

**MINUTES of the Court of Verderers held on Wednesday 19<sup>th</sup> January at 9.30 a.m. in the Verderers' Hall and the Library, The Queen's House, Lyndhurst.**

PRESENT:	Mr O Crosthwaite Eyre DL	Official Verderer
	Mr R Deakin	Elected Verderer
	Miss D Macnair MBE	Elected Verderer
	Mr C Maton	National Park Appointed Verderer
	The Hon Mr R Montagu	Forestry Commission Appointed Verderer
	Mr A H Pasmore	Elected Verderer
	Mrs P Thorne	DEFRA Appointed Verderer
	Mrs D Westerhoff	Natural England Appointed Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk to the Verderers
APOLOGIES:	Mr A Gerrelli	Elected Verderer
	Mr J F Kitcher MBE	Elected Verderer & Chairman of the Staff Committee
	Mr J R Gerrelli	Head Agister

**IN COMMITTEE in the Library**

2011/5282 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 15<sup>th</sup> December 2010 were approved.

2011/5283 CONDITION OF STOCK RESUME

The Head Agister was unable to attend the meeting as he is unwell. Mr Deakin has taken over as Chairman of the Staff Committee in Mr Kitcher's absence and he therefore reported on the condition of stock.

Some vulnerable youngstock and some mares with foals have lost condition and have been removed by their owners or the Agisters. Commoners have been reminded that they are responsible for their animals and anyone who relies entirely on the Agisters to monitor and remove stock that is losing condition is liable to lose payments under the Verderers Grazing Scheme.

2011/5284 RTA INVOLVING A PIG DISCHARGE

The owners of the pig requested an RTA report form. Members of the Staff Committee agreed a report would be issued stating the facts. These were that on the morning after an RTA a lame pig was found at the location of the accident. A few days later a second pig was found dead further along the road. There is no information or conjecture as to the relationship between the RTA and the second pig and it was left to the owner of the pigs to decide whether to link the dead pig with the RTA.

2011/5285 BYELAW ENFORCEMENT DISCHARGE

There are currently no reported byelaws infringements.

**The Official Verderer welcomed the Lord Lieutenant, Dame Mary Fagan to the meeting.**

2011/5286 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2011/5287 DECLARATIONS OF INTEREST RESUME

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

Mr Deakin declared an interest in matters connected with the Beaulieu Road Sale Yard as he is a director and the treasurer of the New Forest Livestock Society.

The Official Verderer declared an interest in matters concerning golf clubs.

2011/5288 FINANCIAL STATEMENT RESUME

The Financial Statement for December 2010 was approved.

2011/5289 APPOINTMENT OF AUDITORS DISCHARGE

The Official Verderer explained that he had discussed the question of the appointment of auditors with the Clerk and having analysed what the Court requires, and the services that the current firm provides, he has come to the conclusion that whilst the current firm's fees may seem fairly high, there would be little, if anything to be gained by changing.

Members of the Court accepted this explanation and the continued appointment of the present auditors, BDO Stoy Hayward, was agreed unanimously.

2011/5290 REPORT ON MARKING FEES RECEIVED IN 2010 RESUME

Ponies	4825	Pigs	572
Cattle	2253	Sheep	153
Donkeys	119		
SUB TOTAL	7197	TOTAL ALL ANIMALS	7922

2011/5291 ANIMALS REMOVED IN DECEMBER DUE TO POOR CONDITION RESUME

7 mares  
6 fillies

Total year to date (June to October) - 557

Total ponies removed November 2009 – May 2010 inclusive - 579

June 2010 to December inclusive – 29 ponies, 3 cattle

## ENCROACHMENTS

2011/5292 ENCROACHMENTS – HOME FARM, BARTLEY DISCHARGE

The survey has been delayed due to weather etc., but a final quote and date is expected shortly. The Official Verderer said he will advise members of the Court as soon as he knows when the Surveyor is planning to be on site in order that anyone who wishes to go along has the opportunity. Once completed, the survey will be sent to the land owner's solicitors.

2011/5293 ENCROACHMENT – CANTERTON LANE RESUME

The Clerk wrote to Mr Hopwood but so far he has not replied. The Clerk will contact him again to find out when he intends to undertake the work to realign the fence.

2011/5294 STALLION BLOODLINE DIVERSITY SCHEME RESUME

The Official Verderer advised that the land that it was hoped might be available for mares included in the scheme almost certainly won't be due to administrative difficulties.

### **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)

### **WELCOME TO THE LORD LIEUTENANT, DAME MARY FAGAN**

The Official Verderer welcomed the Lord Lieutenant to the Court, saying that this is the third time that she has visited during his term of office. He thanked the Lord Lieutenant for her keen interest in the Court of Verderers and hoped she would find the proceedings interesting.

### **ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER**

2011/5295 WELFARE TOUR

Our autumn/early winter welfare tour took place on Tuesday, 7<sup>th</sup> December and was attended by local and national animal welfare organisations such as the RSPCA, The British Horse Society, World Horse Welfare, The Horse Trust and The Blue Cross, as well as veterinary officers from the government's Animal Health Agency. Despite the very cold weather, a reasonable number of animals were inspected in both the north and the south of the Forest.

Everyone on the tour expressed their satisfaction with the condition of the animals they saw. The Blue Cross said the condition of the ponies is good and they have no concerns. The British Horse Society added that all stock look steadfast going into winter. The World Horse Welfare representative said the ponies generally look exceptionally well, and the RSPCA and Animal Health Agency representatives were in agreement with all of the above comments, and especially commended our team of Agisters for their excellent work in managing the stock.

2011/5296 MARKING FEES

I would like to remind all those who owe marking fees that the discount for early payment is no longer available, and that all fees must please be paid by 31<sup>st</sup> March 2011.

2011/5297 NEW FOREST HIGHER LEVEL STEWARDSHIP SCHEME

Our Verderers Grazing Scheme (which represents the half of the HLS budget that is managed exclusively by the Verderers) has a number of projects underway, and we propose to give a summary of what we have achieved so far at our next Court in February, which will be the first anniversary of the scheme.

However one particular objective has already been achieved, namely the purchase of five new replacement Land Rover Defenders for our Agisters, along with state of the art stock trailers. The sign-writers have just finished and they all look extremely smart and these

excellent vehicles will allow the Agisters to continue to perform their essential duties and safely gain access to the open forest whenever necessary.

I can also report that at long last we have reached the point when work can begin on the installation of a mains water pipe across the Forest to the Beaulieu Road sales Yard. Although there are number of people who have helped us make this long dreamed of facility a reality, at this point I would like to express grateful thanks to 3 key people who have done so much to bring the project to this stage:

Ian Vicary, the consultant employed by the Forestry Commission who has put so much time and effort in to managing the extremely complex legal and technical aspects of the contract with Clancy Docwra, our contractors, who commenced work on Monday;

Katherine Boler, the External Funding Officer at the New Forest National Park Authority who has coordinated the work of the different agencies involved in preparing the contract; and, of course,

Dave Readhead of the Livestock Society, without whose efforts and hard work the project would not have happened.

#### 2011/5298 COMMONING CENSUS

We have also embarked upon another project that has implications for commoning. A census is being sent out to all practicing commoners and I mention it today in order to emphasise the importance to all those who receive the questionnaire of filling it in, and returning it.

The census will identify changing trends and attitudes, and it is the third such census carried out by Dr Jo Ivey with our support, the first having taken place in 1991, and the second in 2001. Taken together they will provide us with 20 years of history of the commoners' way of life, their changing views on both the future of commoning and the most serious threats that it faces.

The 2011 census will have special significance because it has been tailored to allow us find out what measures need to be taken to support commoning in the years ahead with the help of the significant funds that we have at our disposal within the Verderers' Grazing Scheme. The census will be a valuable tool to help us decide how to spend this money wisely, so that the benefits continue well beyond the ten-year lifespan of the scheme. Indeed the Beaulieu Road project is a good example of how we wish to use these funds to provide a lasting legacy.

All the census forms will be treated in the strictest confidence and will not be shared with any other person or organisation, and any personal information that could help identify a respondent will be removed.

I urge all recipients to complete and return the forms which will help us gain a clear picture of what matters to practising commoners today, and what needs to be done in the future to support them.

#### 2011/5299 STALLION SCHEME

At the November 2010 Court, Ms Pippa Rivers expressed her serious concern at the loss of bloodlines in the New Forest Pony breed. Her concerns mirrored those voiced by a number of commoners as well as the Breed Society, over the past few years.

We have become increasingly aware of this risk over the years that we have been running our Stallion Scheme, however one of the missing ingredients for setting up a long term

programme to address the issue has always been the necessary funding. I am pleased to announce that we have now formulated a proposal to be paid for by the Verderers' Grazing Scheme and which is designed to widen the gene pool over the next decade. Details of the project will emerge in the coming weeks.

2011/5300 APPOINTMENT OF NEW OFFICIAL VERDERER

You may recall that when I was invited to serve a further and final three year term as Official Verderer in 2008 the offer was made on the basis that I placed the office back at the disposal of the Crown on April 30<sup>th</sup> 2011, and this I have now done in writing to the Secretary for Appointments at No. 10 Downing Street.

This means that the process of seeking a new chairman of the Court will be conducted by public competition following the principles of the Code of Practice for Ministerial Appointments to Public Bodies. An advertisement for the position will be placed in both a local and national newspaper imminently, and details will also be placed on the Forestry Commission's and Verderers' websites.

Interviews will be held in March, and it is hoped that a new Official Verderer will have been chosen in time for a changeover period.

### **ANIMAL ACCIDENT REPORT**

2011/5301 ACCIDENT REPORT FOR DECEMBER 2010 AND THE FULL YEAR

The Agisters attended 21 accidents, compared with 23 in December the previous year.

4 ponies and 1 cow were killed.

2 ponies and 1 cow were injured.

19 accidents occurred during the hours of darkness.

17 involved private cars or light commercials.

2 accidents were not reported and have been logged as hit and runs.

8 accidents involved local motorists.

The total killed and injured in 2010 is 92, compared with 112 in the previous year.

This is the lowest number of animals killed and injured since records began in 1956.

### **PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST**

There were no presentments by the Deputy Surveyor

### **PRESENTMENTS**

2011/5302 LOSS OF NEW FOREST PONY BLOODLINES  
Presentment by Ms Pippa Rivers

Following her Presentment at the November Court, Ms Rivers explained to the Court the difference between preserving a 'bloodline' and preserving actual genetic material. She went on to explain how with each generation, genetic material is diluted and she stressed the importance of making sure that as much genetic variation as possible is maintained.

2011/5303 CARAVAN STORAGE ON FOREST CAMPSITES  
Presentment by Mr Eddie Holtham

Mr Holtham expressed concern that a number of caravans on Setthorns campsite have full covers on them and others are covered in thick mildew. He said these vans make the site look run down, out of character, and not a good advert for the New Forest. Their condition also implies that they are being stored on the site and he raised the question of whether the campsites have planning permission for the 'storage' of caravans. In addition, the vans do not look like they are being moved every 28 days which Mr Holtham thought was a condition of having a caravan on a Forest campsite.

Mr Holtham added that upon enquiry of the Planning Authority, he was assured that the Camping and Caravan Club which has taken over the running of the sites, does have to abide by the same planning rules as any other organisation.

The Official Verderer replied to Mr Holtham, saying that the Verderers watch what is happening on the Forest campsites and that is why a Survey of all the sites was commissioned. He added that the Forestry Commission always observes planning requirements and that the matters Mr Holtham raised would be discussed in committee.

**IN COMMITTEE in the Library**

**CONSIDERATION OF PRESENTMENTS**

2011/5304 LOSS OF NEW FOREST PONY BLOODLINES RESUME

A genetic analysis of the New Forest Pony studbook was commissioned before Christmas and has been received. The content of the report is being studied carefully and the conclusions will be used to decide which stallions should be retained and which are becoming too prevalent.

2011/5305 CARAVAN STORAGE ON FOREST CAMPSITES DISCHARGE

The Deputy Surveyor said he assumes the caravans that Mr Holtham is referring to are on hard standing. If that is the case, they may not need to be moved every 28 days as there is no risk of damage to grazing or other vegetation which may be under them.

The Deputy Surveyor said the caravans that are under covers are probably on seasonal pitches, however, he will follow up the concerns about caravan storage with the Camping and Caravan Club. He said he is sure that the CCC would not want caravans on site which are unsightly. He added that the principle of a seasonal pitch is that the caravan is used regularly – say monthly, even through the winter. Caravans should not be left empty for long periods, for example October through to March.

In reply to a request for clarification about the management of the campsites, the Deputy Surveyor explained that Forest Holidays, in which the Forestry Commission has an interest, has entered into an agreement with the Camping and Caravan Club. The CCC administers the bookings and the day to day running of the sites. Forest Holidays is now concentrating on cabin sites elsewhere.

## **NEW SUBMISSIONS AND OTHER MATTERS RAISED BY THE FORESTRY COMMISSION**

2011/5306 LYMINGTON RIVER SIGNS

DISCHARGE

The Forestry Commission sought the Verderers consent for the installation of two public information signs along the Lymington River near Mill Lane and Ivy Wood, Brockenhurst. Concern was raised by the Environment Agency in summer 2009, about people bathing and paddling in the Lymington River downstream of the sewage treatment works at Brockenhurst. Subsequently, the Environment Protection Team at NFDC carried out sampling which showed quite high levels of contamination – basically during periods of low river flow during the summer when the flow from the sewage works makes up a large proportion of the water in the river. Although the effluent is treated to a high standard for ecological receptors, high levels of bacteria remain. The river would fail the quality standards used to assess bathing water. NFDC were advised by the Health Protection Agency to erect signs notifying the public of the risk of bathing in the river and this they did over the autumn/winter of 09/10 on a temporary basis. Since Easter 2010 these signs have been at 5 locations near to the river and off Ivy Wood car park.

There is now a need to replace these temporary signs with permanent signage as we have been advised that the water quality will not change.

As landowner, the Forestry Commission has a responsibility to inform people of the potential hazards of swimming in this stretch of the Lymington River and as a result sought the consent for permanent signs.

The Verderers understood the problem and agreed the installation of signs at the principled points people use to access the river, i.e. Mill Lane bridge and Ivy Wood car park. An example of the sign structure was provided to the Court and the necessary consent was given subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

2011/5307 BEAULIEU ROAD PONY SALE YARD – INSTALLATION OF TOILETS, WASHDOWN AREA, CESS PIT AND SALES RING LIGHTING WITH ANCILLIARY PIPE AND CABLE LAYING

DISCHARGE

Mr Deakin declared an interest in this matter.

The New Forest Livestock Society has obtained planning permission, subject to conditions, to construct a new toilet and washdown facility to service the sale yard on sales day.

In 2010 the Court approved the installation of the new mains water pipe through Decoy Pond Farm and this work is about to commence.

The Forestry Commission is now seeking the Verderers approval for the works set out in the approved planning documents. The planning permission includes the provision of external floodlighting of the sale ring although there is a condition that this should be approved by the National Park Authority before installation.

The Court accordingly considered the proposals.

The toilet block is felt to be not of the best design but it was recognised

that the design that has been chosen is the most cost effective that could be achieved given that security is a major issue. The building must be vandal proof. A condition of approval is that the use of the facilities must not be extended beyond that required for the pony sales. Also, the Livestock Society must accept responsibility for keeping the facilities and site clean and tidy with the cess pit being emptied after each sale or as necessary to ensure that no flooding occurs.

Subject to the conditions above, and the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc., the proposals were approved.

2011/5308 BRAMSHAW GOLF CLUB MANAGEMENT PLAN RESUME

The Official Verderer declared an interest in this matter.

Mrs Westerhoff advised the Court that she has prepared a report that she would like to be considered before any decision is made. Mr Pasmore has also prepared a report which will be circulated. The matter will, therefore, be resumed at the next Court.

#### **MATTERS ARISING OF CONCERN TO THE FORESTRY COMMISSION**

2011/5309 A36 FENCING RESUME  
March

It has now been agreed that individual letters will be written to the Highways Agency by those organisations who have agreed to support the request for the HA to take over responsibility for the fence along the northern boundary of the Forest. Cllr Ken Thornber, Leader of Hampshire County Council, is prepared to give a personal endorsement to the proposals.

2011/5310 ELLINGHAM SPORTS CLUB DISCHARGE

Mrs Westerhoff reported that overall, conditions at the club are very tidy. However, screen supports have been left on the ground which are considered to be a hazard to stock. In addition 2 large rollers are parked on the Forest. It was suggested these items should be placed behind the Pavilion on the gravelled area. Mr Street said he will follow this up.

2011/5311 A31 VEGETATION CLEARANCE WORKS DISCHARGE

Mrs Thorne and the Clerk have been looking at the proposals which appear to be generally uncontroversial. Almost all of the works are within the road margins.

Mrs Thorne and the Clerk will advise the Court if there is anything about which they are unduly concerned or that they believe needs formal consent.

## **SSSI RESTORATION WORKS**

2011/5312 CAMEL GREEN, QUEEN'S MEADOW, DRIVERS NURSERY AND DISCHARGE  
WARWICKSLADE

The Deputy Surveyor requested the Minutes of the December Court, number 2010/5262, condition 2. be re-worded and proposed certain amendments. The Court felt unable to accept all that was requested and after further discussion, a form of words was agreed. The Deputy Surveyor asked if he could bring a proposed amendment back to the Committee before the end of the morning. This was agreed.

2011/5313 LATCHMORE BROOK RESTORATION DISCHARGE

The Forestry Commission provided an aerial photograph of the lawn in the vicinity of the Illuminated Target. This showed the lines of the ditches to be cleared out and subsequently maintained and also those which would be filled. The photograph is appended to this minute. The Verderers approved this "plan".

2011/5314 PITTS WOOD DISCHARGE

Proposals are awaited.

## **OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION**

2011/5315 BEAULIEU TRAFFIC SURVEY DISCHARGE

Mr Maton reported that Cllr Ken Thornber is supporting proposals to undertake a survey of traffic passing through Beaulieu as part of proposals to re-route heavy traffic via a one way system basis via Ipley Crossroads and Applemore. The Court will respond when the time comes.

2011/5316 CONSULTATION ON THE FUTURE OF THE FORESTRY COMMISSION RESUME

A consultation is about to commence on alternative arrangements for the ownership of the public Forestry estate in England. It is expected that an announcement will be made next week.

The Forestry Commission will write to stakeholders inviting them to an event to discuss the proposals.

**The Deputy Surveyor and Mr Street left the meeting.**

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

2011/5317 HLS UPDATE RESUME

An announcement will be made at the February Court which will include a rundown of what has been achieved in the first year of the HLS.

At the Advisory Group meeting on the 31<sup>st</sup> January, Rachel Bailey will step down as Chair and Mr Colin Draper (Verderers' Grazing Scheme Manager) will take her place.

A 'healthcheck' of the HLS is due to take place. This is being carried out by Mr Jim Seymour, Regional Programme Manager for Environmental

Stewardship. The Official Verderer said he is confident the healthcheck will go according to plan. The next tranche of money is due at the end of March. Mr Seymour is meeting the Management Committee. Mr Richard Deakin will take Mr Kitcher's place on the 8<sup>th</sup> February.

### **NEW FOREST NATIONAL PARK**

2011/5318 REVIEW OF NATIONAL PARK AUTHORITY GOVERNANCE DISCHARGE

The Official Verderer will send a letter on behalf of the Court.

### **OTHER AGENDA ITEMS**

2011/5319 EXPENSES REVIEW RESUME

Mr Deakin reported that he has met with the Clerk and Head Agister. A number of areas have been identified where savings may be made and further discussions will take place in the next Staff Committee.

When discussing the expenses review, Mr Deakin will make it clear that Health and Safety and the welfare of stock will not be compromised in any way as a result of initiating cost savings.

2011/5320 PROCUREMENT POLICY DISCHARGE

The HLS requires each organisation to agree a Procurement Policy. The draft prepared by Mr Chris Caswell (HLS Manager) was formally approved.

**Dame Mary Fagan, the Lord Lieutenant, took leave of the Court at this juncture saying that she had very much enjoyed her visit. She thanked the Court for all it does for the Forest and its community and thanked the Official Verderer personally for his hard work. She added that the Verderers' Court does a wonderful job.**

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

No matters requiring the Court's immediate attention were reported.

### **STAFF MATTERS (including the Staff Committee)**

2011/5321 LONE WORKERS RESUME

Due to pressure of work this matter is still outstanding. It will be discussed at the next Staff Committee and a procedure put in place prior to the next Court.

### **TRAINING**

No training is taking place

### **HEALTH AND SAFETY AT WORK**

See 2011/5321 above - Lone Workers

## **ANY OTHER BUSINESS**

2011/5322 HORSE PASSPORT ISSUING ORGANISATIONS (PIO'S) RESUME  
March

Miss Macnair reported that DEFRA has announced that it wishes the issuing of horse passports to be the responsibility of one body. A meeting has been called to which members of the New Forest Pony Breeding and Cattle Society have been invited.

The Verderers' Pony Identity List will not be affected.

2011/5323 DISPOSAL OF FALLEN STOCK DISCHARGE

The issue of the disposal of fallen stock has been raised again. It has been suggested that funding for the continued provision of an incinerator could be part funded through the HLS. The matter may be taken forward by the CDA.

2011/5324 MEETING WITH YOUNG COMMONERS DISCHARGE

The Court will meet with the Young Commoners on Monday, 21<sup>st</sup> February in the Library at 14.00 hrs.

## **ITEM RESUMED FROM EARLIER IN THE MEETING**

2011/5325 CAMEL GREEN, QUEEN'S MEADOW, DRIVERS NURSERY AND DISCHARGE  
WARWICKSLADE

The Deputy Surveyor brought into Committee an amended form of words which, after a short further discussion, were agreed

The amended minute proposed by the Deputy Surveyor and agreed by the Court reads as follows:-

'The Forestry Commission must give unequivocal assurances that debris dams will be removed from the restored area on the Open Forest or in Queens Meadow where in the opinion of the Verderers there is a demonstrable risk to the health and safety of humans, access, commoners stock or grazing. Short term assurances and promises to "consider, monitor, review, or look at" future debris dams are not good enough.'

There was no further business and the meeting closed at 12.30 p.m.