer thanked Mr Deakin for his efforts in trying to resolve this matter.

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

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|-----------|---|-----------------|
| 2016/8426 | ROAD HAUNCH REPAIRS. BROOMY PLAIN ROAD AND HOLMSLEY PASSAGE   | RESUME<br>March |
|           | Cllr Heron advised the Court that he is still pursuing these matters and will be attending several meetings in the next few weeks.  | Action<br>EH    |
| 2016/8427 | WORDING OF THE 'NO CYCLING FROM CAR PARKS' SIGNS  | DISCHARGE       |
|           | The Deputy Surveyor advised that new signs have been ordered with the wording "No Forest Cycling from this Car Park". Upon receipt, the original signs will be replaced.  |                 |
| 2016/8428 | CLEAN FOR THE QUEEN   | RESUME          |
|           | The Deputy Surveyor has attended a meeting with the NFDC. An action group has been formed. Mr Dowsett is to attend the next meeting on 18 <sup>th</sup> January on behalf of the Court.   | Action<br>BD    |
|           | Cllr Heron said it is hoped that the NFNPA will take the lead to co-ordinate action and that NFDC will supply equipment to volunteers. The Official Verderer has contacted Walhampton School which would like to take part as part of its "Community Actions Initiative". It is hoped that the children from the school will take part in a clean-up in the Bull Hill and Norleywood areas. |                 |
|           | The Deputy Surveyor and Mr Dowsett will report back to the Court about who is doing what at the next Court. All the Forest organisations are keen to make this a success.   | Action<br>DS/BD |
|           | The Official Verderer will write to The Queen to advise Her Majesty that the initiative is being promoted in her New Forest by the Forest authorities.  | Action<br>OV    |

**SSSI RESTORATION WORKS**

- |           |   |        |
|-----------|---|--------|
| 2016/8429 | REPAIR AND MAINTENANCE LIST                   | RESUME |
|           | The Deputy Surveyor provided an updated list. |        |

2016/8430	SSSI RESTORATION PROJECT AT PONDHEAD	RESUME March 2016
	<p>The Deputy Surveyor provided the Court with a quick update on the SSSI Restoration Works at Pondhead. A detailed topographical survey has been commissioned to double check the flood risk for the planning application; the Deputy Surveyor will bring the results of the survey to the Court in March.</p>	
2016/8431	COXLEASE LAWN	DISCHARGE
	<p>The Meaning of "cleaning the ditch" needs to be specified. Mr Deakin recommended that the ditch cleaning be carried out first and suggested that Richard Stride be there to oversee the work and ensure the clearance is satisfactory. This must be undertaken before the remainder of the restoration work commences. The Court approved the proposal subject to Mr Deakin's recommendation and the usual three conditions regarding satisfactory reinstatement, safe working conditions, compensation for loss of grazing etc.</p>	
		Action DS/ R Stride
2016/8432	FERNYCROFT SOUTH	DISCHARGE
	<p>The Court approved the proposal subject to the usual three conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing.</p>	
2016/8433	THE NOADS MIRE	DISCHARGE
	<p>The Court approved the proposal subject to the usual three conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing.</p>	
2016/8434	DIBDEN BOTTOM 1, 2 & 3	DISCHARGE
	<p>The Court approved the proposal subject to the usual three conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing.</p>	
2016/8435	SUBURBS WOOD MIRE SITE VISIT	RESUME
	<p>A site visit is scheduled for Monday 25<sup>th</sup> January; the Official Verderer asked the Verderers who attended the original site visit to attend where possible and suggested it would be beneficial if Mr Pasmore and Mr Heron attend to aid discussion at the next Court.</p>	
2016/8436	HARVEST SLADE & TWO BRIDGES, BURLEY	DISCHARGE
	<p>Miss Macnair said that the previous flooding problems at Two Bridges just outside Burley have improved; she continued to say that that this may have been due to the Harvest Slade Restoration works.</p>	



## ENCROACHMENTS

2016/8437 ENCROACHMENTS INVOLVING THE FORESTRY COMMISSION INCLUDING ENCROACHMENT LIST UPDATE AND REPORT ON ANY NEWLY IDENTIFIED ENCROACHMENTS RESUME

An updated encroachments list was circulated and the various items discussed.

Little Bisterne – tarp and materials cleared in Sept  
Honey Lane – tarp and materials been there two months

Miss Macnair said that the material under a green tarpaulin at a property in Honey Lane, Burley had not actually been removed, despite the statement by the Land Agent at December's Court that it had been removed.

## ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2016/8438 CUTTING OF SILVER BIRCH AT WOODS CORNER BURLEY DISCHARGE

It is believed that a private resident has been cutting silver birch trees for fuelwood at Woods Corner in Burley. The Deputy Surveyor is to ask the Forestry Commission Keeper for the area to investigate. Action DS

2016/8439 DAMAGE CAUSED TO FOREST BY HOLLY CUTTERS DISCHARGE

There are reports of Holly Cutters causing damage to the Forest by driving 4x4 vehicles around Forestry Commission barriers. The Official Verderer asked the Deputy Surveyor to arrange for Gary North to conduct ditching repairs to prevent further possible damage at Bramshaw Telegraph and Dark Hat. The Deputy Surveyor said he will work to remedy this problem and will look at including licence conditions to ensure further damage does not occur in the future. Action DS

2016/8440 VERGE RESTORATION PROJECT DISCHARGE

Mr Dowsett reported that the NFNPA were keen to work with the Verderers and the Forestry Commission on verge protection.

Mr Dowsett and Mr Gary North will be meeting with the NPA on the 21<sup>st</sup> January 2016 to further this collaboration.

The Official Verderer reminded members of the Court to send a list of areas where verge restoration is required to the Clerk as soon as possible. Action All

2016/8441 FLOODING AT THE END OF HONEY LANE AND AT WOODS CORNER DISCHARGE

Miss Macnair thanked the Forestry Commission for the work which has been done on the Forest adjacent to the culverts running under the roads at Honey Lane and Woods Corner, where in previous years significant flooding has occurred. This is in contrast to attempts by another authority to alleviate flooding in Burley. Work there has not been successful.

**The Deputy Surveyor left the meeting**

## **OTHER MATTERS ARISING**

2016/8442 CATTLE & TB DISCHARGE

Mr Mills has briefly reviewed the TB Plan and feels clarification would be helpful. The Clerk reported that she has a meeting with Mr Richard Dampney from APHA the following morning. Mr Mills and Mr Greenwood will attend.

Action  
HM / JG /  
Clerk

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

2016/8443 HLS BOARD MEETING DISCHARGE

The Official Verderer advised that the HLS Board Meeting took place the previous week. The Forestry Commission has graded and scored the Contractors involved in the Stream Restoration Works. Unfortunately one contractor has scored very low marks for poor quality work.

Action  
DS

## **VERDERERS GRAZING SCHEME (VGS)**

2016/8444 VGS PAYMENTS DISCHARGE

The Official Verderer advised that the Forest Commoners were paid in December, and the Commons Commoners were paid in January following late payment from the National Trust.

A Commoner who has recently been successfully prosecuted by Animal Health in respect of animal welfare was discussed.

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

2016/8445 STALLION COMMITTEE DISCHARGE

Mr Deakin reported back to the Court following the Stallion Committee meeting. Several requests for increased stallion numbers to be turned out on to the Forest have been received. The Court agreed that stallion numbers should be increased this year from 10 to 15. They will be turned out for a period of 4 weeks starting from Monday 9<sup>th</sup> May 2016 to Monday 6<sup>th</sup> June, with a deadline for removal of the 13<sup>th</sup> June 2016. The Stallion Inspection date is Saturday 9<sup>th</sup> April 2016 commencing at 9.30am.

2016/8446 NEW FOREST ASSOCIATION EDUCATION COMMITTEE DISCHARGE

Miss Macnair reported that, at a recent New Forest Association Education Committee, she recommended Lyndsey Stride should be asked to help ensure a good understanding of the importance of Commoning to the Forest at the forthcoming Schools Conference.

2016/8447 NEW FOREST PONY BREEDERS AND CATTLE SOCIETY DISCHARGE

Miss Macnair reported to the Court that she attended a recent NFPBCS meeting when proposed changes to the stallion scoring system were

discussed.

## FINANCIAL MATTERS

2016/8448 FINANCIAL STATEMENT FOR DECEMBER 2015 RESUME

The Financial Statement was noted.

## ANY OTHER BUSINESS

2016/8449 FRACKING IN THE FOREST DISCHARGE

Mrs Westerhoff updated the Court on the current situation concerning fracking in National Parks.

On the 16<sup>th</sup> December the Government announced that it will allow fracking under National Parks including the New Forest. Drilling, which will have to start outside the National Park, will be directed horizontally to a depth of 1200 metres below the Park surface.

2016/8450 BOVINE VIRAL DIARRHOEA DISCHARGE

Mr Mills has received a letter from Mr Keith Cutler, a Veterinary Surgeon from Endell Veterinary Group in Salisbury, regarding the control of Bovine Viral Diarrhoea in the Forest herd. BVA is not a notifiable disease and will affect individual herds rather than the entire Forest herd. Mr Mills will respond to Mr Cutler's letter on behalf of the Court.

Action HM

2016/8451 EXBURY FENCE RESUME

Mr Deakin suggested that a letter regarding the need to maintain stock proof fencing should be sent to the Exbury Estate office and all private land owners involved. Mr Heron said it is easy to ascertain land ownership details via the Land Registry; he offered to help the office gather the information.

Action  
EH/Clerk

2016/8452 SUBURBS MIRE RESTORATION RESUME

Mr Deakin told the Court he was unhappy with the lack of discussion in the December Court committee regarding the rejection of the Suburbs Mire restoration proposal. He felt members of the Court should give the reasoning behind their decisions to abstain or vote against. The Official Verderer suggested this is best discussed following the site visit on the 25<sup>th</sup> January.

2016/8453 AGISTERS' LANDROVERS DISCHARGE

Mr Readhead advised the Court that the first of the new Land Rovers is being collected this afternoon.

There was no further business and the meeting closed at 13:19 hrs.

*Domini May*  
Official Verderer  
10<sup>th</sup> February 2016