

**MINUTES of the Court of Verderers held on Wednesday 15<sup>th</sup> June 2011 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
	Mr C Draper	Verderers' Grazing Scheme Manager - for Minute 2011/4581
APOLOGIES:	None	

**IN COMMITTEE in the Library**

The Official Verderer welcomed Mr Dave Readhead to the Court. Mr Readhead has been co-opted to the Court by the Elected Verderers following the recent death of Mr Jeff Kitcher.

2011/5522 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 18<sup>th</sup> May 2011 were approved.

2011/5523 CONDITION OF STOCK RESUME

The Head Agister reported that the condition of stock is unchanged from last month and he is quite happy. The recent rain is welcome and a little more would be helpful. The one or two cattle which were causing concern have been removed from the Forest.

Donkeys' feet continue to be an issue. The Agisters spent a day in the west of the Forest catching as many donkeys as possible. Almost all needed some attention and three or four were quite bad. The owners attended the pound where the animals were contained; most took their animals away but some were trimmed on the day and released.

2011/5524 JACK DONKEYS RESUME

The Staff Committee minutes refer to an issue with a Jack Donkey which runs on Canada and Penn Commons. The jack has allegedly been seen serving pony mares although it is thought that most, if not all, the mares that he is currently running with belong to the owner of the Jack who is not concerned. It was agreed that before any action can be considered, proper evidence is required. The local Agister has been asked to keep a close eye on the situation and advise the Clerk if he sees the jack actually serving mares belonging to other commoners.

Action  
Agister  
Naphine  
via Mr  
Deakin

Another jack donkey has reportedly been seen trying to serve a mare on Little Matley. This jack is on his own with no jenny donkeys in the area which may explain why he is interested in the pony mares. It was agreed the situation needs monitoring.

Action  
Agister Lovell  
via Mr  
Deakin

- 2011/5525 THE WINTER WELFARE TOUR DISCHARGE
- The next Welfare Tour will take place on Tuesday, 13<sup>th</sup> December 2011. Invitations will be sent out as usual. Action Clerk
- 2011/5526 NATIONAL PARK TRAINING DAY RESUME
- The training day will be held on Friday, 5<sup>th</sup> August. The tour around the Forest will include a visit to the Anderwood Cottages, the Beaulieu Road Sale Yard and one or two commoners' holdings (yet to be agreed). Mr Pasmore agreed to talk to the NPA officers and staff about the Verderers' Court and its statutory responsibilities. The Head Agister will talk about commoning and explain how the Court regulates commoning through the Agister team. Action Clerk
- 2011/5527 GRAND OPENING OF THE BEAULIEU ROAD SALE YARD RESUME
- Mr Draper attended for this discussion
- Mr Draper appraised the Court of the itinerary for the grand opening of the new Sale Yard facilities on Thursday, 11<sup>th</sup> August which will be attended by Richard Benyon MP Minister for the Natural Environment and Fisheries Department for Environment, Food & Rural Affairs Action Mr Draper
- The Official Verderer said the help of the Verderers and Agisters will be required to assist with the invited visitors. Proceedings will commence at 9.30 a.m.
- The Head Agister left the meeting.**
- 2011/5528 ANNOUNCEMENTS AND DECISIONS RESUME
- The announcements and decisions were approved.
- 2011/5529 DECLARATIONS OF INTEREST RESUME
- The Official Verderer, the Elected Verderers, including Mr Readhead, and Mrs Thorne all 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. Mr Readhead also declared an interest in matters connected with the Beaulieu Road Sale Yard, and the Livestock Society as he is its Chairman.
- Mr Gerrelli declared an interest in matters concerning campsites.
- 2011/5530 FINANCIAL STATEMENT RESUME
- The Financial Statement for May 2011 was approved.
- 2011/5531 REPORT ON MARKING FEES RECEIVED TO DATE IN MAY 2011 RESUME
- |           |      |                   |      |
|-----------|------|-------------------|------|
| Ponies    | 4378 | Pigs              | 24   |
| Cattle    | 2011 | Sheep             | 130  |
| Donkeys   | 123  |                   |      |
| SUB TOTAL | 6512 | TOTAL ALL ANIMALS | 6666 |

2011/5532 ANIMALS REMOVED IN MAY DUE TO POOR CONDITION RESUME

4 mares with foals  
1 mare  
3 cows with calves

Total 8 Total for the year to date 256 (540 in 2010)

2011/5533 BYELAW ENFORCEMENT RESUME

It is believed a small number of commoners have yet to pay their marking fees for this year. A list is being drawn up which will be cross checked with the Verderers' Grazing Scheme members list. A decision will then be made as to possible action under the byelaws and on whether commoners should be penalised under the grazing scheme.

Action Clerk

### ENCROACHMENTS

2011/5534 HOME FARM, BARTLEY RESUME

Dates for the further site visit with the other side present are awaited from the Court's solicitor.

Action OV

### 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

2011/5535 MR DAVID READHEAD, CO-OPTED VERDERER

The Elected Verderers have co-opted Mr David Readhead to serve as Verderer in place of Jeff Kitcher for the remainder of the term of office. Mr Readhead is a well known commoner, whose family has been commoning for generations. He is a committee member of the Commoners Defence Association. He is chairman (since 2003) of the New Forest Livestock Society which organises the Beaulieu Road pony sales, and he has been instrumental in project managing the current work for the upgrade of the Beaulieu Road sale yard.

2011/5536 WELFARE TOUR

The Verderers' 2011 Spring Welfare Tour took place in May, and was attended by the following local and national animal welfare organisations: British Horse Society, British Horse Society Breeds Committee, Commoners' Defence Association, DEFRA, Forestry Commission, New Forest National Park Authority, New Forest Pony Breeding & Cattle Society, RSPCA, The Blue Cross, The Donkey Sanctuary, The Horse Trust, World Horse Welfare, and veterinary officers from the government's Animal Health Agency. On a day of fine early spring weather, almost 600 animals were inspected by two separate groups which visited the north and the south of the Forest.

Everyone on the tour expressed their satisfaction with the condition of the animals they saw, with the additional comment being made by the more local representatives in attendance, that although this was a spot check, it was also recognised that there was a good year round standard. This was acknowledged as being due to the continuing efforts of the Agisters. Specific mention was also made of the valuable flush of grass that was apparent in all of the areas recently subjected to controlled burning, with enquiries being

made about the possibility of burning more.

Garden waste can also smother and destroy the underlying native vegetation which provides important food for grazing animals. Some garden plants, particularly non-native species such as Himalayan balsam, Japanese knotweed and New Zealand pygmyweed, are also very invasive and can take root in the open forest, spreading rapidly and out-competing the native vegetation.

2011/5537 GARDEN RUBBISH

May I appeal through this Court to gardeners to please avoid dumping garden waste, cuttings and grass clippings on the open forest? Some garden shrubs including rhododendron, privet, laurel and of course yew are poisonous to commoners' animals grazing on the open forest. Grass cuttings can also prove fatal as they may cause colic, leading to a slow and painful death.

2011/5538 TRAVELLERS AT STONEY CROSS

Many of you will know that a small group of travellers who had been illegally occupying Forest land at Stoney Cross for the previous fortnight suddenly became a much larger group last Friday morning. The Verderers and our Agisters were so worried about this damage to grazing and the threat to commoners' stock, that I immediately wrote to the Forestry Commission to express our acute concerns that the encroachment was an interference with Rights of Common, and infringement of Verderers Byelaws and the New Forest Acts. I would like to commend the Forestry Commission and the Police for their swift action in removing the travellers yesterday under a section 61 order of the Criminal Justice and Public Order Act 1994.

**ANIMAL ACCIDENT REPORT**

2011/5539 ACCIDENT REPORT FOR MAY 2011

The Agisters attended 17 accidents, compared with 9 in May last year.

9 ponies, and 1 donkey were killed and 2 cows and a pony were injured.

12 accidents occurred during the hours of darkness.

12 involved private cars or light commercials.

5 accidents were not reported (hit and run).

7 accidents involved local motorists.

The total killed and injured for the year to date is 38 compared to 25 up to the same time last year.

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

2011/5540 UNAUTHORISED ENCAMPMENT (TRAVELLERS)

'Over the past 2 weeks, an illegal encampment of travellers have occupied land at Stoney Cross, opposite Longbeech Campsite. The group finally totalled around 47 caravans which were located on the Open Forest, land subject to rights of common grazing and also designated as SSSI and SAC.

A group of travellers arrived on 27<sup>th</sup> May when they were prevented access to the Cadman

Pool car park by a New Forest Keeper. The group then split into two, occupying car parks at Ocknell Pond and Stoney Cross. The Ocknell Pond group then joined those at Stoney Cross.

The Forestry Commission immediately started procedures to regain possession of the occupied land. A date for departure was agreed but on Friday 10<sup>th</sup> June a second group arrived from Eastleigh. This group were of a very different nature with resultant antisocial behaviour, physical damage to the SSSI, disturbance of commoning stock, interference with the activities of other lawful forest users. The impact was felt not just in the immediate area but in the surrounding forest communities.

County Court proceedings were immediately initiated by the Forestry Commission. Throughout the occupation we worked closely with Hampshire Police and when sufficient evidence had been gathered we formally requested that the Police instigate their powers, without delay, under the Criminal Justice and Public Order Act 1994 to remove the travellers from the land. The action by the police was decisive and under a section 61 order they substantially reduced the time the travellers could have occupied the land.

In support of this request the police were able to draw on letters from the Verderers and Natural England detailing the importance of the New Forest and the need to protect the SSSI, commoning stock and the local community. I thank you for your support.

The original group of travellers left the site on 13<sup>th</sup> June with the Police, together with the Forestry Commission, evicting the remaining travellers early on the morning of 14<sup>th</sup> June. Approximately 40 Police officers attended.

Forestry Commission staff have since cleared the site of some 14 tonnes of debris and rubbish and started to make the site secure.

I would like to acknowledge Hampshire Police for their support and swift action in protecting the forest and forest users, their response has been exemplary. I would add to this our thanks to the Verderers, Agisters and the other statutory authorities.

Finally I would like to pay tribute to the Forestry Commission staff involved who, at times in the face of verbal abuse, have worked tirelessly, thoroughly and with true professionalism to ensure the speedy eviction of these unwelcomed visitors'.

## **PRESENTMENTS**

2011/5541 DOG ATTACKS ON COMMONERS' LIVESTOCK  
Presentment by Mr Graham Ferris, Chairman New Forest Commoners' Defence Assoc.

'Commoners have become increasingly concerned at the frequency of dogs chasing or attacking their livestock lawfully depastured on the Forest and are looking for all the relevant bodies to adopt a zero tolerance approach and to seek prosecution of those irresponsible dog owners who allow these attacks to take place and in some instances are callously allowing injured animals to go unreported.

The most recent alleged examples have been a foal savaged near Burley and a two year old filly bitten and clawed on the back legs. These cases are "alleged" because no one has admitted to witnessing them. Unlike the lambs killed by two dogs on the adjacent Commons, or the ewe bitten on the leg by a dog, the owner of which was half a mile away on her mobile 'phone and simply admonished her dog with " Oh you naughty boy!" Or the two donkeys, chased and bitten by two large dogs, which the owner claimed, had "never done it before" and explained they were too powerful for her to control on a lead. Or the dog owner who abused commoners who had witnessed her dogs attacking a calf that subsequently died. All of these incidents and more have happened in the past few months

and I could go on!

At a recent Court, in response to a presentment by a dog owning member of the public, the Verderers and the Forestry Commission have agreed to log and publicise dog attack statistics. This will be helpful in raising awareness, but we suggest that a publicised reward scheme, similar to that relating to information on hit and run livestock accidents, would be appropriate.

We suggest that Forestry Commission Keepers and Rangers, National Park Rangers and Agisters are issued with clear instructions as to the action they should take to bring owners of dogs chasing or attacking livestock to book. It is worth remembering that on private land owners of livestock worried by dogs are within the law to shoot those dogs. On the Crown Lands and National Trust Commons that prerogative would lie with the managing bodies and their staff, not commoners.

We urge the National Park Authority to mount an educational campaign to raise public awareness of the issue of dogs chasing or attacking livestock.

We ask the general public, but especially responsible dog owners, who should be concerned at the long term threat to dog walking on the Forest posed by these incidents, to keep their eyes and ears open and provide the police with information on dogs chasing or attacking livestock (identification features of dog and owner and vehicle registration would be ideal). We are confident that with reliable information the Police will take action'.

2011/5542 TRAVELLERS & DOGS  
Presentment by Mr Peter Roberts, Chairman, NFA

Mr Roberts introduced himself as the new Chairman of the New Forest Association.

Mr Roberts went on to endorse all that Mr Ferris said concerning the need to address the increasing incidents of wildlife and livestock being disturbed and in some cases attacked by out of control dogs.

Mr Roberts also thanked the Verderers, Agisters and the Deputy Surveyor and his staff for removing the travellers.

2011/5543 HIT AND RUN REWARD

'The Verderers operate a Hit and Run Reward Scheme which pays up to £1,000 to any member of the public who gives information which leads to the conviction of a driver who does not report his or her accident involving a New Forest commoner's animal. The costs of the reward is shared equally with The New Forest Commoners Defence Association and the New Forest Pony Breeding and Cattle Society.

Today I am pleased to announce that the Verderers is giving the maximum £1,000 reward to Mr Andrew Gell, an employee of Wightlink, who on Boxing Day noticed a damaged car boarding the ferry at Lymington, engaged the driver in conversation who admitted that she had hit a pony, so he wrote the registration number down.

Meanwhile, our Agister, Michael Lovell, happened by chance on the accident scene between Hanger Corner and Ipley Crossroads where the pony was still alive, in agony injured with a broken leg. Agister Lovell humanely destroyed the pony. In the road next to the pony he found several pieces of the car, one of which had the Peugeot logo, which he gave to the police. PC Alison Tilbury took the damaged car parts to the local Peugeot dealer Gates in Brockenhurst, who identified the exact model, colour and year.

With this information, an appeal was made for information via the Lymington Times and Mr Gell responded with his critical piece of evidence. Mr Gell's information led to the successful prosecution of the driver, a 69 year old woman from Herefordshire, who was convicted after pleading guilty on 18<sup>th</sup> April at Southampton Magistrates Court for failing to stop after a road accident and using a motor vehicle after the accident in a condition likely to cause danger. Identifying the driver has also enabled the owner of the pony to claim his costs from the driver's insurance.

The Verderers commend Mr Gell for his public-spirited actions in taking the initiative to report the damaged car. I also thank PC Alison Tilbury, Gates of Brockenhurst and the Lymington Times for their roles in this case.

Under the Road Traffic Act 1988 section 170, a driver must stop and report an accident involving an animal, which includes the ponies, donkeys, cattle, pigs and sheep which run out on the New Forest. I myself have personally lost two Forest-run ponies in hit and run accidents and I urge all drivers to report all such accidents. I also appeal directly to members of the public to call the police on 999 if he or she witnesses a Hit and Run.

I would now like to invite Mr Andrew Gell to come up and receive his cheque for £1,000 from our Agister Michael Lovell. Thank you very much Mr Gell'.

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

#### **CONSIDERATION OF PRESENTMENTS**

2011/5544    DOG ATTACKS ON COMMONERS' LIVESTOCK    RESUME

Mr Pasmore told the Court that he believes the New Forest is almost the only area of rural common land where dogs are permitted to be off lead in the vicinity of livestock and during the bird nesting season, by virtue of the Crow Act. He suggested that if the Forestry Commission were to give serious consideration to the provision of similar protection for the New Forest and to announce that this was being considered, it would have a very salutary influence on those who run dogs loose on the Forest.

A discussion then took place during which various views were exchanged by members of the Court and the Forestry Commission as to whether it is practical, appropriate or reasonable to insist on dogs being kept on leads at all times in the Forest. Various views were exchanged during the discussion and no real consensus was reached except that everyone agreed that the long term strategy and aim should be for all dogs to be properly under control when in the Forest so as not to damage livestock or wildlife.

It was also agreed that dog attacks and damage caused by dogs needs to be given more publicity. To this end, the previously agreed strategy of ensuring dog attacks are well publicised, will be taken forward. Press releases and announcements in the Verderers' Court will be made as soon as the details are known. In addition, the Verderers New Forest Show display will contain pictures of commoners' animals which have been injured by dogs in an attempt to educate the public.

It is acknowledged that many dog owners are ignorant of how much damage his or her dog could cause. Dog owners who have come forward after their dog has injured a commoners' animal have nearly always expressed incredulity that their pet could have done such a thing. This shows there is a lack of knowledge which can hopefully, to some extent,

be addressed by greater publicity and education. It was agreed that generally dog owners are responsible people. During the Foot and Mouth epidemic, dog owners, on the whole, complied with the restrictions imposed on them. To take forward the educational message, a formal approach will be made to New Forest Dog in the hope that the organisation will assist in getting messages through to its members and other dog owners. It is felt that on the whole, members of NF Dog are probably not the ones whose dogs chase and attack the Forest's animals and it is hoped that NF Dog members can be encouraged to come forward with information in the event that they witness a dog attack. Mrs Thorne suggested the Dog Forum may also be able to assist in educating dog owners.

The CDA's suggestion of setting up a Reward Scheme to encourage members of the public to report incidents involving dogs was also discussed. However, this needs further consideration as it is essential that the conditions under which a reward would be paid are clear. The Hit & Run Reward Scheme only pays a reward following the successful conviction of a driver. In the case of dog attacks on commoners' stock, on a number of occasions the owner of the dog concerned has reported the incident him or herself and has compensated the commoner for his or her loss. In some cases the dog's owner has also had the dog put down. Under such circumstances it would be unlikely the police would support a prosecution on the grounds that the person suffering the loss has been adequately compensated and it would not be in the public interest to spend taxpayers money in taking the dog owner to Court.

The Official Verderer said he will contact Sgt Louise Hubble at Countrywatch to discuss the best way forward. Action OV

Mr Penfold agreed to get in touch with NF Dog to ask if they are prepared to include an article in their next newsletter about controlling dogs on the Forest. Action Mr Penfold

Mr Penfold also agreed to see what he can find out about the Dog Forum as that might be another way of getting messages across. Action Mr Penfold

The Clerk will ensure that where dog attacks are reported and animals are killed or injured, a press release is prepared and an announcement made at the next Verderers' Court. In addition, the Clerk will arrange for the New Forest Show display to include a section on dog attacks. Action Clerk

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

2011/5545 HAMPSHIRE COUNTY COUNCIL – REQUEST FOR FOREST TOUR BUS STOPS DISCHARGE

A request was received via the Forestry Commission for two new bus stop poles on the new 'Forest Tour' route in the north of the Forest.

The bus stops are just east of the Fighting Cocks Public House and just south of the B3078 crossroads at Longcross Plain. In addition a request was made for a replacement pole adjacent to the existing bus shelter near the White Buck turning on the Holmsley to Burley Road.



The new poles will not be accompanied by hard standing and they will only be on one side of the road, to reflect the one way/circular nature of the New Forest Tour.

The Court approved the proposals subject to the usual conditions regarding satisfactory reinstatement, safe working conditions, compensation for loss of grazing etc. The Court also stipulated that the poles should be painted Forest green and they are to be installed into sleeves (similar to the SIDs) and that they must be removed out of season.

Action  
Mr Street

## MATTERS ARISING OF CONCERN TO THE FORESTRY COMMISSION

2011/5546 PUBLIC BODIES BILL

RESUME

Concern has been expressed that the Minister's letter only refers to Forestry issues and not other matters, such as recreation, over which the Verderers have control under the New Forest Acts. It was suggested that the Official Verderer should write back to the Minister explaining the Court's concern.

Action  
OV

Mr Pasmore referred to a copy letter he has received from Dr Julian Lewis MP being a letter from Nick Hurd MP from the Cabinet Office, in which the latter assures Dr Lewis that the Public Bodies Bill will not affect the Verderers powers under the New Forest Acts. The Official Verderer asked to see a copy of the correspondence.

Action  
Clerk

2011/5547 INDEPENDENT PANEL ON FORESTRY

RESUME

Unfortunately the Panel has already decided where to visit, namely Kent, Northumberland and the Forest of Dean. No decision has yet been made on whether the Panel will make further visits but Mr Seddon has been asked to do all he can to encourage the Panel to come to the New Forest.

The Official Verderer will write to Bishop James inviting him to make a personal visit to the Forest. The invitation will also be extended to the individual Panel members who may wish to visit on their own if it is not possible for the Panel as a whole to come. The Court feels it is imperative that the Panel members are made aware of the particular problems which are exclusive to the New Forest. These include the extensive recreational pressure, and the need to effectively control various activities.

Action  
OV

It is understood the National Park will be responding to the Independent Panel to express its concern for the future of the Forest. A paper is being prepared for consideration by the members. The NPA is reportedly keen to stress the importance of ensuring the provisions of the New Forest Acts are not weakened and that whoever runs the New Forest in the future has the necessary expertise. The Official Verderer will discuss the issues with the Chief Executive of the National Park Authority, Ms Alison Barnes.

Action  
OV

The Verderers are responsible by statute for the regulation of the common rights and the control of development on the Crown Lands. The Court's response to the Panel will also point out that if these legislative powers are diminished or lost, immense problems for the Forest are likely to result.

The Court's response to the panel will explain the problems the Forest faces now, and point out that these issues will become far worse with

inappropriate management. The value of the Forestry Commission as manager of the Forest must be emphasised. Its byelaws offer protection to the Forest and that protection will be lost if the Forestry Commission is abolished or management of the Forest becomes the responsibility of another organisation.

It was agreed a response to the consultation paper must be made and Mrs Westerhoff offered to let members of the Court see the draft that she is preparing as her personal response. This may help form the basis of a response from the Court. The Official Verderer, Mr Pasmore and Mrs Westerhoff will then formulate a draft response.

Action  
Mrs  
Westerhoff  
OV  
Mr Pasmore

2011/5548 BRAMSHAW GOLF COURSE

RESUME

Mr Street said the hopefully final version of the Management Plan for this course will be available for discussion at the July Court.

Action  
Mr Street

The Management Plan for the New Forest/Lyndhurst Course will also be available shortly.

2011/5549 GRIT BINS

RESUME

The Clerk reported that following a number of discussions with the local Highways Manager, Mr Richard Bastow, a letter has been sent instructing the Highway Authority to remove the grit bins from the Open Forest. A response from the Leader of the Council is expected.

2011/5550 ROAD HAUNCHING AND RESURFACING AND OTHER ISSUES

RESUME

The Clerk read from an email received from Mr Richard Bastow in which he expresses a keenness to find a way of resolving some of the long standing issues affecting highway maintenance in the Forest.

With respect to fencing, the Head Agister will spend some time to talk to those involved in the maintenance and repair of fencing in the hope that a greater understanding of what is necessary to keep stock off the roads can be achieved. The other issues, such as road haunching and resurfacing are covered by a specification the Highway Authority has for works and the problems that have arisen indicate that more intensive monitoring of works undertaken by the contractors on the part of the Highway Engineers is required.

Action  
Head Agister  
via Clerk

A draft document entitled The New Forest – Maintenance Plan and Specification for routine Highway Operations was produced in July 2007 but was never approved. This document needs expanding as at present it is little more than a list of maintenance operations that are carried out on the Forest's roads. More detail is required, including specifications and work statements and the Mr Bastow asked if the Court and the Forestry Commission could work with the Highway Authority in this.

The Court agreed the Plan should be revisited and Mr Montagu and Mr Pasmore offered to assist the Clerk in this respect. Copies of the document will be provided.

Action, Clerk  
Mr Montagu  
Mr Pasmore

2011/5551	NETWORK RAIL – BEAULIEU ROAD VEGETATION CLEARANCE	RESUME
	Mr Street told the Court that the land on which the herras fencing compound has been built is leased to Network Rail by the Forestry Commission under one of the late 19 <sup>th</sup> century railway Acts. For this reason, the FC has little control over what happens on the land. However, a length of railway fencing has been taken down and is not secure. The Court is very concerned that stock could escape onto the railway line. Mr Street said the FC has several fairly longstanding 'issues' with Network Rail that so far have not been resolved. In an effort to obtain a satisfactory resolution, Mr Street said he will check with Mr Carl Dunkley who he has managed to contact. If nothing is done about the fence, the Health and Safety Executive will be the next port of call. It was pointed out that the Minister is visiting Beaulieu Road in August for the formal opening of the sale yard. It is to be hoped that the rather unsightly compound will have been removed by then.	Action Mr Street
2011/5552	TRACK AT HOME FARM, BARTLEY	RESUME
	Mr Street is seeking evidence of when the track was re-surfaced and by whom. A letter will then be written to the person or people responsible.	Action Mr Street
2011/5553	RUBBISH ON THE OPEN FOREST AT OGDENS	RESUME
	Mr Street said he would be visiting the site tomorrow to recheck the Crown Land boundary. The Commoner has agreed to remove the offending items. The Verderers Grazing Scheme sub-committee will make a decision regarding whether all or any of the commoner's payments due under the scheme should be withheld if satisfactory clearance is not achieved without delay.	Action Mr Street
2011/5554	LONG MEADOW	RESUME
	A meeting of the Bloodlines sub-committee will be held after the Court to discuss the suitability of Long Meadow for the Bloodline Scheme mares and the details of the lease as respects fencing, water supply etc.	Action Mr Deakin

**SSSI RESTORATION WORKS**

2011/5555	GRAZING EXCLUSION CAGES ON STREAMSIDE VEGETATION ASSOCIATED WITH WETLAND RESTORATION AT FLETCHERS THORNS	DISCHARGE
	This application is for a small number of grazing exclusion cages (consisting of timber and wire mesh) on the streamside vegetation at Fletchers Thorns. The cages should provide an opportunity to monitor the effects of wetland restoration schemes on streamside grasslands and other grazed vegetation types. The intention is to collect baseline information this summer and to monitor changes in the site in future years. 10 cages will be placed on Open Forest and 5 in the adjacent Fletchers Thorns inclosure. The area within the cages on the Open Forest will extend to 14.4m <sup>2</sup> with an additional area of 7.2m <sup>2</sup> within the inclosure. Vegetation within the cages will be sampled once per month until the end of October 2011. It is hoped that monitoring changes in the vegetation can continue for a further 3 years with monthly sampling between April and October. The cages will therefore remain on the Forest until 2014 but they will be removed for the winter months – November-March. They will	

be replaced on a different area of turf after each sample is taken.

Similar cages have been used before on the Open Forest in the 1980s. None were damaged or tampered with by the general public, nor did they cause any reported problems for grazing livestock.

The Court therefore approved the proposals subject to the usual conditions regarding satisfactory reinstatement, safe working conditions, compensation for loss of grazing etc. A further condition is that the cages must be removed from the Forest at the end of the project and, if any are damaged, and/or rendered unusable at any time during the period of the project, they must be taken away and disposed of off the Forest.

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

2011/5556 ENCROACHMENTS

RESUME

Mr Street produced a list of encroachments, mostly involving replacement fences which have been constructed outside the original property boundary. Several properties on the list appear to be commoners' holdings. Mr Street was asked to provide more details to the Clerk in order that the identity of the property owners/occupiers can be checked. If any are commoners who are in the Verderers' Stewardship Scheme, they may be penalised under that scheme if it is found that they have encroached onto the common grazing.

Action  
Mr Street

It was suggested that Parish Councils should be made aware of the ongoing concern regarding illegal encroachments on land where the commoners' animals have a right to graze. The fencing of ditches and appropriation of areas outside properties for the purpose of parking cars are of particular concern.

Mr Street said the National Park's planning enforcement team are helpful in resolving some issues.

The occupiers of Holmsley Gatehouse have reportedly once more moved their fence. It was suggested that in support of the Forestry Commission's efforts to abate this encroachment, the Clerk could write to advise the occupier that strictly the property as a whole is subject to common rights and to warn that if further encroachment on the commoners' grazing does occur, the presence of the whole property on what is strictly common land may be questioned. Mr Street said he will give some thought to this suggestion and let the Clerk know if he feels a letter from the Court would be helpful.

Action  
Mr Street

Mr Pasmore reminded the Forestry Commission that in many cases the sewage discharge from properties is via the Forestry Commission so this should be used as a bargaining tool.

A further suggestion was for the Clerk to add a sentence to search letters warning solicitors that the land outside property which their clients are considering purchasing or offering for sale is subject to common rights and cannot be fenced, resurfaced or otherwise interfered with. It was agreed the Official Verderer, Mr Pasmore and the Clerk will give this further thought.

Action  
OV,  
Mr Pasmore,  
Clerk

	Miss Macnair asked that the Forestry Commission resolve the encroachment of rhododendron from a private property which has now spread over the boundary into the forest grazing at Pound Lane/Long Pond.	Action Mr Street
2011/5557	HIGH CORNER INN PARKING	RESUME
	Mrs Thorne enquired whether the parking problems at the High Corner Inn have been resolved. In response, Mr Street said that Estates Keeper Mr Graham Wilson visited the establishment last week. He is also in touch with the Red Shoot where there are also parking issues. Mrs Thorne suggested that visits should be paid on a Sunday.	Action Mr Street
2011/5558	LATCHMOOR BROOK	RESUME
	Mr Pasmore reported that a vast quantity of cut timber has been thrown in the stream. More cutting is due to be undertaken during the winter in advance of the stream restoration works. Mr Pasmore requested that the cut timber be removed completely from the area including from the stream and bank this summer otherwise the stream will become completely blocked as a result of people throwing the timber into the water. Mr Penfold said he will take the necessary action.	Action Mr Penfold
	The Official Verderer said he will be visiting the site with Mr Penfold at the next HLS board meeting on 19 <sup>th</sup> July.	
2011/5559	MILL LAWN	RESUME
	Miss Macnair said that on the subject of cut timber, visitors have built a pontoon in the stream at Mill Lawn. Mr Penfold said it will be removed.	Action Mr Penfold
2011/5560	ILLEGAL NOTICES AT BRAMSHAW TELEGRAPH	DISCHARGE
	Notices keep appearing at Bramshaw Telegraph advertising all manner of events. These notices are illegal. Mr Street said the most sensible approach is for the Keeper to simply remove them. The Official Verderer suggested where there is a contact telephone number, a call should be made and whoever answers should be told they must not put up such notices.	Action Mr Penfold / Keepers
2011/5561	NOTICES ON THE A337	DISCHARGE
	Illegal notices have reappeared on the A337. One huge one advertising Copythorne Carnival has been put up between two beech trees! In addition, various estate agents boards have reappeared. This is an ongoing issue and the Clerk was asked to contact Hampshire Highways again to ask that they get the boards removed.	Action Clerk
2011/5562	CLAY HOLE ON THE APPROACH TO THE UNDERPASS ON THE A337 AT CADNAM CRICKET PITCH	RESUME
	It was reported that a large clay hole has appeared in the approach to the A337 underpass close to and on the same side as Cadnam Cricket pitch. It is thought this may be the responsibility of the Highway Authority. The Clerk was asked to report the problem and request that a repair be carried out as soon as possible.	Action Clerk

2011/5563 ILLEGAL PARKING AT FRITHAM

RESUME

The New Forest District Council called a meeting to try to resolve the issue of verge parking in and around the Royal Oak public house in Fritham.

Mr Pasmore attended the meeting on behalf of the Verderers and produced a report which was circulated to all members of the Court.

The general consensus is that the pub needs to provide more parking for its customers. Those present at the site meeting were asked if they would support such a proposal which would mean using part of a field adjacent to the pub. Mr Pasmore said that he thought the Verderers would support the scheme provided it was undertaken in conjunction with robust car free works.

A number of those present at the meeting expressed the concern that Fritham is far too strongly 'marketed' as 'the' place to visit in the Forest. If the parking problems are to be resolved, it is essential that people are not encouraged to go to Fritham. The District Council, Forestry Commission and National Park were all blamed for encouraging visitors to Fritham and it was agreed that no large events should be authorised based on the Gorley Bushes car park at Fritham. Alternative bases are available at less congested car parks. The Official Verderer requested that Mr Penfold ask Jane Albery to refuse permission for events where Fritham will be the meeting point, and suggest an alternative base such as Janesmoor or Cadman's Pool.

Action  
Mr Penfold

Mr Street said he is not aware that Fritham is targeted for developing recreation. He thought the solution is for the pub to enlarge its car park. Mr Nick Tucker, FC Recreation Manager, also attended the meeting and he is looking at how events are publicised.

Action  
Mr Tucker  
via Mr Street

Minutes of the meeting will be available.

There appears to be a willingness to try to resolve the problem. Although providing additional car parking at the pub is contrary to National Park planning policies, it was felt that under these special circumstances an exception should be made. The Court agreed to give support subject to the provision of robust anti-parking measures on the Forest. The Court also agreed that there should be a cessation of officially sponsored events like "Ramble with a Ranger" based on Gorley Bushes. In addition, mitigation for loss of back-up grazing could be achieved by a reduction in the caravan storage on the property.

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

#### **OTHER MATTERS ARISING**

2011/5564 AGRICULTURAL WAGES BOARD

DISCHARGE

The Official Verderer reported that the NFU does not support the retention of the AWB because they feel that the minimum wage which was not in place when the AWB first came into being now takes its place. The NFU has said it will have advice for farmers if the AWB is abolished. The Court, however, is not a member of the NFU and it may not, therefore, be able to take advantage of such advice.

It was agreed the Court's Remuneration Committee will now need to decide how best to review employees salaries in the future. Action  
OV

2011/5565 COMMONERS' HOUSING REVIEW RESUME

The National Park has asked for comments on its review to be sent by Friday, 24<sup>th</sup> June. Unfortunately this timescale is too tight for the Court and a request will be made for the deadline to be extended. Action  
Clerk

The CDA has been invited to comment on the review paper and a copy of its response will be requested.

Members of the Court were asked to read the National Park Authority's Review of the Commoners' Dwelling Scheme and to forward their comments to the Clerk as soon as possible. The Clerk will then collate the responses and forward them to the Official Verderer so that a formal response can be prepared. This will be considered at the July Court and once agreed, it will be submitted to the National Park. Action  
All Verderers  
& Clerk  
OV

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

2011/5566 BLOODLINES SCHEME RESUME

Twelve mares were selected to go to five stallions. One mare has been unable to visit the stallion yet as she is still due to foal. The project is progressing well.

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

2011/5567 BOARD MEETING RESUME

The Official Verderer said that he wishes to restructure the board meeting. As a result, the morning will be taken up with site visits. There will then be a working lunch during which items on the agenda will be considered. Action  
OV

### **NEW FOREST NATIONAL PARK**

There were no matters relating to the National Park which required consideration at this Court.

### **OTHER AGENDA ITEMS**

2011/5568 ANIMAL ACCIDENT REDUCTION GROUP – SCHOOLS POSTER COMPETITION RESUME

The AARG decided that a schools poster competition would be a good way of raising awareness amongst the Forest's residents of the need to take care when driving on the Forest's roads. The winning posters will hopefully be displayed in businesses around the New Forest and surrounding area. Action  
Mrs  
Westerhoff  
Clerk

Petrina Fitzpatrick, from the New Forest Trust agreed to take the project forward. Several schools agreed to take part in the competition and judging of the posters will take place on Monday 27<sup>th</sup> June. The Clerk asked if any Verderers would be interested in assisting with the judging and Mrs Westerhoff expressed an interest. A number of nice prizes have been offered including lunches for four at several local Hotels, plus day passes on the Forest Bus and a family day at Paultons Park.

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

2011/5569 MEMBERSHIP OF OUTSIDE ORGANISATIONS RESUME  
The list of which Verderers sit on which groups is almost complete. Action Clerk

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

2011/5570 POUND MAINTENANCE DISCHARGE  
Due to the increase in the cost of materials, the budget for pound maintenance may have to be exceeded. Mr Deakin assured the Court that every effort will be made limit expenditure as far as possible without compromising health and safety of people or livestock.

## **TRAINING**

2011/5571 FIRST AID TRAINING RESUME  
Four of the Agisters and the Assistant Clerk will undertake First Aid Training in the next couple of months. Two are booked on a day's course in July. A date for training for the remaining three staff is awaited. Action Clerk

## **HEALTH AND SAFETY AT WORK**

There are no issues affecting health and safety at present.

## **ANY OTHER BUSINESS**

2011/5572 STALLION BUCKLAND CRUISER DISCHARGE  
An allegation has been made that this horse is not a pure bred New Forest Pony. Enquiries will be made of the New Forest Pony Breeding and Cattle Society and the Official Verderer will respond to the complainant. Action OV and Clerk

There was no further business and the meeting closed at 1.33 p.m.