

**MINUTES of the Court of Verderers held on Wednesday 18<sup>th</sup> July 2012 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 Gerrelli	Elected Verderer
	Miss D Macnair MBE	Elected Verderer
	Mr C Maton	National Park Appointed Verderer
	The Hon R Montagu	Forestry Commission Appointed Verderer
	Mr A H Pasmore	Elected Verderer
	Mr D Readhead	Co-opted Elected Verderer
	Mrs P Thorne	DEFRA Appointed Verderer
	Mrs D Westerhoff	Natural England Appointed Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister (to 2012/6167)

**IN COMMITTEE in the Library**

2012/6162 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 20<sup>th</sup> June 2012 were approved and signed by the Official Verderer.

2012/6163 DECLARATIONS OF INTEREST RESUME

The Official Verderer, the Elected Verderers, including Mr Readhead together with Mrs Thorne and Mr Maton all declared an interest in the Higher Level Stewardship Scheme.

Mr Gerrelli declared an interest in matters concerning campsites.

2012/6164 CONDITION OF STOCK RESUME

The Head Agister reported that conditions on the Forest continue to be excellent. Grass has kept growing with all the rain. Animals are better off in the Forest than in commoners' fields, because in the Forest they can find dry ground. Mares without foals look extremely well. Mares with foals do tend to be obvious but they are mostly also looking very well.

There have been more instances of long feet on ponies and donkeys than usual, thought to be due to the excellent supply of food.

Some later foals are looking somewhat bedraggled thanks to the continued wet weather and they would benefit from some sunshine.

Mr Deakin echoed the Head Agister's comments. He added that it is important to monitor the feet on the stock to ensure that if other problems arise they are dealt with quickly.

2012/6165 STOCK LOSING CONDITION AND REMOVED FROM THE FOREST IN JUNE RESUME

Mares with foals	6
Fillies (2, 3 yr olds)	1
Total in July	7
Total year to date	207
Total year to date previous year	263

2012/6166 MARKING FEES RECEIVED TO DATE RESUME

	Forest	Common	Total
Ponies	3990	783	4773
Cattle	2079	879	2958
Donkeys	86	66	152
Pigs	0	102	102
Sheep	0	136	136
TOTALS	6155	1966	8121
Total PCD	6155	1728	7883

The extra cattle may affect ponies' feed over this winter.

2012/6167 BYELAW ENFORCEMENT RESUME

There are no byelaw enforcement at present.

**The Head Agister left the meeting.**

2012/6168 ANNOUNCEMENTS AND DECISIONS RESUME

The Announcements and Decisions were approved.

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

IN ATTENDANCE: Mr Kevin Penfold, Acting Deputy Surveyor of the New Forest  
Mr Mark Street, Area Land Agent (New Forest)

**ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER**

2012/6169 ARCHIE CLEVELAND, FORMER ELECTED VERDERER

I am sorry to inform the Court of the sad death of Archie Cleveland, aged 92. He was an elected Verderer from 1976 to 1986. He had the honour to be presented to the Queen in 1979 by my predecessor Sir Dudley Forwood at Whitefield Moor to celebrate the 900<sup>th</sup> anniversary of the founding of the New Forest. He was a lifelong commoner, and he continued to attend open Court most months after he stopped being a Verderer, right up until a few months ago. The funeral is at St Nicholas in Brockenhurst this Friday 20<sup>th</sup> July at 2 o'clock.

2012/6170 LATCHMORE STREAM RESTORATION

I am grateful to all of you who took the time to share your knowledge and views of the Latchmore stream restoration with us by making presentments last month and the month before. In all we had fifteen presentments on this subject, all of which were well-informed and articulate. Last month was the longest Court since I was appointed Official Verderer, and for me it showed the importance of this forum as the crucible of debate and decision making in the New Forest. Thank you very much.

The Latchmore stream restoration was discussed at length in committee.

The Verderers sought and obtained the assurance of the Forestry Commission that it would meet its statutory responsibilities for the protection of archaeology on the site. The Forestry Commission was happy to give this reassurance.

The Verderers also stipulated that the legislation governing the protection of fish, birds and Odonata must also be complied with in full. The Forestry Commission confirmed that this will be done.

Having given very careful consideration to all the presentments heard last month, together with those which were heard at the previous Court on the 16<sup>th</sup> May 2012, the Verderers decided that we would continue to support the Latchmore stream restoration.

2012/6171 KEVIN PENFOLD, ACTING DEPUTY SURVEYOR

When Mike Seddon was seconded to the Independent Panel on Forestry in April last year, Kevin Penfold stepped in to act as Deputy Surveyor in his absence. Mike Seddon returns to the New Forest next month, so this will be Kevin's last Verderers' Court. Kevin and I started at about the same time so we were new boys together, and we have developed a strong working relationship. We have not always agreed, and nor should we, but we have achieved a lot in the last 15 months, particularly in focusing the Verderers' Higher Level Stewardship scheme and pushing forward work to improve our beautiful and important New Forest. Thank you, Kevin.

2012/6172 THE HONOURABLE RALPH MONTAGU, FORESTRY COMMISSION VERDERER 2003 - 2012

Today is Ralph Montagu's last Court, which he has served with distinction for nine years as the Forestry Commission's appointed Verderer. He follows his great-grandfather, providing a continuity which is one of the most important characteristics for the Verderers in our preservation of the New Forest.

Of course, Ralph and I were at school together over 40 years ago, and we have remained in contact ever since. But during the last year, sitting as a fellow Verderer, I have become aware of a different side to him: his appreciation of the beauty of New Forest, and his quiet crusade against its despoliation by the proliferation of urban paraphernalia such as municipal sign posts and other street furniture. Ralph's aesthetic regard for the visual importance of our rural landscape will be much missed by his fellow Verderers.

Ralph's opinion has always been useful precisely because he is not a commoner. I know that my predecessor appreciated your wise counsel, and so have I. Thank you very much.

## **ANIMAL ACCIDENT REPORT**

2012/6173 THE ROAD ACCIDENT REPORT FOR JUNE 2012

The Agisters attended 9 accidents in June. 2 ponies, a donkey and a cow died. 2 drivers have failed to report having collided with a Forest animal. 5 accidents occurred in the dark and 4 cars and a motorbike were involved. This compares with 4 accidents last June in which 2 animals died.

On the 3<sup>rd</sup> June, a motorcyclist from New Milton reported having collided with a pony at Hatchet Pond at 5 to 10 at night but nothing injured was found.

On the 4<sup>th</sup> June a donkey was killed in Toms Lane, Linwood. The accident which occurred at 7.45 a.m., has been recorded as a hit and run.

A bay colt foal, hit by a car driven by a man from Lymington on the 5<sup>th</sup> June at 4.25 in the afternoon at Hatchet Moor, was uninjured.

On the 9<sup>th</sup> June a red car which failed to stop hit a bay yearling at Emery Down at quarter past 3 in the afternoon but no ponies in the area were found injured.

On the 11<sup>th</sup> June a black Angus heifer was injured at Norleywood Crossroads by a vehicle driven by a woman from Hythe. The animal had to be humanely destroyed by the Agister. The accident happened at 10.19 p.m.

On the 18<sup>th</sup> a donkey foal was hit by a car but fortunately escaped injury. The accident

occurred on Beaulieu Heath at quarter past 4 in the afternoon.

A dark bay mare was injured and destroyed on the 20<sup>th</sup> June following an accident in Main Road, East Boldre at 12.40 p.m. The driver came from Hounslow.

A Totton motorist hit a pony on the B3056 Beaulieu Road on the 28<sup>th</sup> June AT 11.29 pm. Fortunately the animal was uninjured.

An accident reported at 9 minutes past ten (p.m.) on 26<sup>th</sup> June was attended by the local Keeper, the Agister and the Police. A grey mare wearing a collar had been struck and had to be destroyed. The driver was found to be well over the drink-drive limit. We have now been advised that the driver, Mr Mark Lucas from Hythe, appeared in the Southampton Magistrates Court on 11<sup>th</sup> July where he was fined £600.00; required to pay Court Costs of £85.00 and a victim surcharge of £15.00. In addition, he has been banned from driving for 21 months. The latter will be reduced if he takes a driving course at a cost of £250.00. From the photographs that I have seen, I suspect the car, a smart red Jaguar X Type estate was a write-off.

On the 4<sup>th</sup> January a phone call was received in the Verderers' office at just past 5 pm from a very distraught lady who had just witnessed an accident in Sway Road Brockenhurst. A coloured donkey had been hit by a car which failed to stop. The driver, Robin Gadsbey from Oldham in Lancashire did not report the accident until several days later. He was therefore prosecuted for failing to stop and report the accident within the specified time. Mr Gadsbey appeared in Court and was fined £425.00. He is also required to pay £85.00 Court costs and a £15.00 victim surcharge. His licence has been endorsed with 8 penalty points.

The lesson here is try not to hit animals on the Forest but if you do have an accident report it, and don't drink and drive.'

## **PRESENTMENT BY THE ACTING DEPUTY SURVEYOR OF THE NEW FOREST**

2012/6174 FORESTRY COMMISSION APPOINTED VERDERER

'Good morning Verderers, Ladies & Gentlemen

Today see's the last court for the Hon Ralph Montagu. On behalf of the Forestry Commission I would like to acknowledge and thank Ralph for his service over the last nine years to this court, the work of the Verderers and to the New Forest. In occupying the position of Forestry Commission Verderer, Ralph Montagu has followed the footsteps of his illustrious ancestor, Lord Henry Scott who was an elected member of the Court from 1880 to 1890 and then Official Verderer for a further two years.

It is fair to say that on his appointment there were fears in the Forest community that his close links with the Beaulieu Estate's recreation promotion might have given rise to conflict, but throughout he has always put the Forest first.

The Verderers Court contains experts in many subjects, but with particular emphasis on commoners and their rights. If there is a weakness, it is in the understanding of landscape with the importance of tranquillity as elements of the Forest's character together with a wider understanding of estate management. Ralph's contribution has strengthened the Court in just this area and has helped to give balance to all the Verderers' decisions. He is highly respected and his thoughtful contributions to the Court's debates I know are appreciated by both his fellow Verderers as well as the Forestry Commission.

Whilst leaving us I know that as one of the largest landowners, and after a decade of working in Forest administration, you will continue to be an ambassador for the Forest and its special qualities. At sometime, perhaps, we may hope to see you return to the Court.

Ralph, thank you for your committed service to the Forest.

In marking Ralph's service to this court I would like to take this opportunity to announce Barry Dowsett as the newly appointed Forestry Commission Verderer. Whilst the position is appointed by the Forestry Commission I am sure, like Ralph, Barry will be an independent voice who will work hard to serve the purposes of this court and in the best interests of the Forest. Barry will take up his appointment in the September court.'

2012/6175 LATCHMORE STREAM RESTORATION

'The Forestry Commission announced last week the postponement of the stream restoration at Latchmore due to the continuing poor weather conditions we are experiencing this summer. We are currently half way through a 20 week forest wide programme but have already lost over 5 weeks due to wet weather. As a result we have rescheduled the major part of the Latchmore restoration scheme until 2013. We hope it may still be possible to complete the Thompson's Castle mire part of the scheme, but this is also subject to favourable weather conditions.

We heard a number of presentments at last months court on the scheme and I would like to take this opportunity to thank those bodies and individuals who have supported the plans whilst giving reassurance that we will continue to liaise with all parties before the work begins. I am confident that the concerns raised in last month's court have already been considered within our plans and that adequate protection is in place to safeguard archaeological features and that the scheme will deliver long term environmental benefits when completed.'

## PRESENTMENTS

2012/6176 LATCHMORE STREAM RESTORATION  
Presentment by Mrs Ailsa Farrand

'Official Verderer– Verderers Good morning. My name is Ailsa Farrand, I , live, ride, walk and turn out ponies in the area of Latchmore.

I am delighted the plans for the engineering work at Latchmore have been delayed and trust it will give time for proper consideration to be given to the project.

There are still plans however to go ahead with the Thompsons Castle mire work -Unit 28 - this year. This is specifically the lawn area connecting the Thompsons Castle Mire to Latchmore and where it will significantly alter the drainage into the brook, there have been no Consents or Permissions obtained in the 'Restoration' Plans, Method Statements, Natural England letters or Environment Agency consents for work on this triple SSSI unit which is stated by Natural England to be in favourable condition. - Is this good practice is it legal?

No evidence has been produced to indicate the mire is drying out. Local observation is it has remained stable for many years.

The Brook is designated as 'Unfavourable Recovering' but requests to see the assessment under freedom of Information Act have not been successful – it would appear there isn't one.

The importing of 10,000 tons of potentially contaminated gravel and clay to fill the existing stream is taking place without any form of impact assessment on the process or outcome. How is this best practice or legal?

Professor Sear indicated that tree cover should not be removed from the stream banks as this will warm the water and kill the fish and invertebrates. He also pointed out that some of the meanders where it is proposed to re-route the stream into, are too high and that it

would thus be unsuccessful. He added that he had repeatedly asked that monitoring should take place before and after works, or how else can success or failure be judged?

For Health and Safety reasons to protect operators of heavy machinery, many trees have been felled - sadly, whilst digging for ordnance, and an explosion to remove a WW2 'training aid' have resulted in destroying the nesting sites of protected species. A wildlife crime has been reported to the Police.

Gorse and shrubs have been removed that were habitat for the Dartford Warblers, Stonechats etc, interestingly Natural England would not allow a couple of days filming earlier this year at Blackbush in Hampshire as the noise may have disturbed the Dartford Warblers, at Latchmore their habitat has been removed! Double standards maybe?'

2012/6177 LATCHMORE STREAM RESTORATION  
Presentment by Mr Dai Morgan from Furze Hill

'My name is Dai Morgan I am a Chartered Engineer.

I live at Brookfield, Furze Hill, SP6 2PS

My Presentment concerns the proposed heavy engineering works at Latchmore.

I won't dwell on the irony that a project to "*reconnect Latchmore to its flood plain*" has now been delayed because the area has been flooded virtually continuously since May; save to say that this clearly demonstrates that the project has not been studied properly, and this delay gives you: the Verderers, and the Forestry Commission ample time to rectify this serious deficiency.

My particular reason for this presentment is that I live on the bank of the Huckles Brook at Furze Hill. The first thing I see out of my window every morning is the brook which flows down from Latchmore. It is normally a gentle flowing stream, but over the last decade I have seen it in full flood a number of times each year after heavy rain, when it covers the main road, and also a feeble trickle, when it is little more than a series of stagnant pools.

I attended the Verderers' court last month, where we were all deluged with claims about the benefits these engineering works might bring. Although I don't doubt that most of these were well intentioned, several of them were clearly little more than fanciful.

The one in particular that I take issue with, is that this work will reduce the ferocity of the flooding, and will keep the flow going during periods of drought. Quite frankly I do not believe that these proposed works will deliver that claim.

I have studied the map of the whole stream – not just the small section which the FC are using to describe the works, and I have walked the actual ground.

The area in the open Forest is merely the tip of the iceberg.

Upstream in the Inclosures at Alderhill and Island Thorns, the brook runs for 6 kilometres before reaching Latchmore plain. It is fed by some 20 tributaries which provide a further 17 kilometres of waterway.

These watercourses have massive man-made interventions. There are deep, straight, man-made channels, there are 24 inch culverts under the Forestry tracks, and there are deep drains either side of the tracks. These were all put in to drain the land for trees, to allow heavy machinery in, and to allow cut wood to be brought out.

It is these extensive, man-made channels which cause the brook to flood so quickly every time it rains heavily; and it is these drains which dry out a vast area of the catchment which then causes the brook to run to a trickle when it doesn't rain.

It is this area, inside the Inclosures, which needs to be “restored” to give back the brook its natural character – not the small bit on the open forest.

The FC knows this; and to be fair they have already filled in a couple of tributaries, which are now soft boggy valleys. They do retain more water, and in time may go back to something like their original state.

On the various walks that the FC have organised in response to public demand, Kevin Penfold has indicated that they do **intend** to “restore” more of these waterways, some time over the next 10 years. However there are no specific plans for this, and he was not at all confident, that in the current financial climate, any of these plans would actually happen.

On the most recent walk, the independent expert – Professor David Sear looked at everything that is being proposed by the current works. At the end of the walk, he pointed out that it is the large area upstream in the Inclosures, with the massive man-made interventions which should be tackled before the open plain.

The Environmental Agency experts also on the walk independently gave the same view. The consensus was: “Do the upstream work first, otherwise the work at Latchmore shade will be wasted”.

My own view is that if the upstream areas are not put right first, the stream will continue to flood rapidly, and will wash away any of the benefits that there may be from doing this proposed work at Latchmore.

Verderers - I put it to you that the weather has saved us from the Forestry Commission making a grave mistake with this project this summer. **Please** use the extra time wisely to insist on a proper and specific Environmental Impact Assessment which considers the hydrology of the whole catchment of the stream. Only this will clearly demonstrate the best way to proceed and show whether in fact the work on the open area of Latchmore is justified – or even needed at all.

Thank you.'

2012/6178 LATCHMORE STREAM RESTORATION  
Presentment by Mr Michael Mayes from Blissford

'Official Verderer, Verderers – Good morning.

My name is Michael Mayes. I am a mathematician, geographer, and land surveyor. I live in the parish of Hyde, walking and observing in the area of Latchmore every day.

My Presentment concerns the likely impact of the combination of the proposed works at Latchmore Brook with the lack of “investment” in the upstream Inclosures.

There is no indication from all the documentation on these works that any consideration has been given to this critical issue which may have serious implications to the commoners and residents immediately adjacent and downstream of the works at Ogdens.

To re-cap – the objective of the Forestry Commission is to reconnect the stream with its floodplain, through more frequent overtopping of the banks. There is no information on what frequency of flooding is anticipated for given flows, or what profile, cross-section or wavelength is planned or expected for the new stream.

What is proposed at Latchmore is to infill the existing channel and move the stream to new meanders – described at various times in the project plans as “original”, “historic”, or “natural”. This is an impossible objective, equivalent to restoring the New Forest to what it was in 1079, when first designated a Royal forest. The fact that there are no

discernable or usable meanders on the north side, as the stream emerges for Alderhill, or any plans which determine what will be constructed is just one indication of the poor planning for these works.

What is not contestable is that the current channel supports most water flows. In fact the **new** channel may well support most water flows, as most of the time, the water flow today is simply a gentle babbling brook in the gravels of the channel bed. In practice, the flows are either minimal, or the opposite extreme, of major flood flows, which must cope with the very rapid run-off from the upstream catchment. In general, the existing channel copes with most of these flows and only floods to a few inches across the floodplain.

So what is the likely effect after the Works are completed without addressing the upstream catchment areas? There are no surveys or analysis by any of the public bodies involved, so one can only make one's own assessment – which I have done by frequent measurement on site and from available published data. It is not difficult to produce water volume calculations which provide results to a good confidence level, which make you realise there is a major issue.

Just fix in your mind a few figures:

The new meanders will only have a capacity of about 15% of the existing channel. Based on existing channel cross-sections – and water flow measurements, flood volumes of at least 250,000 cu metres of water flow into Latchmore from Alderhill over an average 7 hour flood.

This means that flood volumes of 200,000 cu metres, previously contained in the existing channel must be spread across the floodplain. This will happen immediately it leaves Alderhill as the new meanders will have only 15% capacity.

Based on the area of the floodplain this will result in water volumes equivalent to a depth of 1 metre !!

This is not the end of the impact on the water flow.

All this water then has to re-enter the existing channel below new meanders west of Latchmore Shade, greatly increasing the prospect of flooding into Ogdens and the surrounding area, because the floodplain will not be able to absorb the water.

It can only stay there if it can be contained. It will not happen.

The only reason the water system now copes with the enormous quantities coming from Alderhill **is because it has a relatively efficient channel.**

To put it another way – the “new” meanders were appropriate to the water flows **before** the Inclosures were drained – not as the Inclosures are now, causing flash floods.

These figures, purposely conservative to ensure that the results are realistic, illustrate, at the very least, the need for a serious assessment of the hydrology of these works, and indicate that the effect of the Forestry Commission not investing in the upstream catchment **first** may have unexpected consequences – possibly one of the reasons why the existing channel was deepened in the first place as the effects of the draining of the Inclosures took effect.

Thank you for your attention.'

*NB: The calculations have not been included in these minutes but will be retained on file.*



2012/6179 THE NEW FOREST COMMONERS' DEFENCE ASSOCIATION QUEEN'S JUBILEE RIDE

Presentment by Mr Graham Ferris on behalf of the CDA

Over the weekend of August 4<sup>th</sup> and 5<sup>th</sup>, relays of Commoners will ride the Perambulation of the New Forest, to mark the Diamond Jubilee of Her Majesty Queen Elizabeth II. They will carry with them a locally crafted and engraved riding whip, one of a matched pair, the other one having been presented by the Official Verderer to Her Majesty.

The original purpose of riding the Perambulation or boundary of the Crown Lands at the request of the Monarch, was to check that parcels of land were not being misappropriated by neighbouring landowners and commoners!

The first recorded perambulation was in 1215 and further perambulations have been recorded occasionally in the succeeding centuries. And the last one undertaken at the request of the Monarch was in 1839 in the reign of Queen Victoria.

The first accurate mapping between 1787 and 1789, led to "Driver's Map" still used today as an important source of historical landscape features. And the line of the current perambulation was defined in support of the 1964 New Forest Act of Parliament by Mr Hugh Pasmore, ably assisted by his young son Anthony!

The same Anthony Pasmore once wrote "In major issues however the CDA seems invariably to have acted with the cooperation and approval of the Verderers Court".

The Queen's Diamond Jubilee Ride, is the latest example of that cooperation and it is appreciated.

Members of the CDA who are experienced riders on the Forest are actively encouraged to take part in the Ride and details including the Registration Forms are on the CDA website, [www.nfcda.co.uk](http://www.nfcda.co.uk)

2012/6180 INDEPENDENT PANEL ON FORESTRY REPORT

Presentment by Mr Brian Tarnoff

'The IPF Report has much to commend it, an appreciation of the inherent value of our woodlands and goals to target spending that recognises the worth of these national assets. However it has a major flaw, as far as we are concerned, as with much previous national policy on forestry, it does not recognise the unique qualities of the New Forest. Although some mention is made of "restoring our most precious ancient woodlands and heathlands from plantation forestry", a laudable goal, much more emphasis is given to planting a greater number of trees, which does not fit the diverse mosaic of habitats of the Forest, which includes lawns, pasture woodlands and valley mires.

There are some generic flaws to the report, in trying to be all things to all people, it recommends both more conservation and more access to the public with no mention of the 'Sandford' principle, nor any other suggestion of a mechanism to address conflicts that may arise between these aspirations. Increasing tree cover nationwide is a worthwhile target, but it must be the right trees in the right place, and our Forestry should not lead into the trap of so many other aspects of public work that now seem to blindly chase targets.

DEFRA will not weigh in with a response to the report until January 2013, I hope that the Verderers will join me in providing them with feedback pointing out that the New Forest must be managed to improve its own abundant special qualities. Noting that the word "forest" originally referred to any enclosed land, which confuses many first-time visitors here who expect only woodlands, the government would be in danger of not seeing the Forest for the trees.'

Mr Tarnoff also added three comments on other subjects:

The New Forest Association supports the Verderers' continued support for the Latchmore stream restoration.

The New Forest Association supports the Forestry Commission's delay to the Latchmore stream restoration project due to the recent wet weather.

The New Forest Association thanks Ralph Montagu for his service to the Court of Verderers.

### **IN COMMITTEE in the Library**

#### **CONSIDERATION OF PRESENTMENTS**

2012/6181 LATCHMORE STREAM RESTORATION DISCHARGE

It was not felt that the presentments that were heard today brought forward anything that is new or hasn't already been considered.

The Deputy Surveyor confirmed once again that all necessary consents for the works are in place.

There are additional proposals for works on the upstream inclosure sections of the watercourse and it is hoped that they will be carried out at the same time or immediately after the works on the Open Forest part of the system are undertaken. Funding is available subject to Government approval. There is, however, a limit to the scale of these works.

Mr Pasmore commented that in his opinion it would be unacceptable to undertake any work to the main stream through Islands Thorns and Amberwood where the stream is particularly beautiful.

Three lateral drains in Alderhill have already been filled as have several at the bottom of Alderhill.

The Forestry Commission will consult prior to undertaking any additional works.

2012/6182 CDA QUEEN'S JUBILEE RIDE DISCHARGE

The Official Verderer explained that he and the Agisters will ride from the Queen's House to the first relay team which will be waiting on Bolton's Bench. The whip will then be carried around the Forest as a Talisman. It will stay with the Head Agister overnight. On its return, the Official Verderer and the Agisters will meet at Bolton's Bench and ride back to the Verderers' Hall. The CDA is arranging for the whip to be framed with a short text explaining that the whip is a duplicate of one presented to Her Majesty the Queen to mark the occasion of her Diamond Jubilee.

2012/6183 INDEPENDENT PANEL ON FORESTRY REPORT RESUME

Mrs Westerhoff pointed out that planting too many additional trees in the Forest, especially softwoods, would be in contravention of the SAC Plan and is therefore not a matter for concern in the New Forest.

It was agreed that now the Panel has disbanded and the report has been passed to the Government for consideration and presumably adoption, the Court should write to Defra, setting out its position regarding the report

and its implementation in the Forest. The Government is expected to respond to the report in January 2013 and so it is important that a response to the Report should be submitted soon.

Mr Pasmore remarked that there is an important lesson from history and that is that the 1968 Countryside Act gave powers to the Forestry Commission to carry out recreational development in the New Forest without the Verderers' consent. After a great deal of effort, it was followed by the New Forest Act of 1970 which re-established the Verderers powers in respect of the protection of the Forest. If the Government introduces new legislation, it is essential for the future conservation of the Forest and the commoning system, that that new legislation is subordinate to the New Forest Acts as they stand now.

There is no mention of the Sandford principle in the Panel's report i.e. "Where irreconcilable conflicts exist between conservation and public enjoyment, then conservation interest should take priority".

The Ministers' Mandate is another area which needs close consideration. It remains to be seen how this will be affected. Any new charter must pay specific reference to the New Forest and the Forest of Dean.

The timescale for response is between now and September.

Action  
OV & AP

Mrs Westerhoff said she has already read through the recommendations and she offered to circulate them to members of the Court. Her offer was gratefully accepted.

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

2012/6184 RENEWAL OF FC WATER SUPPLY PIPE AT ALLUM GREEN (GR DISCHARGE  
SU278070)

The proposal to renew the pipe that runs from the Southern Water meter and stop cock at Allum Green, to serve Forest Gate and Holidays Hill Cottages and the Reptile Centre was considered and approved. However, the Court sought assurance that the cut walk created in 1740 by the Duke of Bolton, and in particular the earthworks beside it would not be damaged. This is valuable archaeology and the Forestry Commission was happy to give that undertaking and accepted that consent is given subject to that condition and the standard three conditions of Safe Working Conditions, satisfactory re-instatement and compensation for loss of grazing.

2012/6185 SSE PROPOSED UNDERGROUND ELECTRICITY SUPPLY TO DISCHARGE  
OAKMERE, NORTH WEIRS, BROCKENHURST

It is understood that the new electricity supply is for a swimming pool pump. The Court reminded the Forestry Commission that swimming pool discharges have caused problems in the past because of the chemicals in the water. Mr Street said the FC will ask the occupier of the property how discharged water will be dealt with to make sure that no damage is caused to the nearby watercourse, or adjacent Open Forest grazing.

Action MStr

Consent for the cable was granted subject to a satisfactory system for dealing with the waste water being agreed between the Forestry Commission and the property occupier, and subject to the usual three conditions.

**MATTERS OF INTEREST TO THE FORESTRY COMMISSION ARISING FROM THE MINUTES OF THE LAST COURT**

- 2012/6186 COXLEASE SCHOOL CATTLEGRID DISCHARGE
- The Clerk reported that Hampshire Highways has expressed concern at the Court's request for a temporary cattle grid to be installed whilst the main grid is replaced. It is understood HHW does not possess a suitable temporary grid and obtaining one will be extremely expensive. There are also safety issues with installing a temporary grid at this location.
- In order to satisfactorily manage the risk of livestock escaping through the bypass gate onto the A337, Hampshire Highways has undertaken to speak to the residents who use the track and to keep a close watch on the situation at times when there is no team on site (particularly late at night). If there is a problem, a gatekeeper will be provided so that there is a member of HHW's staff on site at all times. In addition, the Forestry Commission was requested to ask the Keeper living in the cottage opposite the entrance to Coxlease to keep an eye on the gate. Action MStr
- Subject to these assurances, the Court is prepared to waive its requirement that a temporary grid be installed.
- 2012/6187 HIGHWAY MAINTENANCE PLAN RESUME
- The Clerk reported that Hampshire Highways has not been able to update the plan in time for this meeting. The plan will be available in good time for the September Court. Action SW
- 2012/6188 DAMAGE TO ROADSIDE VERGES AT BULL HILL (B3054) DISCHARGE
- Whilst discussing highway matters, the Official Verderer reported on the damage that has been caused to the verges of the B3054 during road repair work. The contractors working for Hampshire Highways have scorched the verges with a blow torch, leaving deep burned indentations. In addition excess tarmac has been left on the grass together with sandbags used to weigh down signage. The latter have still not been removed. The Official Verderer said he has received a personal apology from the local Highway Manager.
- 2012/6189 WOODGREEN CRICKET CLUB PAVILION DISCHARGE
- Mr Street reported that it is not possible for the pavilion to be extended at the back because of the proximity of mature oak trees and the inclosure bank.
- The present pavilion is a small, thatched building, appropriate to a rural village setting. The Club already has quite a lot of infrastructure and the Court and Forestry Commission were not inclined to allow the pavilion to be extended at the front or sides. However, it was agreed that such clubs are part of village life and are a valuable community resource.
- Mr Street suggested that a way forward may be for a small extension to be built on the back, of a size that would fit into the available space, with a redesign of the interior to allow for the provision of the facilities that the club now requires. The extension would become the machinery store and the area within the building which is the current machinery store could be turned into the changing rooms for visiting teams that are now needed.

It was further suggested that the formal planning application that will be necessary if any extension is to be built, may help decide upon its likely impact on the Forest.

Mr Street said he will go back to the Club to see if redesigning the interior of the pavilion will work. He will report back to the Court in due course. Action MStr

2012/6190 CAMPSITE SURVEY RESUME

Mr Street reported that the Forestry Commission has now received the GIS data files and the paper survey/report. However, the GIS data files need to be converted to a format that the FC uses. Subject to completion of that work, which should be in September, FC staff will look at the detail and confirm the report is acceptable. Action MStr

2012/6191 OFFICE MOVE RESUME

The Clerk reported that she now hopes the move can be completed in early August. The move has been delayed as a result of additional structural work which has had to be undertaken in the building to resolve damp problems.

The Official Verderer thanked the Forestry Commission for making this office move possible, and for its work so far.

2012/6192 EXPOSED CABLE ON DUR HILL DISCHARGE

As British Telecom has failed to deal with the cable, which was originally part of the Blind Landing installation for Hurn Airport, a suitably qualified Forestry Commission team has been despatched to Dur Hill today to ascertain whether the cable is still live. If it is not, it will be cut off and removed and the area left safe.

### **SSSI RESTORATION WORKS**

2012/6193 WATER FRAMEWORK DIRECTIVE DISCHARGE

The Deputy Surveyor reported that the system for consent for works involving watercourses has now changed. Hampshire County Council has taken over from the Environment Agency in this respect, but this has resulted in more questions and additional consents being required including queries about management of reptiles. The Deputy Surveyor said that there needs to be a common understanding of what such works are trying to achieve.

2012/6194 FLETCHERS THORNS RESUME

Mr Deakin reported that the crossing is impassable, with flood water not flowing back into the stream, and he asked that this be added to the snagging list. Action KP

### **ENCROACHMENTS OF INTEREST TO THE FORESTRY COMMISSION**

2012/6195 UPDATE ON ENCROACHMENTS LIST RESUME

No new encroachments have been identified. Mr Street updated the Court on those that are outstanding.

The Court agreed that a text should be drafted for the National Park

Authority to include with all planning permissions, to explain to developers and house owners that the Open Forest must be protected, and not damaged or encroached during building works. Action OV

2012/6196 GRAHAM LODGE DISCHARGE

Mrs Thorne reported that there is now a large turning circle outside the property and the driveway entrance appears to have been widened with a flared track having been created. Mr Street said he will send the Estates Keeper to investigate. Action MStr

2012/6197 WHITE BICYCLE AT IPLEY CROSS Action MStr

The Forestry Commission refused permission for this memorial, but it has been put out anyway.

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

2012/6198 CYCLING EVENTS RESUME

The Court felt that a code of practice should be drawn up for organisers to follow. At the moment there seems to be little control. In particular, numerous signs appear every time there is an event. Some organisers are good at removing them afterwards but others are not. The Forest is currently littered with signs advertising all sorts of events. Once again, the problem is that events on the public highway do not require the Forestry Commission's consent. Efforts are, however, being made to educate organisers. Action KP

2012/6199 CYCLING ON THE FOREST DISCHARGE

Mr Pasmore reported that he recently encountered a large party of mountain bikers crossing the heath from Fernycroft to Pigbush. When asked, they admitted they had come from Fernycroft. They were told that they are not allowed to ride across the open heath and they did eventually go onto the road. The Court asked the Forestry Commission to ensure that the management of facilities such as Fernycrofts be asked to remind groups using their premises that they must obey the rules and that cycling on the Open Forest is not permitted. The Deputy Surveyor agreed to write to Fernycroft and the other centres, reminding them that there is a code of practice and that the Forestry Commission byelaws prohibit cycling on the Open Forest. It was suggested that the National Park Authorities Chief Executive should also assist by contacting Avon Tyrell as it uses the facilities there from time to time. Action KP

2012/6200 HAMPSHIRE STREET LIGHTING PFI – STAKEHOLDER BRIEFING RESUME  
October

The Clerk reported that she has been advised that the County Council has a programme of streetlight replacement. A briefing meeting has been arranged for the 16<sup>th</sup> October at 18.30hrs in Committee Room 1, NFDC Appletree Court. It was suggested the Forestry Commission's new appointed Verderer may like to represent the Court at this meeting. Action SW

2012/6201	PANNAGE SEASON	RESUME
	<p>It was agreed that as last year, the August Staff Committee will decide upon a date for the commencement of pannage and seek the agreement of the Forestry Commission. This will be in advance of any announcement in Open Court which cannot be made until late September which is too late.</p> <p>It was pointed out that it is much better to have the pigs out early whilst there is still plenty of food about, including newly fallen green acorns which are the most toxic to stock. It is accepted that pigs and campers do not always mix, but it is felt there will be sufficient food on the Forest in early September to keep the pigs occupied and away from humans.</p>	Action RD
2012/6202	OAK PROCESSIONARY MOTH	DISCHARGE
	<p>The moth has come into Britain from Europe on plant stock. The caterpillars shed hairs which cause rashes and asthma in people and colic and urticaria in horses. To date the moth has been found in London and Pangbourne in West Berkshire. No sightings have been recorded in the New Forest and the Forestry Commission is monitoring the situation very carefully.</p>	
2012/6203	WIND BLOWN TREES	DISCHARGE
	<p>The tree outside Long Meadow has not yet been cleared. The Deputy Surveyor said it will be removed before the end of the summer.</p> <p>The tree on Denny Lawn is still there. This one will be in the way of the drift and it was requested it be removed as soon as possible.</p>	
2012/6204	REPORTS AND COMPLAINTS BY VERDEDEDERS	
	<p>It is felt frustrating that reports or complaints by Verderers to the Forestry Commission "disappear" with no information on action taken. The Forestry Commission is requested to reply to all reports and complaints by Verderers or by the office staff, with details of action taken.</p>	
2012/6205	SEWAGE DISCHARGE AT FERNYCROFT	RESUME
	<p>Sewage is discharging onto the Forest from Fernycroft. Mr Street said the management will be told that they must resolve the problem and this will be included in the letter about cycling.</p> <p>The Court asked for feedback on this matter.</p>	Action MStr
2012/6206	ADVERTISING SIGNS	DISCHARGE
	<p>Signs advertising the Lover Weekend have appeared again all over the north of the Forest. In the past a few signs were put up but this year there are many more. It was suggested the Forestry Commission should write to the festival organisers advising them that such signage is illegal.</p> <p>Similarly, Wiggle did not have permission to insert signs into the verge. Again, it was suggested the Forestry Commission should write to the Wiggle advising them that such signage is illegal.</p>	Action KP Action KP

2012/6207	NATIONAL GRID WORK ON FAWLEY POWER LINES	DISCHARGE
	<p>Mr Street advised the Court that work will be undertaken on the power line between the Hardley roundabout at Forest Front and Hilltop. It will include the replacement of insulators on the poles. Tracking may need to be used to prevent damage to the ground on wet areas. In order to minimise damage, the Forestry Commission will require the track to be in place only whilst work is being undertaken. It may be left in situ on each site for one day only on either side of the days the works are undertaken. The Court suggested that low impact vehicles might be better.</p> <p>The dates of the works are 23<sup>rd</sup> July to 17<sup>th</sup> August. 20 and 21<sup>st</sup> August and 10<sup>th</sup> September to 26<sup>th</sup> October. Mr Street is aware that there may be drifts in the area.</p>	Action MStr
2012/6208	NEW FOREST ANIMAL DISEASE CONTINGENCY PLAN 2012-2013	DISCHARGE
	<p>The Deputy Surveyor said he needs to update the Contingency Plan contact details. He will forward the plan to the Clerk.</p>	Action KP/SW
2012/6209	DISCHARGE OF SWIMMING POOL WATER INTO MUDDY LANE, BURLEY	RESUME
	<p>The Forestry Commission's Estates Keeper is requested to check the discharge of swimming pool water into Muddy Lane. Water treated with chemicals is considered to be "foul matter" and therefore breaches the Forestry Commission's byelaws.</p>	Action MStr

**This being his last Court, before leaving the meeting, Mr Penfold said that it has been a pleasure working with the Court.**

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

#### **ENCROACHMENTS**

2012/6210	ENCROACHMENT IN TANNERS LANE	RESUME
	<p>The Clerk reported that her enquiries indicate that the land does not belong to the Crown. It is believed to be Pylewell Estate Land in which case it falls outside the jurisdiction of the Verderers. The Clerk was asked to pass the matter to the CDA for them to pursue.</p>	Action SW

#### **OTHER MATTERS ARISING**

2012/6211	NEW FOREST NATIONAL PARK OPERATIONAL PLAN	RESUME
	<p>The Official Verderer has not yet received a reply from Mr John Durnell concerning the Recreation Management Strategy Working Group Sub-Committee which has been tasked to look at the tranquil areas.</p>	Action OV/SW
2012/6212	VERDERERS' ELECTION	RESUME
	<p>The Clerk has spoken again with the Electoral Reform Service concerning the possibility of them running the Verderers' Election. They are looking at the regulations covering the Election process to see if they can assist the Court in running its elections at a reduced cost.</p>	Action SW



2012/6213 HABITATS DIRECTIVE IMPLEMENTATION REVIEW DISCHARGE

Mrs Westerhoff has considered the review. She feels that it will not impact significantly on the Forest. It mainly concentrates on the process that developers are required to follow for major developments, for example, if there was ever another oil exploration proposal.

In the Forest there would be a need to ensure the highest level of protection is given to the habitat. Further guidance is to be produced.

#### **HIGHER LEVEL STEWARDSHIP SCHEME & VERDERERS' GRAZING SCHEME**

2012/6214 HLS / VGS UPDATE RESUME

The Official Verderer reported that he has written to Naomi Oakley, the Head of the Commons Unit at Natural England regarding the Cattle Grazing Supplement (HR1) that is now available as the number of cattle on the Forest now exceeds 30% of the total number of animals turned out. 94% of the eligible stock is in the scheme and the stocking density on the Crown Lands of the Forest is 0.18LU/ha, less than the 0.25 stipulated by Natural England.

Action OV

A significant issue has arisen concerning the thrown open inclosures. It appears that those inclosures, or parts thereof, in which there are more than 10% of non native species, are not eligible for payments under the HLS. This could effectively wipe £80,000 per annum from the payments received. However, if the supplement is paid for the cattle that will help to offset the loss from the inclosures.

It has also been suggested that the extra money would replace the current practise of applying for capital grants for individual projects. The administration burden is felt to outweigh the benefits and in future such expenditure can be made with much less administration from the schemes annual payment if it is increased by the Cattle Grazing Supplement (HR1). The Court agreed.

2012/6215 WELFARE PROGRAMME DISCHARGE

The rules of the welfare programme have been circulated and were approved. The scheme will commence immediately.

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

2012/6216 LOCAL ACCESS GROUP (LAG) DISCHARGE

Mr Gerrelli reported that several commoners have made successful applications for funding for projects.

2012/6217 SIGNAGE GROUP DISCHARGE

Mr Montagu agreed to remain on the signage group and will attend any meetings that may be arranged.

2012/6218 RECREATION MANAGEMENT STRATEGY WORKING GROUP DISCHARGE

Mr Deakin reported that some members of the RMSWG continue to maintain that the Verderers do not have jurisdiction over the routes under discussion.

## **FINANCIAL REPORT**

2012/6219 FINANCIAL STATEMENT FOR JUNE 2012

RESUME

The financial statement for June 2012 was approved.

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

There were no staff matters to discuss at this meeting.

## **TRAINING**

2012/6220 FIRST AID

DISCHARGE

The Clerk and Head Agister have successfully completed a one day First Aid refresher course.

## **HEALTH AND SAFETY**

2012/6221 AGISTERS' RIDING HATS

DISCHARGE

New riding hats have been purchased for the Agisters to wear at the forthcoming New Forest Show and the Jubilee Ride. The new hats comply with modern safety standards for riders.

## **ANY OTHER BUSINESS**

2012/6222 STALLIONS

DISCHARGE

The New Forest Pony Breeding and Cattle Society has agreed to provide a list of judges from which the Verderers can select two to be appointed to the stallion inspection panel. It was agreed this is an acceptable way forward.

2012/6223 NEW FOREST SHOW OVERFLOW PARKING

DISCHARGE

The New Forest Show Society wishes to use part of Long Meadow for overflow parking. Mr Deakin is worried that, with all the recent rain, the soft ground in the field will be damaged by the car traffic and therefore may not be suitable for grazing afterwards.

2012/6224 WELFARE TOUR

RESUME

The Clerk will suggest some dates for the autumn welfare tour.

Action SW

2012/6225 CAROLYN QUENTIN'S NATIONAL PARKS – NEW FOREST

DISCHARGE

Burning Bright Productions is currently putting together a brand new series for ITV1 that sees Caroline Quentin visit three of Britain's most popular and picturesque National Parks. The Court has been invited to take part as the intention is to reflect the traditions of New Forest life the producers wish to include a piece about how the Verderers carry out their role in the 21<sup>st</sup> century.

It was felt the programme may be a useful way of disseminating important messages and therefore it was agreed that the Court should take part in the programme.

Action SW

There was no further business and the meeting closed at 13.35 hrs.