

MINUTES of the Court of Verderers held on Wednesday 19th July 2006 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 & Chairman of the Staff Committee
Mr P Frost Countryside Agency Appointed Verderer
Mr A Gerrelli Elected Verderer
Cllr Mrs K Heron Hampshire County Council Appointed Verderer
Mr J F Kitcher Elected Verderer
Miss D Macnair Forestry Commission Appointed Verderer
The Hon R Montagu Elected 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 (first two items only)

APOLOGIES: None

IN COMMITTEE

The Head Agister was present for the first two items.

2006/2415 APPOINTMENT OF DEFRA APPOINTED VERDERER DISCHARGE

The Official Verderer congratulated Mrs Pat Thorne on her re-appointment for a further three years.

2006/2416 MINUTES OF THE LAST MEETING DISCHARGE

Some minor amendments to the Minutes of the Court held on Wednesday, 21st June 2006 were requested. The amendments will be incorporated and the relevant pages copied to all members of the Court. Once they are approved, the Official Verderer will sign the Minutes. A discussion took place concerning the recording of decisions.

2006/2417 CONDITION OF STOCK RESUME

Report by Head Agister

The Head Agister said that he is quite pleased with the condition of stock. On the whole the animals have finally improved and most look very well. The cattle also look well and he remarked that they do particularly well during dry weather. The drifts will soon commence and stock will be checked carefully. Any animals whose condition is not up to standard will be removed.

There are one or two ponies in the Telegraph area showing symptoms of strangles. The first drift is due to be held at Turf Hill and incorporates Telegraph. It is thought that the drift may be cancelled or postponed as clearly it is not desirable to drive sick ponies nor do commoners want to take in foals for the sales which may be incubating the disease.

The Head Agister left the Meeting.

Report by Mr J Adams, Chairman of the Staff Committee

Mr Adams agreed with the Head Agister's summary and added that the one or two animals which he is not happy with will be removed on the drifts.

2006/2418 ANNOUNCEMENTS AND DECISIONS RESUME

The Court approved the Announcements and Decisions.

2006/2419 DECLARATIONS OF INTEREST RESUME

The Elected Verderers and Mrs Thorne declared an interest in the Countryside Stewardship Scheme.

Mr Gerrelli declared an interest in any items concerning Campsites.

The Official Verderer declared an interest in matters concerning Forest golf courses.

2006/2420 FINANCIAL STATEMENT RESUME

The Financial Statement for June was approved.

2006/2421 AUDITED ACCOUNTS DISCHARGE

The draft audited accounts had been circulated in the week prior to the Court to give members of the Court the opportunity to peruse them. No queries were raised and the Official Verderer was authorised to sign them.

Once the audited accounts are signed, a copy will be placed on the Verderers' website and a notice placed in the local press advising the public that the accounts are available for inspection.

2006/2422 BUDGET & FIVE YEAR PLAN DISCHARGE

The Official Verderer advised the Court that a preliminary budget and five year plan has been submitted to the Deputy Surveyor for comment. Once his initial reaction has been received the budget and plan will be circulated.

2006/2423 REPORT ON MARKING FEES RECEIVED RESUME

The following Marking Fees have been received:

Ponies	4164
Cattle	2496
Donkeys	109
Pigs	6
Total	6775

2006/2424 BYELAW ENFORCEMENT RESUME

The Official Verderer reported that evidence is being gathered and it is thought 4 summonses will shortly be issued.

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

IN ATTENDANCE: Mr Mike Seddon Deputy Surveyor of the New Forest
Mr Will Park Area Land Agent (New Forest)

ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER

2006/2425 RE-APPOINTMENT OF DEFRA APPOINTED VERDERER

I am very pleased to announce that Mrs Pat Thorne has accepted DEFRA's invitation to serve a further three year term as an appointed Verderer until July 2009.

2006/2426 STALLIONS

We would like to remind the owners of all stallions and colts currently at large on the Forest as part of our Stallion Scheme, that their animals must be removed by July 31st at the very latest as agreed. If any owners need help to do this then they must please contact their Agister as soon as possible.

The next stallion passing will be held on Saturday August 26th at the Breed Show at New Park, Brockenhurst when stallions aged 3 years and over will be inspected for selection to run out on the Forest in the 2007 season. 2 year old colts may also be presented on this occasion or they can be brought to the Spring inspections in April 2007. Stallions which were selected to run out for 3 years from 2005 to 2007 inclusive do **not** have to be re-inspected this year.

2006/2427 BRANDS

Our review and reorganisation of the brand registration system is still underway, and has involved a great deal of administration. We hope to be in a position to report on the re-organisation in the autumn. You can be assured that requests for new brands will be dealt with as soon as possible but we would ask for your patience if you encounter delays.

2006/2428 ACCOUNTS

Today we intend to formally approve our audited accounts for the financial year 2005/2006, and once this has been done they will be available for public inspection in the usual way. The full set of accounts will also be published on our website.

2006/2429 HOLMSLEY LODGE

The Forestry Commission has asked us for our advice and opinion on their well-publicised proposal to sell two of their residential properties, namely Holmsley Lodge and Shrike Cottage.

We listened very carefully to the various presentments that were made on this subject at our last Court in June, and clearly this is a sensitive and emotive issue.

We have advised the Deputy Surveyor that we will be prepared to support any decision to sell these two properties only if they are replaced by two new three bedroom residential properties, that would be let exclusively to recognised commoning families at an affordable rent. The two new properties must be in locations that are both suitable and viable for commoning, and must come with a minimum of six acres of grazing land each.

We have also advised that if Holmsley Lodge and Shrike Cottage are sold they must

be subject to covenants that restrict them to residential use only, thus prohibiting any future commercial or business use.

We recognise the very valuable contribution to the future of commoning that the Forestry Commission's provision of affordable housing makes, and we welcome this as an opportunity to make further much needed properties available to practising commoners.

The Deputy Surveyor has now written to us and stated that our suggestion that two rather than one property is built will receive favourable consideration.

2006/2430 THE COLLECTION OF FALLEN STOCK

It has come to our attention that a minority of commoners are failing to settle their bills with the Hunt Kennels in respect of the collection of fallen stock.

Without doubt it is in everyone's interests that this extremely competitively priced and highly efficient service continues but bad debts can easily result in the failure of a small business.

We will fully support the Hunt if it decides it is no longer able to collect dead stock for commoners who persistently refuse to pay for the service and please remember that under both the Verderers' Byelaws and the Dogs Act, it is an offence to leave dead animals lying on the Forest.

2006/2431 VERDERERS' ELECTION

This is our last opportunity to remind people of the importance of registering if they wish to vote in the Verderers' election in November. The final date for registration forms to be submitted to the Verderers' Office is 1st September. Registration forms returned after that date can not be accepted as we are bound by the rules contained in the byelaws, governing the election. The fact that people may have been registered for the last election in 2003 does not count, and I stress that no one who has not registered again this year, by 1st September, will be able to vote.

We are hoping for a strong turn out at the election and ask all those present to help spread the word so that as many people as possible are able to vote. We very much hope the press will also help and we are very grateful for the coverage already provided.

Once again, registration forms are available at the rear of the Court and additional copies can be provided on application to the Verderers' Office.

Please remember that nominations for the 2 posts which are due to be contested, must be submitted to the returning officer by 6th November. Anyone wanting further information or advice on this, should contact the Verderers' Office.

ANIMAL ACCIDENT REPORT

2006/2432 ACCIDENT REPORTS FOR JUNE 2006

The agisters attended 17 accidents in June which compares with 15 for the same period last year.

8 ponies and 2 cattle were killed and 4 ponies were injured.

9 accidents occurred during the hours of darkness. 11 involved private cars or light

commercials, and 1 involved a tractor.

5 accidents were not reported and 7 involved local motorists.

The total killed and injured for the year to date is 51 compared with 48 for the same period last year.

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

None

PRESENTMENTS

2006/2433 SINGLE FARM PAYMENT FOR THE PERIOD 2005
Presentment by Mr Michael Cooper on behalf of the New Forest Commoners' Defence Association

"Our association would like it brought to your attention that despite many phone calls and correspondence from our members, several of them have still not received either their full payment, or indeed any payment at all from the Rural Payments Agency. In some cases this delay has caused acute financial hardship and concern.

We therefore seek your help, and would ask that you make a strong presentation on behalf of the commoning community to DEFRA and the RPA, in an attempt to resolve this intolerable situation".

The Official Verderer responded by saying that this is a nationwide problem and the Court is attempting to find someone in London to whom the point can be made.

2006/2434 HOLLANDS WOOD AND ROUNDHILL CAMPSITES
Presentment by Mr Bob Cooper from Minstead

"I respectfully refer the Court to its June 2006 decisions concerning Roundhill and Hollands Wood campsites referred to in the New Forest Notes by a Court member published in the Lymington Times of 1st July 2006. I submit now to the Court that neither the correct approach has been adopted nor the proper resolution of this problem has been achieved by the Court. In common parlance it has been botched for reasons incompatible with good practice in administrative law and the formal decision of the Court should therefore be revoked forthwith on notice to the Forestry Commission – as well as to this new phenomenon the Forest Holiday Company which now seeks in a manner similar to the National Park takeover through the backdoor to establish a tourist honey pot at the expense of the Forest's well being and the Commoners' interests.

There are precedents for such a revocation e.g. Stoney Cross Inquiry No. 2 where Lord Manners, the then Official Verderer, under threat of petition to the Queen finally withdrew the Court's previously given consent to the sides road order for the proposed all turning junction in the 1980's. In fact if you revoke you will do so with credit and with the gratitude of all Forest residents as well as that of Commoners.

In the papers I have seen so far – and I am not persuaded yet that I should look any further, it seems to me that the Court has relied exclusively on the opinions and advice of English Nature in interpreting its role as a competent authority in the application of the Habitat Regulations.

I am minded to say that in view of the Court's misgivings and reluctance as exhibited in its notes and press release, this particular case should have been referred for

Counsel's Opinion, with respect to you Sir, because of its complexity, and what appears to be unconscionable extraneous influence.

However, I submit that as a general principle the task of experts (English Nature are the Government's experts) in any democratic process is to present evidence of persuasive force to clients or others in order to enable decisions to be made which can be justified to "the people". I emphasise continually that English Nature's clients are the Government, that is the Forestry Commission, Forest Holidays and DEFRA. The expression "clients" in this context does not and cannot include this Court in whatever capacity.

The "public" or "others" in this instance are represented by the National Park Authority, despite its representative shortcomings and notwithstanding its lack of democratic accountability and of course the public itself may look in wonder at the random thoughts and opinions of English Nature as they publish them, or even as they seek to test them in the Courts as happened recently in Southampton Crown Court. Again it is only fair to emphasise that "expert opinion" when so tested can be found to be wrong or unacceptable to the public. That is a privilege in any democratic or legal process, which is jealously safeguarded and has been confirmed in many recent cases of differing types.

This Court's position is, on the other hand, somewhat hybrid. It is an Honourable Court, and its statutory powers and duties as set out in not just the New Forest Acts but also in public legislation are important in several facets of conversation and protection as recited in the note published by it on 24th January 2005. In fact these powers and duties might be considered draconian, as tablets of stone, and in the face of what appears to be the paradox referred to the above the Court should in my respectful submission take to itself supremacy, even against the gold plating of the EU's regulations.

It seems clear from both the press report and the statement on signing of the Appropriate Assessment dated 6th June 2006 with its attached notes that quite correctly the Verderers have sought the advice of English Nature – as indeed the Government client Agency, the Forestry Commission, has had to do. The position of these two bodies from that point onwards is in my respectful submission totally different in that, as I have stated above, the Forestry Commission i.e the Government – or DEFRA – or Forest Holidays are clients of English Nature. This Court on the other hand is an autonomous independent body which has both the appearance of and is acknowledged to be an Honourable Court. Having sought the advice of English Nature and having digested it thereby discharging your obligation under Regulation 189 of the Treaty of Rome or whatever provision is in force at present (doesn't really worry me) English Nature has sought to rely on in attempting to compel your decision, it is quite clear that the Court has the "supremacy" of governance in all matters entrusted to it by statute which enables I to express disagreement with the advice indeed to reject it summarily being endowed since time immemorial with experience and wisdom well beyond any available to English Nature in respect of the Forest. If in fact the Court is prepared to give forth the opinion with reasoned argument that wider issues have to be taken into account in considering the narrow parameters set by English Nature's advice to clients, I submit that this Court should do so and can do so without fear of contradiction or impeachment.

I can already hear howls of protest from English Nature, DEFRA and Forestry Commission including that somewhat illegitimate foundling of the Forestry Commission, Forest Holidays, which stands to gain most. The question of propriety bias and partiality because of the client relationship with English Nature might well raise its ugly head in assessing the position of the Holiday Group, an issue, which has before been canvassed in matters concerning English Nature's attempts to impose its

views on our affairs. Let it be so. If they are so upset by this Court's action, let them attempt to regain their advantage, which some might regard as improper, by litigation. Apart from one instance in 1983 this Court's record in legal proceedings seems to be to be quite good!

There is one more point which at this stage must be canvassed in the Court today. It is axiomatic that a Court of Law will not stultify itself by an order or decision which is contrary to common sense and the law as it stands and the maxim applies to this Court. If the assessment is unacceptable and plainly damaging to the Forest on either the narrow or wider basis then this Court is entitled to reject it. That is what I ask the Court to do now.

I could have at least another 3 hours of submissions to make but obviously for the usual reasons I have to say for the time being, I have done. However I challenge English Nature and its co-conspirators for that is what I confidently see to be the true position of the Forestry Commission and Forest Holidays as well as DEFRA, to come to this Court, perhaps even on a special day and convince yourselves and others that I am wrong in both law and on the facts. It is my view that this cannot be done. I so move the Court".

2006/2435 VERGE PARKING
Presentment by Mrs Rosemary Bennett from Sway

"My husband and I have recently become concerned about the number of people parking on the grass throughout the Forest. For example, yesterday we saw people parked on the grassy areas at Mockbeggar, and also on the grass among the trees near Moyles Court. These days, so many people drive 4 wheel drive vehicles that they can cross shallow ditches without a problem. The only way to stop them would seem to be by dragons' teeth or fences. Although I realise it would be costly, is it perhaps time to consider putting more dragon's teeth at strategic points in the Forest? The grazing will surely suffer from this unauthorised parking".

IN COMMITTEE in The Library

CONSIDERATION OF PRESENTMENTS

2006/2436 SINGLE FARM PAYMENT FOR THE PERIOD 2005 RESUME

No payments have been made to date in respect of common land entitlement. A letter will be sent to DEFRA complaining strongly about the continuing delays.

2006/2437 HOLLANDS WOOD AND ROUNDHILL CAMPSITES DISCHARGE

The Official Verderer briefly ran through Mr Cooper's presentment.

The Deputy Surveyor declined to comment.

The Official Verderer went on to say that the decision to sign the Appropriate Assessment was made after painstaking consideration. Views were expressed in meetings and statements and he felt the Court has done what was needed and the decision should stand.

Mr Frost said he still feels doubtful that the Court had done the right thing. He believes there was conflicting advice and that English Nature may not have carried out a proper assessment.

Mr Montagu asked if the Court is entitled to change its mind to which

the Official Verderer replied that it could. Mr Pasmore added that in years gone by a decision concerning Stoney Cross was made which was later revoked so he believed a precedent has been set.

The Official Verderer then said that having listened carefully to Mr Cooper's presentment, as it was clear that no-one felt strongly that the decision should be revoked, he considered that it should not be reviewed. No-one raised any objection to this and it was agreed that the decision to sign the Appropriate Assessment should stand.

2006/2438 VERGE PARKING

DISCHARGE

Illegal parking on roadside verges is a problem in various parts of the Forest which the Forestry Commission is doing its best to address. The defences are constantly being renewed but newly dug ditches, which have lesser visual impact than dragons teeth, unfortunately, present a challenge for those certain motorists with 4 wheel drive vehicles.

The problems at Mockbeggar are being addressed by the Parish Council and in addition the National Trust is to be asked to improve the signage to the car park. Cllr Heron is pursuing this matter.

SUBMISSIONS BY THE FORESTRY COMMISSION

2006/2439 RHINEFIELD HOUSE HOTEL SEWAGE SYSTEM

DISCHARGE

There is a pumped sewer pipe taking treated effluent from a treatment plant in the grounds of Rhinefield House Hotel to the public sewer at Ober Corner. The pipe is laid in the southern verge of the Rhinefield Road and over the years there have been a number of problems with it. It is now proposed that together with improvements to the treatment plant, a new wash-out valve should be installed at Puttles Bridge and an air release valve opposite the entrance to the Whitefield Moor car park.

At present the original wash-out valve at Puttles Bridge simply discharges waste into the stream. This is to be replaced with an outlet which attaches to a tanker lorry so that any waste in the pipe can be collected and removed from the site without causing any pollution to the stream or adjoining land. The proposed air valve release mechanism will enable trapped air to be released but not effluent.

After careful consideration and assurance that the proposals will improve the current system, the Court approved the works subject to the usual three conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

MATTERS ARISING FROM THE MINUTES OF PREVIOUS COURTS OF CONCERN TO THE FORESTRY COMMISSION AND ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2006/2440 LIFE 3 & PATHFINDER

DISCHARGE

The Deputy Surveyor reported that he will make a Presentment in September concerning the proposed works at Queen's Bower.

2006/2441 CYCLE CROSSING AT HOLMSLEY

DISCHARGE

Mr Adams and Mr Pasmore reported on a site meeting they attended at Homsley on the 30th June 2006. Mr Pasmore had kindly produced a written report on the meeting which has been circulated to all members of the Court. The site meeting was also attended by representatives of the Forestry Commission, Hampshire County Council, Sustrans, English Nature and also for the Court, the Head Agister, Mr Jonathan Gerrelli.

The representatives of the Verderers were unable to support the original plan for the cycle route to run through the A35 stock underpass by the tea rooms. The route is regularly and frequently used for stock management purposes and it was considered to designate it as a cycle route would create a grave danger to cyclists.

An alternative route is now being considered and proposals will be brought to the Court.

2006/2442 SALE OF FORESTRY COMMISSION PROPERTIES

RESUME

The Deputy Surveyor thanked the Court for the advice given. He went on to say that there are two points which he felt warranted further discussion. Firstly, the road closure. The Forestry Commission has supported the view that it is a minor road which is possibly not needed as a through route. The Deputy Surveyor said he will pursue the matter further with the County Council but does not feel it is relevant to the sale of the properties.

The second point concerns the suggestion that two commoners' dwellings should be constructed rather than one and the acreage which the Court has suggested should be attached to the new dwellings.

The Deputy Surveyor said he would give favourable consideration to constructing two new dwellings. He felt, however, that the request for six acres per dwelling is excessive. The Forestry Commission would be happy to provide a minimum of two acres which is in line with the planning policy criteria which has already been accepted for commoners' dwellings. The Deputy Surveyor asked why the Forestry Commission should therefore be asked to provide six acres.

Mrs Heron asked if the Court would know where the new houses are likely to be, prior to the sale of the Holmsley properties. The Deputy Surveyor said that is a possibility. He added that he is awaiting letters from the National Park Authority and Commoners' Defence Association. Both are expected by the end of the month. The matter will then be put before the Minister and depending on the Minister's view, a planning application may be submitted in the Autumn. He said the intention is to market the Holmsley properties in the Spring.

The amount of land attached to the new properties will largely depend on their location. The Official Verderer explained that the suggestion of six acres per property was made because thirteen acres will be lost from Holmsley when those properties are sold. Mr Pasmore remarked that he suspected one of the new houses may be built on the line of the proposed Lyndhurst inner bypass which, if it was the case, would

represent a serious obstruction to the construction of a new road. The Deputy Surveyor said he noted this point and added that there is a lot of Forestry Commission land at Burley and other places in the Forest.

Mr Adams suggested that if the sales take place, there should be no net loss of grazing to commoning and he added that this could be difficult because most Forestry Commission grazing land is already let to commoners.

Mr Frost commented that covenants can be overturned and was concerned that the Holmsley properties have a history of business use. Concern was expressed that the property could be used for some sort of commercial horse related business and it was suggested that the properties could be sold without the land. However, Mr Adams' view was that the land is useless for grazing because it is very wet.

The Official Verderer said he would circulate the letter from the Deputy Surveyor to all members of the Court and added that the matter would be discussed again later in the meeting.

2006/2443 NEW FOREST CATCHMENT FLOOD MANAGEMENT PLAN DISCHARGE

As no-one was able to attend the meeting on the 29th June, it was agreed a request should be made for a copy of the minutes.

2006/2444 POUNDS DISCHARGE

Mr Parke said he will shortly be producing the necessary paperwork to formalise the position with the stock pounds. At present the Forestry Commission's drawing office is producing the plans.

2006/2445 HOLLANDS WOOD & ROUNDHILL CAMPSITES DISCHARGE

The Deputy Surveyor said he has nothing further to report at present.

2006/2446 POUND BOTTOM TIP RESUME

It was reported that the business has applied for an extension to the recycling plant in respect of capacity and time. The matter is being dealt with by Hampshire County Planning Department. Cllr Heron said that members of the National Park Authority may be unhappy with an extended operational period for the tip. The County's attitude however, seems to be that it is simply more of the same. Many of the activities at Pound Bottom do not have an end date. The extension is for a further eight years.

The Clerk reported that the National Park Authority has asked for the Verderers' views on the Pound Bottom site and an appropriate letter, setting out the Court's concerns has been sent in reply. The Deputy Surveyor said Wiltshire County Council is also consulting and he will let the Clerk have the contact details.

ANY OTHER BUSINESS INVOLVING THE FORESTRY COMMISSION

2006/2447 ASHURST CRICKET CLUB DISCHARGE

The pavilion has still not been demolished and the grass is now knee-high. It was remarked that it could make four acres of hay! Mr Parke said he will speak with the Parish Council again to chase them up.

2006/2448 WOOTTON STREAM – DEBRIS DAM DISCHARGE

It was noted that the dam has not been removed and a quantity of rubbish has now backed up against it.

2006/2449 UNUSUAL PLANT AT MILL LAWN DISCHARGE

Miss Macnair remarked that there is an enormous plant that she cannot identify at Mill Lawn. She was concerned that it might spread.

2006/2450 AIR AMBULANCE EVENT RESUME

Mr Montagu said he has been approached by the organisers of an event to raise money for the Air Ambulance concerning a request to land the helicopter on Open Forest opposite the Beaulieu Road Hotel. Mr Martin Noble of the Forestry Commission has advised the event organisers that it is unlikely the Commission will give permission for such an event because of disturbance to wildlife and stock. Mr Noble also spoke to the Clerk who expressed concern.

The Deputy Surveyor said the Ministry of Defence holds the only permission for helicopter landings on Open Forest for the purposes of troop training. The permission is for a fixed number of occasions each year and troops clear the area of stock before the helicopter lands. To date permission has never been given for charity or non-emergency landings of aircraft on the Open Forest. However, he asked Mr Montagu for details of the proposed event and said he would like to consider it further on the grounds that the Air Ambulance provides an extremely valuable service in the Forest.

2006/2451 RUBBISH AT PICKET POST DISCHARGE

Mr Adams reported that a quantity of rubbish has been dumped on Open Forest outside a property situated behind the Picket Post filling station. The Forestry Commission will investigate and arrange for it to be cleared.

2006/2452 ROUNDHILL CAMPSITE DISCHARGE

Mr Kitcher reported that the Campsite Warden has not opened the barriers on the campsite and as a result campers have been driving on the grass areas in order to get around the barriers. The area is now a dust-bowl as the grass has been eroded away. In reply the Deputy Surveyor said the barriers are closed at night to prevent campers getting onto the site without paying but he said he will speak with the Warden to make sure the barriers are open during the day.

2006/2453 EVENT AT BOLDERFORD BRIDGE

DISCHARGE

Mr Pasmore brought the Court's attention to what he described as an "appalling" event that was held recently at Bolderford Bridge. It was reported that in excess of 100 people, mostly children and youths, but adults as well, were present. The verges were lined with bags and rucksacks. Tape of various colours and types had been erected both above and downstream of the bridge. In the little area of bog to the west, a "bog-running" or mud bath course had been set out with tape tied to rods. One of the side drains east of the river had a blue tarpaulin set out across it. Teams of youths were running up the bed of the river (including under the bridge) carrying plastic milk crates and yelling. There were also large numbers of plastic barrels in evidence (presumably being used in the river) and various wooden structures of unknown purpose, some of them in the river. Altogether it looked as though a complex assault training course had been established on the Forest. The event was reported at the earliest opportunity by mobile telephone to Queen's House and a Keeper was reportedly going to investigate.

The Deputy Surveyor said that the event had permission but it was certainly not supposed to be "appalling". It seems Cowplain Community School from Waterlooville were staying at Tile Barn which is a Hampshire County Council centre. They were conducting team building / initiative tasks for youngsters and have been to the Forest before. Unfortunately it seems this year the leader decided to run some rather extreme activities which turned into an inappropriate event of unacceptable scale for the Forest.

The Keeper apparently went straight out to investigate and the Leader was most contrite and offered to carry out site restoration. He was thanked for the offer which was declined.

Mr Seddon said some tighter controls will be put in place in future to prevent such an event occurring again. He added that a Ranger will visit the Tile Barn centre to explain what is and is not acceptable.

Mr Pasmore went on to say that he felt that any organised activities is inappropriate at Bolderford Bridge because there is already significant erosion. The once beautiful area is now very over-used. Mr Frost agreed. The Deputy Surveyor said most activities at the site are informal but people are attracted by the water. He went on to say that such the Forestry Commission would not knowingly allow such activities on the Open Forest. Mrs Heron remarked that Tile Barn should be educating youngsters how to behave in the countryside which clearly at present, they are not!

2006/2454 SEWAGE PIPE – HOLMSLEY CAMPSITE TO THORNEY HILL

DISCHARGE

The Deputy Surveyor advised the Court that a number of temporary inspection pits are being dug along the route of this pipe in an effort to find a leak. The pits are being fenced and in the meantime the sewage from the campsite is being taken away by tanker.

The Deputy Surveyor and Mr Parke left the meeting.

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

2006/2455 MICROCHIPPING OF HORSES RESUME

The Clerk has written to DEFRA with a detailed specification of the proposed branding system.

Miss Macnair said she has been contacted by Mr Thomas who is the secretary of the Welsh Hill farmers who sometimes brand their ponies. Miss Macnair has explained our proposals to him and he said they are interested in joining in any scheme that avoids the need to microchip. The Hill Farmers are due to have a meeting after which Mr Thomas will write to the Verderers.

Miss Macnair went on to explain that Mrs Pat Campbell is the Breed Societies representative on COPA which is a body which advises Brussels on technical issues.

2006/2456 MAINTENANCE OF STOCK POUNDS RESUME

The Official Verderer said that £3,500 per annum has been put in the budget to cover maintenance of the stock pounds. It was suggested the Commoners Defence Association should be approached for help with the costs. The Clerk will write to the Chairman.

2006/2457 AGISTERS' LAND ROVERS RESUME

The Court formally ratified the decision to purchase five new Land Rovers for the Agisters. The National Park Authority has kindly agreed to provide funding of £15,500 in the first year, followed by £12,500 for the following four years. It was agreed to enter into a Hire Purchase Agreement over five years in order to fund the balance.

It is hoped the Land Rovers will be delivered this month and possibly in time for a presentation at the New Forest Show.

The Court agreed that the Land Rovers should be available for the Agisters' private use.

The Agisters' employment contracts will be amended to reflect the provision of vehicles.

COUNTRYSIDE STEWARDSHIP SCHEME

2006/2458 COUNTRYSIDE STEWARDSHIP SCHEME RESUME

Most of the applications have now been received with in the region of 85% of eligible stock now in the scheme. Next year it will therefore be possible to claim 85% of the total funding available year on year.

The question of whether the "cap" on payments will be necessary if stock numbers remain below 7,000 will be discussed at the next meeting of the Sub-Committee.

2006/2459 THE COUNTRYSIDE STEWARDSHIP SCHEME AND BREACHES OF THE VERDERERS' BYELAWS RESUME

It was agreed the Stewardship Scheme sub-committee needs to set some parameters in respect of breaches of the Verderers' byelaws and penalties which may be imposed.

No infringements have so far been reported by those who are participating in the scheme.

NATIONAL PARK

2006/2460 KINGSTON GREAT COMMON RESUME

The Official Verderer reported on his meeting concerning the fencing at Kingston Great Common with Steve Trotter of the National Park Authority. He encouraged Mr Trotter to contact English Nature to urge them to continue to pursue this matter and made it plain that if the NPA decided to try to resolve the issues, it would have the full support of the Verderers.

2006/2461 NATIONAL PARK MANAGEMENT PLAN/STATEMENT OF CORPORATE INVOLVEMENT RESUME

A Visioning Workshop is due to be held this coming Friday. As instructed by the Minister, the National Park Authority will be creating a steering group with representatives of the Verderers and Forestry Commission. Natural England may join the group.

2006/2462 PLANNING APPLICATION – VERGE AT BOLDRE DISCHARGE

The property at Boldre is outside the perambulation and therefore falls outside the jurisdiction of the Court. Concern was expressed, however, at issues concerning verges, from encroaching vegetation to the illegal laying of gravel. Mr Frost felt that planning applications where the proposals would be visually detrimental to the Forest will be turned down. English Nature reportedly wants environmental statements carried out on virtually all development effecting the New Forest SSSI.

OTHER AGENDA ITEMS

2006/2463 VERDERERS' ELECTION RESUME

In the past the election registration form has included a box to tick if an elector's land is the same as the previous year and it was suggested that the form should be revised to include this option again. The Clerk said she will review the form.

2006/2464 NEW FOREST SHOW RESUME

The display is being re-vamped. The Clerk asked for volunteers to help on the stand and a rosta was drawn up.

ITEM RESUMED FROM EARLIER IN THE MEETING

2006/2465 SALE OF FORESTRY COMMISSION PROPERTIES RESUME

It is understood the Commoners Defence Association is considering its position regarding the proposed sale of the properties at Holmsley. It was agreed that the closure of the road is desirable but is not of sufficient importance for the Court to alter its decision.

The Court will reserve its position concerning the issue of the acreage on which the new commoners' dwellings will be built. It was strongly felt, however, that there should be no loss of potential grazing land.

The letter to the Official Verderer from the Deputy Surveyor which sets out the Forestry Commission's present position and views will be copied to all members of the Court.

MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2006/2466 HERITAGE LOTTERY FUND DISCHARGE

The Commoners' Defence Association seems to be representing commoners interests with the Verderers having been brought into the discussions at a relatively late stage. There appears to be plenty of money for more mire restoration. Mr Pasmore said he has asked for £75,000 to be included for redoing the Atlas of Forest Rights and £15,000 towards the future maintenance of drift fencing. He went on to say that £50,000 is available for preparing the application.

Mr Kitcher questioned whether the Verderers are obliged to agree all proposals by virtue of being included in the bid. In reply it was pointed out that the Verderers would still have to give formal consent for any proposals requiring such consent under the New Forest Acts.

The Official Verderer encouraged Mr Pasmore, Mr Kitcher and Mr Montagu to remain actively involved in the bid.

STAFF MATTERS (including the Staff Committee)

2006/2467 CHAINSAWS AND ANIMAL RESCUE EQUIPMENT RESUME

Mr Adams reported that he is obtaining prices for chainsaws and the rescue equipment requested by the Agisters.

TRAINING

2006/2468 TRAINING DAY - WORKING ON OR NEAR THE HIGHWAYS DISCHARGE

The Agisters feel the training day was very useful. A standard risk assessment is being drawn up by the Head Agister and copies will be given to the Agisters.

HEALTH AND SAFETY AT WORK

2006/2469 FIRST AID TRAINING DISCHARGE

The Clerk and Head Agister have satisfactorily completed a First Aid course.

ANY OTHER BUSINESS

2006/2470 PROTECTION OF SSSI'S RESUME

A Bill currently going through Parliament will strengthen the protection of SSSI's. Burning on private land is thought to be included. Mr Frost was asked to obtain further information.

2006/2471 ANIMAL WELFARE DURING TRANSPORTATION RESUME

Mrs Thorne reported that a 75 page consultation document has been issued concerning the transportation of animals. It includes a section on transporting unbroken horses which may have implications for the Forest herd. Mrs Thorne was asked to investigate further.

2006/2472 AGGRESSIVE PONY ON BOLTON'S BENCH DISCHARGE

An aggressive pony on Bolton's Bench has been causing trouble with tourists. It was agreed the Chairman of the Staff Committee and the Head Agister should decide what should be done. It is believed the problem has been caused by illegal hand feeding by visitors.

2006/2473 IBSLEY SERVICE STATION DISCHARGE

Letters have been written to the County and District Council's, the Police and the National Park Authority concerning problems in the vicinity of Ibsley Service Station. Serious obstruction is being caused by the business's vehicle recovery operation. Large vehicles collecting and delivering wrecked cars are being parked on the road and verges and it is feared an accident will occur if the problem is not addressed.

2006/2474 FORESTRY COMMISSION CAMPSITES RESUME

The issue of long-term campers was raised again. It seems some campers remain on site all year round. On the Ashurst Campsite a business is allegedly being run from one of the pitches and at Setthorns homeless people are reportedly living on the site with the DSS paying the "rent". In some places, gravel is being laid outside caravan tent entrances. There is also a problem in some places with rubbish and rats.

A presentation was made at the last New Forest Consultative Panel in which Forest Holidays assured those present that nothing would change as a result of its merger with the Camping and Caravanning Club.

Mr Frost suggested a survey of campsites should be undertaken on their effect on wildlife and commoning. The Official Verderer suggested the New Forest Association should take this idea forward.

2006/2475 THE MINISTER'S MANDATE AND THE SALE OF FORESTRY RESUME
COMMISSION PROPERTIES

Desmond Swayne MP for New Forest East, has secured a debate the House of Commons next Monday concerning the future of the Ministers' Mandate in the Forest and also the proposed sale of Forestry Commission properties.

There being no further business, the meeting closed at 12.45 p.m.