

MINUTES of the Court of Verderers held on Wednesday 16th June 2010 at 9.30 a.m. in the Verderers' Hall & Library, The Queen's House, Lyndhurst.

PRESENT:	Mr O Crosthwaite Eyre	Official Verderer
	Mr R Deakin	Elected Verderer
	Mr J F Kitcher MBE	Elected Verderer
	Miss D Macnair MBE	Elected Verderer & Chairman of the Staff Committee
	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
	Mr J R Gerrelli	Head Agister
APOLOGIES:	Mr A Gerrelli	Elected Verderer

IN COMMITTEE in the Library

The Official Verderer congratulated Miss Dionis Macnair on her award of an MBE which he said was richly deserved.

The Official Verderer then welcomed Mrs Diana Westerhoff, Natural England's newly appointed Verderer, to the Court.

2010/4972 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 19th May 2010 were approved.

2010/4973 CONDITION OF STOCK RESUME

The grass is at last growing and the Head Agister reported that the condition of stock is definitely considerably better and improving. Some mares look rather poor for a few days after foaling. If they continue to pick-up they are left otherwise after 2 or 3 weeks they are removed.

The Agisters will need to be very vigilant on the drifts and anything which is not in very good condition will be removed. Owners who do not co-operate will be reminded that they may be penalised under the stewardship scheme if they have a very poor animal that has to be removed later by the Agisters.

2010/4974 STALLIONS DISCHARGE

All the stallions were caught and removed by the deadline of Sunday, 13th June. 20 are now in Cadland and 1 or 2 others will join them shortly,

This year there have been a number of problems with stallions. At least three are injured, one quite badly and in addition, Farriers Rambler has been put down. It is thought he was probably involved in a road traffic accident.

2010/4975 YEARLING COLTS DISCHARGE

Some yearling colts are particularly active and with the stallions removed from the Forest they have a free rein. In one area there are several dun coloured foals and whilst there was no stallion in that area which would have been likely to produce dun progeny, there was a dun yearling colt.

The Head Agister left the meeting.

2010/4976 CONDITION OF STOCK RESUME

Mr Kitcher said he had nothing to add except that the condition of stock improved quite rapidly after the rain and most ponies are now looking quite good. He said he is satisfied with things in general.

2010/4977 YEARLING COLTS RESUME
July 2011

Miss Macnair commented that yearling colts become a problem if they are not licensed, as the foals cannot be registered as pure bred New Forest ponies. The situation will need to be monitored carefully and if it proves to be a serious issue, consideration may have to be given as to how to deal with active young colts. The problem is with colts kept in over winter which are turned out in the spring in very good condition.

Mr Deakin commented that the stallion scheme is generally considered to be very good and it has undoubtedly achieved what was intended. However, interfering with nature has resulted in some unexpected and undesirable consequences which may now have to be addressed.

2010/4978 JACK DONKEYS RESUME
July

Another consequence of the stallion scheme and the absence of the stallions on the Forest for most of the year is that jack donkeys have also become rather more active. Several mares have given birth to mules and some commoners feel strongly that jack donkeys should be controlled.

This matter was the subject of a Presentment some while ago and it was agreed in the first instance, and in order to help the Verderers gauge the level of the problem, the Agisters should be asked for details of any complaints received concerning jack donkeys.

2010/4979 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2010/4980 DECLARATIONS OF INTEREST RESUME

The Elected Verderers, Mrs Thorne and Mr Maton all declared an interest in the Higher Level Stewardship Scheme. Mr Gerrelli declared an interest in campsites. Mr Maton declared an interest in National Park planning matters. Mrs Westerhoff said that at present there do not appear to be any matters on the Agenda in which she needs to declare an interest, but she will ensure that should the need arise in future, she will not hesitate to do so.

2010/4981 FINANCIAL STATEMENT RESUME

The Financial Statement for May 2010 was approved.

The Official Verderer advised the Court that, at his usual pre-Court meeting with the Deputy Surveyor, the gloomy financial picture as far as future funding for Government departments was discussed. The Official Verderer advised that the Court should be mindful that if the Forestry Commission's budget is severely cut, the Court's budget may suffer the same fate. The National Park Authority has lost 5% of its budget and no organisation funded by Government is immune.

Concern was expressed that the HLS agreement has a 'break clause' after 5 years. The Official Verderer said he will check the wording to see exactly what that means as if the HLS came to an end it would have serious consequences for commoning.

2010/4982 REPORT ON MARKING FEES RECEIVED AS AT END OF MAY 2010 RESUME

Ponies	4680	Pigs	14
Cattle	1987	Sheep	153
Donkeys	117		
SUB TOTAL	6784	TOTAL ALL ANIMALS	6951

2010/4983 ANIMALS REMOVED IN MAY DUE TO POOR CONDITION RESUME

2 mares with foals
2 mares with yearlings (last year's foals)
8 mares
7 fillies (2 & 3 year olds)

Total 20 Total year to date (January to May) 540

2010/4984 BYELAW ENFORCEMENT RESUME

One commoner is claiming he cannot afford to pay his marking fees. The Agister for the area will make one more visit but if the commoner still does not pay the Clerk will write to him giving him 14 days to pay. Ultimately, the Court has the power to impound animals belonging to a commoner who is in breach of a byelaw and fails to remedy that breach within a reasonable period. This sanction will not however be imposed except as a last resort.

Mr Barnes is continuing to contribute towards his costs order.

2010/4985 REVISION OF THE VERDERERS' BYELAWS DISCHARGE

This matter should now be discharged from the minutes.

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

IN ATTENDANCE: Mr Mike Seddon, Deputy Surveyor of the New Forest
APOLOGIES: Mr Mark Street, Area Land Agent (New Forest)

ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER

2010/4986 NATURAL ENGLAND APPOINTED VERDERER

I am pleased to welcome Mrs Diana Westerhoff to the Court this morning. Mrs Westerhoff has been appointed by Natural England to serve for a three-year term.

2010/4987 HLS

I am very pleased to report that the Board has appointed Mr Christopher Caswell as the full time manager for the Higher Level Scheme. He started work on Monday 7th June, and with kind permission of the Forestry Commission his office is based here in the Queen's House.

2010/4988 GARDEN WASTE AND FLY-TIPPING

It is a fact that grass cuttings are highly dangerous to the Forest's ponies and donkeys, but sadly it is that time of year again and we have received a string of reports of householders putting their cut grass out on to the Forest. It does not matter if the grass is neatly bagged, the animals will find it irresistible and try to eat it, with dire consequences. In addition we have had a report of large quantities of cut bread being dumped out on the Forest. This new form of fly-tipping is also very dangerous to Forest stock.

In conjunction with the Police we make this announcement as a public appeal to the Forest's householders and gardeners not to place any grass cuttings or any other garden refuse out on the Open Forest.

Incidences of fly-tipping should be reported to the Forestry Commission if it is on Crown Land, otherwise the local authority or the police. Fly-tipping offenders risk prosecution. The fly-tipping of any waste is a serious criminal offence which carries a maximum penalty of an unlimited fine or five years imprisonment.

We also have problems with people placing hay out for the Forest ponies in the mistaken belief that it is helpful to them. In fact, it does much more harm than good and is a breach of our Byelaws.

It is regrettable that almost every year an announcement like this has to be made, but we simply cannot ignore these ongoing problems.

ANIMAL ACCIDENT REPORT

2010/4989 ACCIDENT REPORT FOR MAY 2010

The agisters attended 9 accidents compared with 10 for the same period last year.

1 pony and 2 donkeys were killed and 2 ponies and 1 cow were injured.

6 accidents occurred during the hours of darkness.

6 involved private cars or light commercials and 3 accidents were not reported.

3 accidents involved local motorists.

The total killed and injured for the year to date is 25 compared to 27 for the same period last year.

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

There were no Presentments by the Deputy Surveyor

PRESENTMENTS

2010/4990 FLETCHER'S WATER STREAM RESTORATION
Presentment by Mr Brian Tarnoff on behalf of the New Forest Association

The New Forest Association are broadly in favour, with some provisos, of the stream restoration project at Fletcher's Water. However we are concerned about the timing of the Forestry Commission's timber removal operations in the area, preceding this project. The timber removal has taken place at a time sure to disturb nesting birds when they are most vulnerable. While we intend to raise this issue directly with the Forestry Commission in our meeting with them next month, we hope that the Verderers will join us in asking that as this project moves forward that it resume the same high standards and sensitivity to the habitat as last year's stream restoration at Warwickslade Cutting. We would like to see all timber operations on the SSSI and other protected landscapes of the New Forest performed with the same standards that funding sources demand for habitat restoration projects.

2010/4991 CAMPSITE SURVEY

The NFA are pleased to announce that the Campsite Survey will be completed next month. We wish to thank the Verderers as well as the Forestry Commission, the New Forest National Park and others for their support, funding and resources generously given to the survey.

While the survey is descriptive rather than proscriptive, it provides a valuable snapshot of the current state of the habitat and facilities of the Campsites on the Crown Lands. Our hope is that it will provide an evidence base for future management of the Campsites. The survey could be instrumental for the National Park in formulating a strategy for sustainable camping in the New Forest, which provides socioeconomic benefits for the Forest communities, whilst minimising or eliminating the damage caused to Ancient and Ornamental Woodland and other special habitats.

Some brief facts to whet your appetites:

- Over 10% of the surface area of the Holland's Wood Campsite is concrete or other hard standing.
- The canopy of Holland's Wood Campsite is half that of comparable Ancient and Ornamental Woodland.
- Yet another Campsite has more dragons teeth than trees.

The NFA would particularly like to thank the Verderers for their support for the survey, which was instrumental in bringing the other partner organizations on board. We look forward to presenting the full findings next month.

IN COMMITTEE in the Library

CONSIDERATION OF PRESENTMENTS

2010/4992 FLETCHER'S WATER STREAM RESTORATION DISCHARGE

Mr Seddon advised the Court that in accordance with the law, the tree felling took place in the early part of the nesting season, following careful inspection of the trees involved. Felling ceased when a raptor was found to be nesting in the vicinity. He added that it is a constant juggle to get this sort of work done when it is neither too wet, too dry or birds are nesting.

As regarding the standard of works carried out, there are costs and funding issues to consider.

NEW SUBMISSIONS AND OTHER MATTERS RAISED BY THE FORESTRY COMMISSION

2010/4993 SCOTIAGAS NETWORKS PROPOSED DOMESTIC GAS DISCHARGE
CONNECTION – 112 WOODLANDS ROAD, ASHURST

Consent was given to the request to provide a new underground service to this property, subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

2010/4994 SCOTIAGAS NETWORKS PROPOSED REINFORCEMENT GAS DISCHARGE
SUPPLY PIPELINE – LYNDHURST

Details of a revised proposal were circulated which the Official Verderer said would be considered later in the meeting. Mr Street advised the Court that the new proposals meant there is only one length of underground thrust bore pipe which affects Open Forest, the remainder is under the roadside verge or across Crown freehold property not subject to common rights.

MATTERS ARISING OF CONCERN TO THE FORESTRY COMMISSION

2010/4995 THE ATLAS PROJECT RESUME

The Clerk said the system is scheduled to be up and running by the end of July. The office has experienced some IT problems recently which have not yet been fully resolved and as the new system must be added to the network it is important deal with the present issues first. In addition, the new Clerk's Assistant is not due to take up her post until the end of June and the Clerk felt it is more sensible to wait and include her in the training that is being arranged.

2010/4996 DRAFT DESIGN GUIDANCE FOR PRIVATE ACCESSES AND DISCHARGE
SIGNS

The Deputy Surveyor said the Court's views have been taken on board. The matter will be brought back to the Court in due course.

- 2010/4997 CAMPSITE SURVEY RESUME
- It is hoped copies of the survey will be available prior to the next Court.
- 2010/4998 ROAD HAUNCHING RESUME
- The Clerk reported that the Highway Authority has promised to reduce any excess tarmac width. However, with Beechwood Road in Burley still closed for maintenance, it is probably impractical for work to be carried out on Forest Road at the same time. The Clerk will contact the Highway Authority again.
- Concern was expressed that the road from Holmsley cottages down through Holmsley Passage which was resurfaced some time ago with black tarmac has still not been top dressed with lighter coloured material as per the agreement with the Highway Authority. This matter will also be taken up with the Authority.
- Mrs Thorne reported that at a recent Access Forum meeting, single track roads with passing places were requested for many of the Forest's roads.
- 2010/4999 A31 VERGE CLEARANCE RESUME
- To date attempts to find a date for a meeting that is convenient to all parties has failed. The Clerk is continuing to try to arrange this meeting.
- The Official Verderer reported that he has a letter from the new Chief Executive of the National Park Authority, Mrs Alison Barnes, stating that Enterprise Mouchel has undertaken not to carry out any further clearance works until the meeting has taken place.
- 2010/5000 WIDENING OF CASTLE HILL LANE RESUME
September
- Mr Street said he has been unable to progress this matter but he does have a contact number and the Christian name of the contractor. He also has evidence of widening and the removal of trees and he has someone prepared to support the claim that unauthorised work has been carried out.
- 2010/5001 SANDHOLE POUND REPAIRS RESUME
- Mr Kitcher and the Head Agister are to produce a proposal.
- 2010/5002 TEMPORARY SIGNS ON FENCED ROADS RESUME
- The Clerk reported that the person at the National Park who deals with this sort of thing is on leave. Mr Maton commented that he thought probably 6 weeks have to elapse before planning permission is required. The Clerk said she will add this to the list of things to raise with the Highway Authority.

SSSI RESTORATION WORKS

2010/5003 WARWICKSLADE CUTTING SOUTH RESUME

Mr Pasmore said he had not had an opportunity to visit the site. The Deputy Surveyor said work is virtually finished.

2010/5004 LONGWATER LAWN SSSI RESTORATION – TEMPORARY DISCHARGE STOCKPILE AREA

This was approved subject to the usual conditions but in addition, a careful check must be made of the archaeology on the new route in so as to avoid any damage.

OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2010/5005 BURLEY ROAD, BROCKENHURST, PILOT TRAFFIC CALMING DISCHARGE SCHEME (pinch points at South Weirs)

The final proposal to install 9 pinch points at South Weirs and up the hill towards Hinchleslea has been received. All the work is to take place on the tarmac highway, the verges being unaffected except where the pinch points will actually narrow the road and increase the area of verge. All signage etc., is to be incorporated into the pinch-points with no additional signs on the verges.

The Court welcomed the attempt to reduce road traffic accidents but regretted that the scheme is resulting in more visual clutter. The Court felt other solutions may be preferable but perhaps this is a price worth paying for a safer road.

2010/5006 DRAINAGE WORKS AT (LYNDHURST CATTLE CREEP) DUNCES DISCHARGE ARCH UNDERPASS

These works are welcomed as this underpass constantly floods. Agreement was given for a works compound to be situated on the right by the Golf Club entrance, on old hard standing. Consent is given on the condition that the old redundant gully is removed and the ground properly re-instated. The three usual conditions apply.

ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2010/5007 INFORMATION BOARD OPPOSITE LONGBEECH ENTRANCE DISCHARGE

It was queried whether a new information board has been erected opposite the entrance to Longbeech. The Deputy Surveyor, however, said he believes the new board is simply a refurbished airfield information lecturn which was approved some years ago.

2010/5008 HATCHET POND PUBLIC INFORMATION POINT RESUME

It was suggested that the new structure is much taller than those in other locations. The Deputy Surveyor undertook to investigate.

2010/5009 LATCHMOOR BOTTOM – FELLING OF PINE RESUME

The arisings from the felling of some old scots pine has been pushed into a heap in a clump of hollies. Some other material has been thrown over the fence into Alderhill Inclosure. The Court asked that a proper cleanup operation be undertaken. The Deputy Surveyor said he will investigate and report back.

The Deputy Surveyor and Area Land Agent left the meeting.

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

2010/5010 ILLEGAL PARKING STICKERS RESUME

The new illegal parking stickers have been received.

The Court stipulated that they may only be used where a vehicle is actually blocking an access. The stickers must be fixed to the drivers side window and not the windscreen where they could interfere with forward vision. Verderers and Agisters will be provided with supplies. The Clerk asked that they are not used until she has had time to write the explanation referred to on the stickers for inclusion on the Verderers' website.

The Court was keen to support the Parkwise initiative and the Clerk was asked to obtain copies of the paperwork connected with the scheme for consideration at the next meeting. In addition she was asked to obtain further information on how many stickers have been issued to date.

VERDERERS' HIGHER LEVEL STEWARDSHIP SCHEME (HLS)

2010/5011 NEWLY APPOINTED MANAGER DISCHARGE

Mr Chris Caswell, the newly appointed HLS Manager has taken up his post and will join the Verderers for lunch.

2010/5012 PROJECTS DISCHARGE

The Official Verderer said he will ensure the Court is provided with details of the various projects which are being put forward for HLS support. There is a Verderers' sub-committee meeting prior to the Board meeting on the 19th July.

2010/5013 5 YEAR BREAK CLAUSE RESUME

Mrs Westerhoff undertook to investigate the significance of the standard HLS 5 year break clause.

NEW FOREST NATIONAL PARK

2010/5014 NATIONAL PARK AUTHORITY CORE STRATEGY DISCHARGE

The Official Verderer reported that at his meeting with the new Chief Executive, Ms Alison Barnes, he learned that the Strategy will be formally considered by the Planning Inspector in September.

2010/5015 NATIONAL PARK AUTHORITY RECREATION MANAGEMENT RESUME
PLAN

As part of the implementation of the plan, a Steering Group is to be set up and the Court has been asked to provide a representative. The first meeting is on the 1st July at 6.00 p.m. in Brockenhurst Village Hall. Mr Deacon agreed to attend on behalf of the Court.

Mr Deacon will ensure that the group is tactfully reminded that the National Park has no jurisdiction over the Open Forest.

OTHER AGENDA ITEMS

2010/5016 LICENCEE COMMONER APPLICATION DISCHARGE

An application has been received from a lady wishing to depasture one pony. Although she has turned out in the past and does have a brand, the Court declined her application as it is considered there are more than enough animals on the Forest at present.

2010/5017 THE LIFE ROSEBOWL RESUME
September

The New Forest Pony Breeding and Cattle Society has suggested the Rosebowl should be awarded to the owner of the top-scoring mare in the annual round of Forest mare grading that is carried out each July. The advantage of this is that it should go to a different pony each year and with a reasonable likelihood that it will be a different owner as well. This will be good for promotion, publicity of the breed and in particular the Grading and Elite Scheme and it should encourage people to enter their good mares into the scheme. It also fits with the original purpose of the Rosebowl which was for mares inspected on the Open Forest.

It was confirmed that the owners of the mares are responsible for presenting their animals on the Forest. It is not something that should impinge on the Agisters duties. The Court therefore approved the proposal and the award will be made in September each year.

ITEM RESUMED FROM EARLIER IN THE COURT

2010/5018 SCOTIAGAS NETWORKS PROPOSED REINFORCEMENT GAS DISCHARGE
SUPPLY PIPELINE – LYNDHURST

Following confirmation that the new route for the gas pipe runs under a minimal part of the Open Forest and that Bentonite will not be used in the process, the Court approved the proposal subject to the usual three conditions.

ENCROACHMENTS

2010/5019 ENCROACHMENT AT HOME FARM BARTLEY RESUME

The Official Verderer reported that his recent meeting with the senior litigating partner of Moore Blatch was most encouraging. The CDA and Verderers Court are to be joint clients.

Papers are being gathered together with a view to instructing Counsel

to advise on the likelihood of success if the matter is pursued to Court.

A site visit is to be arranged to which the owner of the property will be invited.

The point of the exercise is to obtain a declaration from the County Court which can be referred to in future cases of encroachment onto the commonable lands of the Forest.

Photos have recently come to light which show the property many years ago and which will be extremely helpful in proving the encroachment has taken place.

Mr Pasmore will approach an expert on Forest history to ascertain whether the area under encroachment was always a part of the Forest or included in a grant.

The cost of the litigation is likely to be in the region of £15,000 and this will be shared equally between the CDA and the Court. The Official Verderer requested and obtained the unanimous agreement of the Court to this expenditure.

2010/5020 ENCROACHMENT AT CANTERTON DISCHARGE

The Canterton encroachment has been abated. The fence has been moved back to what appears to be its original position.

MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2010/5021 OPEN FOREST DESIGN PLAN DISCHARGE

Further proposals are awaited and it was agreed this item should be discharged for the time being.

2010/5022 ANIMAL HEALTH BILL – RESPONSIBILITY AND COST SHARING RESUME

The British Horseracing Authority (BHA), under the auspices of the British Horse Industry Confederation (BHIC), co-ordinated a meeting for Rosemary Radcliffe, the Chair of the Responsibility and Cost Sharing (RCS) Advisory Group, to meet with representatives of the horse sector to provide an update on the RCS consultation and the progress of the draft Animal Health Bill. Mrs Thorne kindly attended on behalf of the Court.

Mrs Thorne reported that it was a positive and constructive meeting airing many of the horse industry's concerns.

The new Government has dropped the original RCS proposals and awaits the findings of the advisory group. The group will report at the end of this year and it is hoped that a more common sense approach to RCS will be recommended.

The Court will consider the further recommendations when they are available.

STAFF MATTERS (including the Staff Committee)

2010/5023 STAFF PERSONAL ACCIDENT INSURANCE DISCHARGE

The Clerk confirmed the details of the personal accident insurance.

TRAINING

RESUME

There was nothing to report at this meeting.

HEALTH AND SAFETY AT WORK

RESUME

There are no health and safety issues at present.

ANY OTHER BUSINESS

2010/5024 CONTRACEPTIVE VACCINE FOR MARES DISCHARGE

Mrs Thorne reported that Mr Ralph Ellis MRCVS is still working hard on this project and it was agreed that the latest information should be discussed by the Staff Committee.

2010/5025 APOLOGIES DISCHARGE

Mr Deakin gave his apologies in advance for the next Court.

There was no further business and the meeting closed at 11.45 a.m.