

**MINUTES of the Court of Verderers held on Wednesday 20<sup>th</sup> June 2012 at 9.30 a.m. in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.**

PRESENT:	Mr Dominic May Mr R Deakin Miss D Macnair MBE Mr A H Pasmore Mr D Readhead Mrs P Thorne Mrs D Westerhoff	Official Verderer Elected Verderer & Staff Committee Chairman Elected Verderer Elected Verderer Co-opted Elected Verderer DEFRA Appointed Verderer Natural England Appointed Verderer
IN ATTENDANCE:	Miss S Westwood Mr J R Gerrelli	Clerk to the Verderers Head Agister (to 2012/6110)
APOLOGIES:	Mr A Gerrelli Mr C Maton The Hon R Montagu	Elected Verderer National Park Appointed Verderer Forestry Commission Appointed Verderer

**IN COMMITTEE in the Library**

2012/6101	MINUTES OF THE LAST MEETING	RESUME
	Two minor amendments to the Minutes were requested by Mr Deakin. Subject to those amendments being made, the Minutes of the Court held on Wednesday, 16 <sup>th</sup> May 2012 will be signed by the Official Verderer after the meeting.	
2012/6102	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.	
2012/6103	CONDITION OF STOCK	RESUME
	The Head Agister reported that the condition of stock is on the whole very good. He added that he does not remember a time when there was so much food as there is now for the stock on the Forest. Mr Deakin commented that the few ponies whose condition is not quite as good are very obvious.	
	Cattle look very well.	
2012/6104	STALLIONS	DISCHARGE
	The Stallions ran out for four weeks (12 <sup>th</sup> May to 10 <sup>th</sup> June) as planned. All have now been caught.	
2012/6105	STALLION GRAZING	DISCHARGE
	Joy riders or poachers gained access to the stallion field and a gate was knocked down resulting in the stallions and two young colts, which had been in a separate field, getting out. Fortunately they did not get out onto the public highway. Repairs have been made to the gate and more locks are being fitted.	

2012/6106 STALLION INSPECTIONS

DISCHARGE

Mr Deakin briefed the Court on a recent meeting with the New Forest Pony Breeding and Cattle Society (NFPBCS) which was arranged following concerns expressed over this year's stallion inspection.

The Verderers, and some commoners were concerned that there were too few colts forward for selection to run the Forest because the NFPBCS was not passing them. It has been suggested that the NFPBCS judges are passing animals that are unsuitable to run on the Forest.

At that meeting it was thought that a compromise had been agreed subject to ratification by the NFPBCS Council.

The proposal was to hold one inspection only. The Verderers' Panel would include three NFPBCS approved judges. If the judges passed the stallion, it would be licensed with the Verderers then having the opportunity to select it to join the Verderers' Stallion Scheme.

However, a recent email has been received which states that the NFPBCS wishes to appoint the three NFPBCS Judges. It is felt this may not be acceptable to the Verderers and Commoners and the Stallion Sub-Committee will meet to discuss the proposal further. The matter will be brought back to the Court in due course.

The NFPBCS has also indicated that it is considering running a Futurity Scheme which it is hoped may be part funded by the HLS, to encourage the keeping of potential stallions. This was welcomed by the Court and feedback is awaited from a meeting of a NFPBCS Committee set up to work up a suitable Scheme.

2012/6107 STOCK LOSING CONDITION AND REMOVED FROM THE FOREST

RESUME

Mares with foals	7	Fillies (2, 3 yr olds)	4
Mares with yearlings	2	Geldings	1
Mares on their own	0	Cows with calves	6
Total in May	20		
Total year to date	200		
Total year to date previous year	256		

2012/6108 MARKING FEES RECEIVED TO DATE

RESUME

	Forest	Common	Total	Total (previous yr)
Ponies	3980	789	4769	4482
Cattle	1899	865	2764	2362
Donkeys	86	66	152	123
Pigs	0	102	102	24
Sheep	0	136	136	0
TOTALS	5965	1958	7923	7121
Total PCD	5965	1720	7685	6967

2012/6109 BYELAW ENFORCEMENT

RESUME

There are no byelaw enforcement at present.

2012/6110 ANNOUNCEMENTS AND DECISIONS

RESUME

The Official Verderer advised that he has no Announcements and Decisions this month.

**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**

There were no announcements or decisions at this Court

**ANIMAL ACCIDENT REPORT**

2012/6111 THE ROAD ACCIDENT REPORT FOR MAY 2012

There were no accidents involving Commoners' animals on the roads in May.

The total killed and injured for the year to date therefore remained at 20. By the end of May last year there had been 38 accidents.

Whilst unfortunately the unusually long run of weeks without any accidents came to an end on the 3<sup>rd</sup> June, we would like to thank everyone who drives on the Forest's roads for their care in helping to protect the animals and reduce the number of accidents. Hopefully the downward trend will continue.

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

2012/6112 LATCHMORE STREAM RESTORATION

'The Forestry Commission wishes to update the court on the facts surrounding the Latchmore Brook stream restoration project following presentments made by the Friends of Latchmore in the May Court.

The New Forest is an exceptionally important site for nature conservation with the highest level of statutory protection. Many scarce and declining species are dependent upon the New Forest's wetlands with the mires, riverine woodlands and wet grasslands being of international importance. The UK Government, with its statutory agencies, have a legal responsibility to maintain these habitats in a good or 'favourable' condition.

Latchmore Brook and Thompson Castle Mire form part of one of the key New Forest wetlands with the site identified as a high priority for restoration in the New Forest Wetland Management plan 2006-2016.

In preparing the restoration plan for Latchmore the FC has followed the agreed consultation and consenting process. This started in January 2009 with a site planning visit attended by Natural England, the Verderers, the local agister, the NPA and the CDA. In accordance with the consultation protocol Verderers approval of the scheme was granted in December 2010.

Since this date the FC has hosted a public information meeting in April 2011, a site visit in the November and has responded to numerous letters and emails to address peoples' concerns. Information has been provided on the HLS web site and people with further concerns signposted towards the Life III web site containing more detailed reports. We have consulted with the local Parish Council and worked with them to minimise the impact to the local community.

The FC has offered to meet with the FoL on two occasions earlier this year, at the end of February and in early April. I am disappointed that we have been unable to engage in more constructive dialogue with the FoL declining to meet with the FC on both occasions.

To briefly address a number of key points raised at last month's court;

1. Natural England reassessed Latchmore Brook on 15 May 2012 and confirmed the habitat is degraded, erosion threatens the mire and the modified stream is leading to significant and on-going erosion.
2. The principal objectives set out in the Wetland Management Plan to restore the New Forest streams to their natural course at the lowest point in the flood plain, removing spoil banks that adversely affect flood regimes and halt headward erosion of the mires is widely accepted. These objectives hold true for Latchmore.
3. The FC facilitated a meeting with the FoL, an independent hydromorphologist and a number of the statutory agencies on the 6 June. The site visit confirmed the adverse affects of the modified channel, highlighting areas of particular concern whilst identifying sections that were functioning more naturally. The site notes have yet to be confirmed with the FoL as a true record.
4. Following this meeting a sufficient body of evidence and supporting information has now been supplied to the FoL.
5. A programme of monitoring is in place across the forest. These include forest wide wetland bird surveys, ongoing HLS baseline surveys, including fixed point photography as well as site specific fish, damselfly and vegetation surveys.
6. The FC has received legal confirmation that we have followed the appropriate procedures and that the consents requested of us are in place. We have confirmation from Natural England that environmental legislation has been complied with and that no EIA or Appropriate Assessment is required.

Finally I would wish to emphasise the FC has widely consulted upon this scheme and has all the necessary consents requested by the statutory authorities in place.

I believe we have a common understanding for the need to restore the New Forest wetlands but we need to be mindful, at times when resources are scarce, of the balance between further detailed site assessments and studies and the pragmatic consultation and consenting processes that have developed over time.

I would add that the FC remain committed to constructive dialogue and seeking to improve how we deliver the wetland restoration programme in the future as well as furthering our understanding and knowledge of these exceptionally important habitats.'

## **PRESENTMENTS**

2012/6113 LATCHMORE STREAM RESTORATION  
Presentment by Mr Graham Ferris on behalf of the New Forest Commoners' Defence Association

The New Forest Higher Level Stewardship Scheme, which will fund the mire and stream restoration work at Latchmore, is in common with other HLS, an agri-environment scheme, which recognises the interaction between agriculture and the environment. Nowhere can this be more important than here in the New Forest, where agricultural activity, in this case commoning, has shaped and maintains the unique habitats and landscape by the grazing and browsing of commoners livestock and open forest management actions in support of commoning.

Plans for wetland restoration projects as part of the New Forest HLS, are formulated by following a protocol which defines an orderly process for those plans to be developed and agreed. The CDA plays an active role in that process. CDA Committee members, agisters and Verderers with a detailed knowledge of the area examine the proposals on the ground and propose modifications.

The CDA's objectives in this process are to ensure that the restoration work will improve, or at a minimum maintain the quantity and quality of grazing available and that the welfare of livestock and the ability of commoners and agisters to manage them should benefit. Plans for the restoration work at the mire below Thompsons Castle and along the Latchmore valley meet all these objectives.

Work between the mire and the valley will restore what is currently a deeply incised narrow water course presenting danger to livestock and riders crossing it.

Along the valley, clearance of the substantial growth of trees and scrub in recent years will improve the availability of grazing.

Plans include the removal of spoil banks from earlier drainage work, restoration of the stream to its previous meanders at the lowest point in the valley and maintenance of effective side drains. This will result in the stream periodically flooding onto the lawns and returning rapidly to the water course, to the benefit of the grazing.

And crossing points for livestock and riders will be improved.

The CDA therefore supports the mire and stream restoration scheme at Latchmore and would encourage the relevant bodies to proceed.

2012/6114 LATCHMORE STREAM RESTORATION  
Presentment by Mrs Margaret Bunyard, Commoner and resident of Blissford

'Official Verderer, members of the Verderers' Court, thank you for this opportunity to speak to you. My name is Margaret Bunyard. I am resident of Ogdens, and a practicing Commoner. Until last year I worked for Wessex Archaeology, one of the three largest archaeological organisations in Britain.

I am concerned about the impact that the Forestry Commission's 'restoration works' are having on the cultural heritage of the Forest, and in particular the threat posed to the archaeology of Latchmore.

I believe that the project has two major flaws: first the concept of 'restoration', and second the lack of any proper assessment of the benefits and threats posed by the works.

The first point I should like to make is that it is not possible to restore the New Forest to a purely natural state. In fact there is little in the Forest that could strictly be said to be natural. More of its visible characteristics are the results of human activity, modified by nature. Unfortunately most of the evidence for this early human activity is found in the valleys, which is where most of the Forestry Commission's engineering works are taking place.

Latchmore is particularly rich in archaeological sites, dating from the Bronze Age, 3 or 4,000 years ago, to the Second World War. As many as 15 of these are now at risk. Many are hard to see, and because they have not been properly recorded they are threatened by the contractors' bulldozers. We know how damaging this can be from the recent works at Ditchend, where a prehistoric boiling site was largely obliterated.

There is huge inconsistency over 'restoration' between partners in this project. The National Park Authority, quite rightly, employs an Archaeologist whose role is to safeguard the *'wealth of archaeological and historic features (that) have been preserved'*. At the

very time the Forestry Commission is trying to turn the clock back to some unspecified time, the National Park's Archaeologist is recording and preserving sites from WWII which are a mere 60 years old.

At Latchmore the aim is 'to restore the stream to its natural meandering course'. But a study of Ordnance Survey maps, and others dating back 200 years, show little change in the course of the stream. Since then, of its own accord, and in the most natural way, the stream has widened its course, and is well established. If the land and the ecosystem have recovered (as indeed they have at Latchmore) it is generally accepted that the site should be left alone. In fact this recovery has made it an excellent habitat for a wide range of flora and fauna, including rare species.

It is also well-loved by visitors because it is beautiful, level, accessible. It is therefore not a place for experiments in extreme scientific theories, which might be undertaken in the more remote parts of the Forest.

The second point I would like to make is that there has been no proper assessment of the threats and benefits of the works at Latchmore. The Court is aware that, inexcusably, no specific environmental assessment has been done. This is also true for the cultural heritage, and the consequences are just as devastating: once an archaeological site has been destroyed it cannot be recovered.

The archaeological report carried out for Latchmore was appallingly weak. Of the 15 known sites only one was correctly recorded, and 10 were missed altogether. One of these was the large World War II illuminated target, the best preserved structure of the Ashley Range. Another was the low level target which is exceptionally vulnerable because it is right beside the proposed materials route. A group of 120 pits and mounds outside Alderhill were wrongly recorded as bee gardens when they were in fact prehistoric earthworks, the second largest pit and mound complex so far recorded in the New Forest. This inadequate report gives no confidence at all that the numerous remains at Latchmore will even be recognized, let alone preserved.

The record for other sites is just as bad. A Latchmore, Ditchend, Roe and Fletchers Water a total of 43 archaeological sites are affected. But the Commission only managed to make a proper record of four, and failed altogether to include as many as 26 sites.

Archaeology is part of the planning process. None of us here would be able to so much as put up a conservatory without planning consent, which includes archaeological caveats. We would face enormous fines and possibly even a custodial sentence. And yet the Forestry Commission is embarking on a project which affects 2 km of the stream, without proper assessment of the threats to the ecology and cultural heritage of the area.

It is, in fact, in direct contravention of its own Archaeology and Cultural Heritage Objectives, which are:

*'To record, preserve, manage and increase the understanding of the wealth of archaeological sites on the Crown Lands to help protect the ancient heritage of the New Forest.'*

Not only that. It is surely in breach of the HLS Agreement which includes this requirement:

*'To protect archaeological and historic features .... do not place anything likely to cause ground disturbance on or near the features. Do not locate new access routes on or near the features. Maintain vegetative cover over historic features where appropriate.'*

It would seem then that even the grant awarding body could not approve the works at Latchmore as they stand. A proper environmental impact assessment must be done to see whether any possible benefits would outweigh the potentially disastrous effect on

these works.

I urge the Verderers to withhold their support for the work at Latchmore until such a assessment has been made, and to prevent the destruction of this beautiful place.'

*The Official Verderer thanked Mrs Bunyard for her very good presentment, saying that the HLS has to use public funds to pay for the archaeological surveys that are necessary when these wetland restoration projects are undertaken, and he asked those with specific archaeological knowledge to share the information with the Verderers and the Forestry Commission so that the archaeology surveyor could produce a full and accurate report.*

2012/6115 LATCHMORE STREAM RESTORATION  
Presentment by Mrs Fiona MacDonald BVMS MRCVS

## **1. Introduction**

Official Verderer, Members of the Court, I am Fiona Macdonald BVMS MRCVS, veterinary surgeon. I have been involved with Aquaculture since 1984, and am the Secretary of the Fish Veterinary Society as well as an Honorary Life Member of the Society.

My reason for coming to the Court this morning is to raise my concerns about the potential effects of the proposed Latchmore project on the resident Sea Trout population in the Latchmore Brook.

In my professional opinion I feel that the proposed restoration does not take adequate account of the potentially serious effects on the resident Sea Trout population of Latchmore and no specific assessments have been carried out.

May I also say that my own concern is shared by a number of fish experts, including the Fish Veterinary Society President, Professor James Turnbull MRCVS, who is the Deputy Director of the University of Stirling Institute of Aquaculture and the Fish Veterinary Society Senior Vice President, Mr Peter Scott FRCVS, who has worked with DEFRA's Animal Welfare Department for many years, and is a specialist Veterinary Advisor to the Environment Agency.

## **2. Concerns**

My concerns are as follows:-

2.1 Sea Trout are a protected species. They are classified as Species "of principal importance for the purpose of conserving biodiversity" covered under section 41 (England) of the NERC Act (2006) and therefore need to be taken into consideration by a public body when performing any of its functions with a view to conserving biodiversity.

2.2 They are classified as 'threatened'.

2.3 Sea Trout are also a protected species under the EU Habitats Directive (92/43/EEC) and a priority species for river restoration. The presence of sea trout within rivers is also a significant criterion for meeting Water Framework Directive (2000/60/EC) standards.

2.4 They are genetically pre-programmed to return to spawn where they were originally hatched. If they are prevented from doing this either by a marked change in their previous habitat, obstructions or poor water quality such as excessively high temperatures in unshaded shallow meanders, they will either try somewhere else, or they will give up and in time die. The net effect will be the long-term loss of this unique genetic material to this particular stream.

2.5 Sea Trout have been seen and filmed as recently as this week trying to return upstream but their way is blocked with the new dams which have deliberately been created by the recent tree felling.

### **3. The Message**

3.1 There has not been any specific assessment on Latchmore Brook and the effects the proposed work, including the importation of 10,000 tonnes of gravel and stone and clay mix to the existing stream, will have on the resident and returning fish population.

3.2 The planned meanders are unlikely to provide a suitable habitat since there is no provision to plant and deciduous trees or other suitable vegetation to provide essential shade, and a recent Southampton University study concluded that the water temperatures in the open meanders could exceed 25°C, which would be lethal for these fish.

3.3 Other similar restorations such as Dames Slough have resulted in high weed and silt content in the meanders which is totally unsuitable for fish.

3.4 During a site visit it was suggested that some gravel could be moved from the existing spawning grounds and moved to the meanders as a substitute for the existing spawning areas. However, Sea Trout are wild fish which have to spend their lives avoiding predation and other threats, so any substantial change in the familiarity of their chosen stream is likely to result in them turning back either to sea, where they will not spawn.

3.5 Once this genetic material has been lost from this stream, it's gone for good, and so a threatened species which hitherto has enjoyed specific protection under National and European Legislation is very much at risk because of this proposed project.

### **4. Conclusions**

In conclusion I would urge the Verderers to reconsider their support for this project until a full, specific and appropriate Impact Assessments have been carried out which will take account of the potential effects on this precious fish, before it is lost to this stream.

Thank you for giving me the opportunity to make this Presentment.

2012/6116 LATCHMORE STEAM RESTORATION  
Presentment by Mr Anthony John Harris, Solicitor, New Milton

#### **1. Introduction**

Official Verderer, Members of the Court, I am Anthony John Harris, solicitor of 17 Elm Avenue, New Milton, Hampshire BH25 6HE

My reason for coming to the Court this morning is to raise my concerns about the legality of the proposed Latchmore project.

#### **2. Background**

Latchmore Brook and its immediate surroundings are classified as follows:-

- 1) Site of Special Scientific Interest under the Wildlife & Countryside Act 1981 and the Natural Environment and Rural Communities Act 2006.
- 2) Special Protected Area under the EU Birds Directive 1979

### 3) Special Area for Conservation under the EU Habitats Directive 1992

This means that all persons and organisations have a duty of care to preserve and protect the general environment, habitats, flora and fauna of areas protected by it. This includes a duty to ensure that activities undertaken within such areas do not significantly or unnecessarily damage these protected areas.

There are a variety of protected species recorded within the brook, or in the immediate vicinity of the brook, including amongst others Southern Damselfly and Kingfishers.

The Forestry Commission plans to 'restore' a section of the stream by realignment using 10,000 tonnes of gravel. This plan has been approved by the Environment Agency and Natural England, both statutory advisors to Government, as well as by yourselves, the Verderers and the National Park Authority. Preparatory work has commenced to enable heavy machinery access to the stream. This includes the clearance of bank side trees and other vegetation which hosted nesting birds.

### 3. Specific Legal Concerns

Birds such as Kingfishers are protected under the Wildlife and Countryside Act 1981 and are listed in Schedule 1. The Act states that

'if any person intentionally disturbs any wild bird included in Schedule 1 while it is building a nest or is in, or near a nest containing eggs or young ... he shall be guilty of an offence.'

The proposal is to fill in the existing stream, with its steep sided banks, where Kingfisher nests have been observed, with no provision to replace this bank structure in the new meanders – in fact, the steep sides to the stream are pointed out by the supporters of the project as a negative feature, whereas in fact they are a desirable habitat for these protected Kingfishers.

Therefore the HLS partners will be party to a potential offence since the work is scheduled for July, in the Kingfisher breeding season.

Dragonflies such as the Southern Damselfly enjoy the protection of the Habitats Directive and are listed in Annex II and Annex IV of the Directive. Latchmoor is one of three sites in the New Forest where the Southern Damselfly breed, and there are only three other known breeding sites in the UK outside of the New Forest for this species. The timing of the work coincides with the breeding cycle of this extremely rare species. The Habitats Directive, Article 12, obliges Member States to prohibit deliberate disturbance of these species in their natural range, particularly during the period of breeding, rearing, hibernation and migration.

Therefore the HLS partners will be permitting deliberate disturbance in direct contravention to the Habitats Directive Article 12.

Under the Habitats Directive, Article 6.3., an appropriate assessment must be carried out, and so far as we are aware this has not happened – the generic 2006 Environmental Impact Assessment for the whole New Forest does not in any way cover the specific features of Latchmoor.

Therefore the HLS partners will be in breach of the Habitats Directive 6.3 if they permit this work to go ahead.

### 4. Conclusion

The proposed Latchmore Restoration Project will cause the HLS partners to be in breach of various UK and EU Legislation, and in the case of the Wildlife and Countryside Act 1981 this breach is a criminal offence.

I would urge the Verderers to reconsider their support for this project in the light of this legal concern.

2012/6117 LATCHMORE STREAM RESTORATION

Presentment by Chas Maclean Couchand, BA Honours English & History, Barrister at Law, called by Middle Temple 1978

'I first became seriously and professionally involved in the affairs of the Verderers when I was asked by John Burry, MBE; then the Official Verderer, to represent Jonathan Gerrelli, then just a fine young Agister. Jonathan had been charged by the RSPCA along with a Commoner with mistreating a pony.

John Burry made it clear to me that the very existence of commoning was at stake, and the real issue, was who runs the New Forest. It was a steep learning curve. Then I knew nothing of how the Forest works. Shortly after, after Jonathan was triumphantly acquitted, John Burry contacted me again.

There was a terrible dispute over the inadvertent cutting of trees that was threatening to split the New Forest Association. With a charming smile, John asked me to chair what he described as what might become 'a heated situation' in the village hall at Minstead.

He asked me because I patently knew very little about the Forest and no one could accuse me of being partisan. I suspect if I had known how angry people were going to be, I might have declined. We all survived.

I have now been living in Blissford since 1996. I discovered that my father Louis was a Canadian Spitfire pilot based at Holmsley South before D-Day and I have had the advantage of Ann Sevier MBE as my direct neighbour, so that if anything I didn't know about the Forest became obvious, Ann was able to explain. I have learnt a great deal about the New Forest and how it works.

I was generally pleased when it became obvious that the New Forest was to become a national park. I fought hard when it became apparent that the initial plan was faulty and appeared unfair to a great deal of people who live, work and play in the New Forest. It became apparent we would have to give up certain freedoms to insure that the Forest could be properly protected for all to enjoy.

The Latchmore is really part of my very glorious back yard. My wife is a teacher at Forres Sandle Manor and we have run the Scouts there for almost twenty years. Every year they come and camp at Brook Farm and we explore the Forest together. This year we roamed round Blissford across Hampton Ridge to Alterhill Inclosure. It was a glorious sunny day and it was beautiful. Just as it was.

I have studied the proposals for the Latchmore, and I have listened to the various arguments to and fro.

I am not convinced that the protections that I thought were in place, and that restrict what I might want to do on my land; have been observed by those who I thought were guarding the gate. I may have misunderstood, but from what I have read and been told, there is little or no evidence that the proper steps have been taken, and the safeguards considered. That is not how the Forest works.

The proposal is a vast intrusive one. We all know how fragile the infrastructure of the Forest is. I have walked the tracks made by the ponies that scar the rolling hills. I have seen the photos of the various previous sad restoration projects. Over the past few years I have wondered at the goings on in Pitts Wood and the busy digging and moving of man, confident he knows best, and doomed to be proven wrong.

All I ask for the Latchmore, is that this court gives me the confidence that the requisite

studies, evaluations and permissions have been obtained. We are a community here in the Forest and it is only fair that we are sure all the pros and cons and views have been seriously considered before we are disrupted and that we won't have to live with an ugly man-made disaster we didn't need.'

2012/6118 LATCHMORE STREAM RESTORATION  
Presentment by Mr Brian Tarnoff on behalf of the New Forest Association

'The New Forest Association, formed in 1867, has been following the progress of stream restoration work done by the Forestry Commission carefully over the years. The Association backed the first of these projects in 2005 with some trepidation. Confidence has grown as the results came through and management techniques evolved. The work has been carried out sympathetically with a small amount of short term mess. It has done much to enhance the overall environment for the long term.

With any new scheme it is accepted that there will be some disruption in the immediate vicinity. The work being proposed at Latchmore Brook is very light compared to work that has been carried out on other streams in the New Forest. Much of the scrub clearance would have been carried out as part of normal open Forest work for Commoning pasture management. This work compliments ancient lawn maintenance and adds to biodiversity. The area will recover quickly and be a better place for wildlife and the stream will meander across the lawn as it did once before.

The nineteenth and twentieth centuries saw huge changes to the New Forest with the wholesale removal of what we would now term amenity ancient woodlands and the draining of the ancient mires systems to make way for the new forestry plantations. It also saw the straightening of Forest streams such as Latchmore Brook to act as drains for those plantations. This restoration work at Latchmore is a step forward, remedying some of the damage done in the late nineteen thirties and nineteen sixties. It has been carefully planned and discussed with all interested stake holders.

The NFA believe the way forward is to allow the Forestry Commission to conduct the works at Latchmore, whilst holding them to the higher standards that they have achieved. We will also be calling upon the other HLS partners including Natural England, the National Park, and ultimately their overseer DEFRA to allocate adequate resources to monitor these sites sufficiently to support this work both now and in the future.

Over many years the NFA has had occasion the call the Forestry Commission to task over its management of the forest, so when it does do a good job, we believe it is right to say so. We hope that the Verderers will join us, and support this restoration work.'

2012/6119 LATCHMORE STREAM RESTORATION  
Presentment by Miss Ann Sevier, Commoner and resident of Blissford

'I am pleased to be able to speak personally – as an individual on the matter of the Latchmore – the one in the North of the Forest.

I cannot offer any qualifications – except a QBE – Qualification by experience.

My personal opinions are :-

a) From a public safety point - I am very pleased to see the detritus of the IWW is being removed from the areas that are frequented by the general public. I do appreciate that the danger only occurs if an attempt is made to remove ordinance – I would not like to see trophy hunters out on the Forest trying to do this.

b) Welfare of the livestock is important to me as a Commoner. In the 1970's when the Forest was fenced and gridded – the early spring grass of the Avon valley was no longer available. Good valley grazing is vital for the ponies. In the valley to the north, the return

of Pitts Wood to the Open Forest and the re-established stream has produced much improved spring grazing this year – and coupled with the clearance of Ditchend Shade – I have noticed the cattle and ponies are down in the valley and would be interested to know if there has been a decrease this spring on accidents on the Godshill end of the B3078. Improved grazing will pull the livestock up into the Forest where they should be – off the roads. Therefore - I look forward to the improvements in Ogdens. I also look forward to the removal of the scrub in the Ogdens valley and the re-establishment of the gorse. Gorse provides winter feed (if kept re-generated) and shelter in the winter. Water management is very important if we are to get dryer weather - the water needs to be kept up in the Forest to maintain the grazing and slowing the water with ditch infilling and meanders should help. If we are to get more precipitation then the valleys need to be used to take the force out of the flood water by reinstating the meanders and the old use of the flood plain, this also helps with early spring grass similar to managed water meadows.

c) I am not an expert on the ecology – just a good longterm general understanding. As a child I played in Ogdens valley – building dams and using the clay to make pots. There was some scrub small and short – I remember running through it. On the North side of the stream – you could sit by the little ponds and see leeches and other water bugs. This is all gone - overgrown with scrub. The stream was buzzing with dragonflies across the open water – I as an adult can now make the connection with pond life and adult forms and the need for open heathland – future generations should enjoy what I had. I also think that well managed gorse will support bird life better than scrubby scrub – which is hedging in the wrong place.

I thank the Verderers and the Court for the opportunity to express my personal opinion in public on this matter.'

2012/6120 LATCHMORE STREAM RESTORATION  
Presentment by Mr Bill Dow

My name is Bill Dow and I am speaking as a resident of the Parish of Hyde and under no other capacity. I am 73 years old and my homes have always been within 3/4 of a mile of the Latchmore Brook.

I fully support the proposed restoration work because of the benefits it will create for the surrounding area. As I have known the Latchmore Brook for nearly seventy years, I strongly believe it has become a deeper drain over time. After heavy rainy periods, the water flows much faster and also is deeper, and then after a week or so most of the water has drained away down to the Avon and all that remains is a small trickle of water with stagnant pools in the hollows. The high flow periods do cause problems lower down the stream, such as when gravel is washed up against the pipes that go under the fords at Furze Hill and at Vennards. Sometimes this has to be cleared away with a JCB because of the sheer quantity; the fast flowing water is also causing immense erosion to the banks of the brook especially in the Furze Hill area. In fact it is now almost beginning to undermine the nearby road that goes from Ogdens down to South Gorley. When the river Avon is high and the meadows are flooded and a westerly wind is blowing, which is where our wet weather usually comes from, the Latchmore brook is also high as it is unable to flow into the Avon and when this combination occurs, the ditches in the North Gorley area are then unable to drain into the brook, this then raises the water table as far up to the Royal Oak public house, where I was bred and brought up, and can cause some of the homes to become flooded. Subsequently if the brook was not so high and faster flowing, the gravel problem would not be so great, bank erosion would be reduced and properties would have a reduced risk of becoming flooded.

Currently another problem is that the fast flowing water carries a lot of nitrates down to the Avon and as a result it pollutes the river and has a negative impact upon the fish life. The Hampshire Avon is one of the worst rivers in this country regarding pollution from nitrates and fertilisers and it has been proved that a lot of the nitrates are being washed into the river from New Forest streams. So it would be of huge benefit to the water quality of the

Avon if the New Forest nitrates could be retained in the catchment area. Subsequently this would then benefit grazing for the commoner's animals because the soil would be richer.

I believe the number of trout in the Latchmore brook have become less; in fact when I was younger I used to tickle them and lift them up onto the bank and then pop them back again. But now it would be very difficult to do that because either the water level is too high or there is not enough water for them to swim up from the Avon. Subsequently if the water flow could be maintained over a longer period the trout would then have a better chance of swimming further up the stream. Of course there needs to be the removal of the scrub and trees, which have all self generated themselves, as it used to mainly be open lowland heath. If it could be returned to that state, as it was in my younger days, which in turn would provide grazing once again. A slow release of water from the catchment area over a much longer period would be of immense value to all animal, bird, fish and marginal water plant life that is so heavily dependent upon water during dry periods and also for ourselves and our visitors who when looking at the brook would much rather see a gentle flow of water all the time rather than a few stagnant pools of filthy water as we see at the present time during periods of dry weather.

So if the restoration work could be implemented, it will be a win, win, situation for everyone and everything. I would like to thank the Verderers and the Court for this opportunity to express my views.

2012/6121 LATCHMORE STREAM RESTORATION  
Presentment by Mr Mike Read

I am Mike Read, professional wildlife and landscape photographer and I have lived on the edge of the New Forest all of my life. For all but the first 10 or so years of my life I have had an interest in the wildlife and wellbeing of the New Forest.

*I am here to fully support the proposals for the realignment of the Latchmore Brook and urge this Court to do likewise and not pander to the requests made in May of this year by the 'Friends of Latchmore'.*

I use the term 'Friends of Latchmore' merely because that is what they have called themselves. They are a group that propagate alarmist untruths in leaflets, on their web site and in their web video, to help gain support. They have not, after all, objected to any of the other stream modifications that have taken place in recent years slightly further from their own homes.

I could point out all of the inaccuracies of their claims but to do so would take too much of this Court's valuable time. It is better I deal with the positives that will accrue when the Latchmore Brook is realigned.

The planned realignment will incorporate bends that used to exist in the stream many of which can still be seen on the ground to this day. It is probable that this will present more nesting opportunities for Kingfishers – a Schedule One protected species.

Clearing some of the shade from the streamside and giving the watercourse a shallower bed will benefit the Odonata (dragonflies and damselflies) by allowing the sun to warm the water a little more thus helping these cold-blooded creatures to feed and possibly develop more quickly. Improving the habitat for dragonflies and damselflies in the stream and in the surrounding mires will help *Coenagrion mercuriale*, the Southern Damselfly which is the only British resident Odonate to be listed in the European Habitats Directive. This requires EU member states to designate or improve special areas for its protection.

Lengthening the Latchmore Brook by realigning it to its former course and making it shallower will allow it to over-top its banks more readily. It will be more connected to its flood plain. This will certainly encourage grasses and other vegetation to grow more than at present thus helping the Commoners' stock and other animals with improved grazing.

The preliminary clearing was carried out, I believe, in the autumn of 2011 and in February and early March of this year. These are times when birds are not nesting despite the claims of "nest destruction" by the Friends of Latchmore. Potential nesting sites may have been lost but many new ones will be created. Kingfishers I have already mentioned but the Wheatears and Redstarts, also mentioned in the Friends of Latchmore video, are both migrants. If they are able to fly to Africa and back, I am sure they have the ability to move a very short distance, if necessary, to new breeding sites.

All things considered, I see the proposed realignment of the Latchmore Brook to its former course to be the best way forward for nature conservation and for grazing animals. To realign by incorporating many of the former bends etc will be a great advantage. Recreational visitors will still be able to use the area once the work is complete, flooding further downstream will be less frequent and wildlife will be on a win-win situation. Those in Friends of Latchmore who suggest that, and I quote, "...the habitat will take many, many years to recover if it ever does ..." are foolish to doubt the resilience of Nature. Of course it will recover. You only have to look at previously worked realignments to know this. That, of course, includes the Latchmore Brook in the area concerned; if it can recover once, it can recover again.

I fully support the proposed Latchmore Brook work and urge this Court to do so and at the same time reject the Friends of Latchmore's pleas to abandon the work.

2012/6122 LATCHMORE STREAM RESTORATION  
EIA, Hydrology and Grazing Considerations for the Latchmore Reinstatement  
Presentment by Mr Bill Syrratt, Chairman of Ringwood Natural History Society

RNHS has 117 members from Ringwood and the surrounding area, many with intimate knowledge of the Forest. They, my committee and I support the proposals.

1. EIA Considerations.

Claims have been made that the Latchmore Brook reinstatement needs an EIA. This is not the case. The legislation and guidance are quite clear, as I shall demonstrate.

The 1985 EC Directive, and 1988 UK EIA Regulations enacting it, are based on my work in the 1970s and 1980s. BP's methodology, which I pioneered as their Senior Ecologist, was adopted as the model for the legislation. I advised the French, Dutch and UK Environmental Ministries, the EC and the NCC (now NE). I have carried out numerous EIAs before and after the Directive and Regulations came into effect.

The current, very similar, regulations are the Town and Country Planning (Environmental Impact Assessment) Regulations, 2011. Schedule 1 of the Regulations lists major projects for which an EIA is mandatory. Schedule 2 lists projects for which an EIA is advisory, the need for which can be determined by scoping. The Latchmore Brook project falls under neither Schedule: specifically, it is not a water management project for agriculture under item 2.1b of Schedule 2.

Furthermore, in the Government Circular of August 16<sup>th</sup>, 2005, (entitled Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System), the Latchmore Brook reinstatement project is "a proposal directly connected with or necessary to site management for nature conservation". Under the TCPA, grant of permission would be forthcoming, as such work does not contravene the EU Birds and Habitats Directives. Also, it complies with S28J of the Wildlife and Countryside Act 1981 (as amended) and S16 of the Conservation of Habitats and Species Regulations, 2010, both relating to management agreements. (See page 2).

Two other Regulations relevant to the New Forest which could require an EIA are:-  
The EIA (Forestry) Regulations, 1999. The proposals do not fall within the definitions of "forestry" under these regulations, even though the FC is the executing agency.  
The EIA (Agriculture) Regulations, 2006. The project may count as "restructuring" under

the regulations but no EIA is required as it is below the thresholds for sensitive areas (i.e. 5,000 m<sup>3</sup> of material or 50 ha) that would trigger such a requirement.

In 2006, the FC carried out an EIA for similar reinstatement work elsewhere in the Forest, under the Hampshire Rural Pathfinder Project (see HLS Wetland website). The EIA considered potential impacts of a number of reinstatement techniques at various locations, including the techniques now being proposed. Precautions needed to reduce and manage impacts were identified and they have been successfully applied at several locations throughout the Forest, as they will be at Latchmore.

## 2. Hydrology and Grazing Considerations.

When Latchmore Brook was straightened with the aim of improving grazing in the valley, it had a number of unintended consequences, which need to be reversed.

1) Straightening has enabled water from the valley to egress at a greater rate and volume. This has contributed to flooding elsewhere, including the Avon Valley.

2) It has resulted in faster drainage rates from the internationally important valley mires. This has created event horizons, where the water drains over small cascades, gradually eroding back into the mires. Unless halted, the mires will decrease in size and lose water holding capacity, affecting summer flows into Latchmore Brook.

3) The long term impacts on grazing have been adverse. The reduction in flooding frequency and severity has denied the valley floor grasslands valuable input of fine sediments and nutrients (the latter small but important). Furthermore, without the winter flooding regime once experienced in Latchmore, the water table of the valley has, over time, gradually lowered. The greater importance of this lies above the valley floor, in the grassland of the valley slopes. Its water table, too, has lowered over time. The result is that the grass becomes dormant earlier in the year and starts to grow again later. The drier conditions also lead to a detrimental build up of dung on the turf which can persist through winter if there is below average winter rainfall.

Re-establishing the link between the river and its floodplain would, over time, rectify these problems. It would also bring tangible benefits to the grazing of the area.

I ask the Verderers to stand by their original decision to consent the works.

Thank you for hearing my presentment.

W J Syrratt, PhD, CBiol, FSB,  
MIEMA (Ret), EARA Principal Environmental Auditor.

Addendum (comment added on the podium at the Verderers Court, 20/6/2012 following a statement that the HLS partners could face criminal prosecution if they allow a damaging activity to take place on an SSSI, etc.).

Under the various Acts and Regulations, there are specific circumstances where damage to an SSSI or any other designated site would not be a criminal offence. These are:-

- 1 The activity is covered by an existing, legal, planning consent.
- 2 The damage is caused by activity resulting from an emergency response. NE must be informed as soon as practically possible of such activity.
- 3 Written consent for the activity has been obtained from Natural England.

The last would be the normal procedure for reinstatement activities.

2012/6123 LATCHMORE STREAM RESTORATION  
Presentment by Mr John Durnell, Hampshire & Isle of Wight Trust

'My name is John Durnell, I am Head of Conservation for West Hampshire for the Hampshire & Isle of Wight Wildlife Trust.

The Wildlife Trust was established in 1961 to protect the wildlife of the two counties. Today, amongst other things, it owns or manages over 7000 acres of land, provides advice for landowners, farmers and commoners and carries out research into issues that affect wildlife across the two counties.

The Trust has taken a keen interest in the Forestry Commission's wetland restorations work over the past few years and has noted the improvements in delivery of these projects, as their experience has grown. We also have some experience of works of this kind ourselves, having restored a section of the Dockens Water at Blashford Lakes and some reaches of the River Itchen at our Winnall Moors Reserve, near Winchester, indeed we recently won an award from the Wild Trout Trust for our work at Winchester. We have noted the strongly held views, which have been expressed in opposition to the proposals for the restoration of the Latchmoor Brook and do understand the concerns of those who oppose the works.

Having considered the potential negative impacts of the works the Trust still feels that the Latchmoor Brook restoration proposals, whilst ambitious and not without risk, will result in significant improvements to the wildlife habitats of the area and will lead to the creation of a more natural and robust landscape. We would therefore wish to put on record our support for the Forestry Commissions proposals and ask the Verderers to do the same.'

2012/6124 LATCHMORE STREAM RESTORATION  
Presentment by Mr Peter Frost

Peter Frost NFNPA lead member for Biodiversity and Landscape made a brief and emotional statement of support praising the results of previous stream restorations, since 2005 when as a member of the Water Basin Forum he'd been on most site visits, and has "marvelled at some of the restoration work already done" and "this is our gift to future generations, leaving the forest better than we found it."

2012/6125 SHEEP  
Presentment by Mr Georgie Cook

Mr Cook came back to the Court once again, to try to persuade the Verderers that sheep should not be turned out on the Bramshaw commons. He said that under the terms of the New Forest Act and the following Parliamentary Agreement, sheep were never recorded as commonable animals and that they should not be on the Commons. Mr Cook referred to meetings of the Commons Committee as well as the parliamentary committees that took evidence at the time that the Bill was before Parliament.

Mr Cook said that he believes under the Verderers' byelaws sheep are not permitted to be depastured on the commons.

*The Official Verderer replied to Mr Cook stating that as he said in the last Court, the National Trust allows sheep to be grazed on its commons and the Verderers have no authority to prevent that. The land owner has the authority.*

*The Official Verderer thanked all those who had come to the Court today to make presentments in what has been the longest Court session so far during his term of office.*

## IN COMMITTEE in the Library

### CONSIDERATION OF PRESENTMENTS

2012/6126 LATCHMORE STREAM RESTORATION DISCHARGE

Having given very careful consideration to all the presentments heard today, together with those which were heard at the last Court on the 16<sup>th</sup> May 2012, the Court decided that it would not withdraw its support for the scheme.

Prior to arriving at its decision, the Court 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. Mr Pasmore, who is a leading member of the New Forest History & Archaeology Group (NFHAG), was asked by the Official Verderer to suggest a contractor with whom NFHAG would be able to share their archaeological knowledge, to enable full and accurate surveys to be achieved.

Action  
AHP

The Court also stipulated that the legislation governing the protection of fish, birds and Odonata must also be complied with in full. The Forestry Commission had no problem in confirming that this will be done.

Mr Pasmore once more requested that his strong opposition to the scheme be recorded.

2012/6127 SHEEP DISCHARGE

Presentment by Mr Geordie Cook

The Official Verderer said that he is content that there is nothing further to discuss on this subject which will be discharged from the Minutes.

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

2012/6128 BURYING OF POWER LINES DISCHARGE

The Court provided Mr Street with a list of power lines that could usefully be put underground when funding permits.

Fritham to Eyeworth  
Ogdens Purlieu on Ibsley Common  
Below Setthorns and running west from there  
Lucy Hill, Burley  
Hinchslea Bog  
Wootton to Eastley Wootton from near to the Rising Sun public house  
Kings Copse Road, Blackfield where there is a line of 42 poles  
Pilley to Roundhill (Greenmoor)  
Holmsley to Shappen Bottom  
Fernycroft to the Ipley River

Mr Street will pass the information to the Electricity Board and will report back to the Court in due course.

2012/6129 B3054 NORLEY WOOD/BULL HILL CROSSROADS – HIGHWAY SAFETY ENGINEERING WORKS DISCHARGE

A number of car accidents have occurred at this location leading to the County Council seeking to undertake some highway works in order to try

to improve the situation. A combination of 'build-outs' and anti skid surfacing on the roads with one new sign is proposed, to which the Court raised no objection. The measures will be installed on a temporary basis, for two years.

2012/6130 COXLEASE SCHOOL CATTLE GRID DISCHARGE

The replacement of the cattle grid leading to Coxlease School and several other properties is somewhat fraught as there is no other access.

The Court was extremely concerned about the risk of stock getting onto the A337 should the bypass gate be left open at night and when Highway Engineering staff are not on site. The Court's preferred method for reducing the risk of an accident with a Forest animal is for a temporary, surface mounted cattle grid to be installed in the bypass gateway. Mr Street will communicate this to the Highway Authority.

Action  
Mr Street

2012/6131 SALE OF ORGANIC TOILET FLUID ON HOLLANDS WOOD CAMPSITE DISCHARGE

The effluent being processed by the Brockenhurst Sewage Treatment Works is increasing and peaks during the summer months. The Water Board monitors influent and effluent ammonia. It seems that the use of environmentally friendly toilet fluid (green loo) as opposed to blue loo, should help the situation.

The proposal, brought by the Forestry Commission on behalf of the Forest Holidays, is for the site warden to be permitted to sell organic toilet chemical (green loo) from the reception in order to avoid more damaging chemicals being used.

In view of the environmental issues which have been identified, the Court decided that it would consent to the sale of organic toilet fluid on Hollands Wood Campsite only.

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

2012/6132 HIGHWAY MAINTENANCE PLAN RESUME

This item is resumed to July.

July  
Action SW

2012/6133 WOODGREEN CRICKET CLUB PAVILION RESUME

The request by the Club to extend its Pavilion may be acceptable providing the extension is on the back of the building and that all maintenance and other equipment is stored inside with nothing being left on the Forest.

A number of licences will be due for renewal in the coming years and Mr Street said he is going to undertake an audit of all the various clubs and sports fields to see that the squares and pavilions are in accordance with the original agreements and that the schedules are correct.

The Court agreed that an extension to the rear of the existing pavilion would be the best option. Detailed approval would be subject to a submission proposal with plans for consideration at a future Court. It is thought the work will also require planning consent.

Action  
MStr

- 2012/6134 SEASONAL PITCHES ON CAMPSITES RESUME  
October
- The relevant clause in the license refers to 'short term camping'. It is assumed that means a maximum of 28 days as in planning terms. There are 10 'seasonal pitches' on Roundhill Campsite which equates to 2% of the available pitches.
- The Forestry Commission will enforce the 28 day rule in order to protect the vegetation. All caravans and awnings must, therefore, be moved to a new pitch after 28 days. Photographs will be taken at Roundhill & Denny to better police this problem. If Forest Holidays is not enforcing the regular rotation rule, the Forestry Commission can take it up as it is a breach of the terms of the lease. Action  
MStr
- 2012/6135 CAMPSITE SURVEY RESUME
- The Forestry Commission has a paper copy of the survey only and some of the maps are difficult to read because of the very small scale. It is understood that there are some inconsistencies relating to bare ground which has been acknowledged.
- The Court was concerned however, that the Forestry Commission has never formally accepted the Survey as an accurate record of the conditions on the campsites at the time the Survey was undertaken, at least as respects the infrastructure on the sites.
- It was agreed that the Forestry Commission needs the GIS data if it is to be able to agree the Survey and use it properly. Once this has been obtained, the Forestry Commission will be able to confirm whether it feels the survey is accurate. Action  
MStr
- 2012/6136 OFFICE MOVE RESUME
- The work on the new offices is progressing well. The Clerk warned that the only thing likely to hold up the move will be BT.

### SSSI RESTORATION WORKS

- 2012/6137 SNAGGING DISCHARGE
- The Deputy Surveyor said he had hoped to start the snagging works this summer but the weather has made things very difficult. More time is having to be spent on sites where work is currently in progress because of the weather and closer management has been required. The Deputy Surveyor said he will catch up with Sarah Oakley when she returns from holiday.
- In response to an enquiry by Mr Deakin, the Deputy Surveyor said that other consultees are welcome to add to the list of places where snagging is needed. It is expected that some problems will be identified through OFAC.

### ENCROACHMENTS OF INTEREST TO THE FORESTRY COMMISSION

- 2012/6138 UPDATE ON ENCROACHMENTS LIST RESUME
- No new encroachments have been identified. Mr Street updated the Court on those that are outstanding.

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

- 2012/6139 EXPOSED BT CABLE AT DUR HILL RESUME
- This cable was reported months ago but the problem has still not been rectified. It is understood that Open Reach, the division of BT that should be dealing with this, is far from efficient. Mr Street will chase it up. Action MStr
- The Clerk said that she has reported a similar problem to the National Trust in respect of a cable crossing Rockford Common.
- 2012/6140 NEW SIGN ON MATLEY CAMPSITE DISCHARGE
- The Forestry Commission was asked to investigate a new sign on Matley Campsite that does not have Verderers' consent. It concerns wheel clamping! Mr Street said it is a DIY sign which will be removed. There is also what looks like a new sign advertising the site's opening times which Mr Street said he will also check on. Action MStr
- 2012/6141 FORESTRY COMMISSION APPOINTED VERDERER DISCHARGE
- Mr Montagu's term of office ends in July. The Deputy Surveyor said that following interviews, a recommendation for his successor has been sent to the England National Committee. It is hoped an announcement can be made at the next Court.

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

**ENCROACHMENTS**

- 2012/6142 ENCROACHMENT IN TANNERS LANE RESUME
- A suspected encroachment has been identified in Tanners Lane. A small area of grass appears to have been fenced. The Clerk was advised of the location and she said she will check to see if it is Crown Land. Action SW

**OTHER MATTERS ARISING**

- 2012/6143 STALLION BLOODLINE SCHEME RESUME  
September
- All the mares due to foal have now done so. Two mares were found not to be in foal despite one having been scanned in-foal.
- 7 colts and 4 fillies have been born.
- The colts will be looked at in September and any which do not appear to be stallion material will return to their owners.
- The fillies can go back to their owners at any time but they must go by September.
- 2012/6144 VERDERERS' ELECTION RESUME
- The Under Sheriff is considering his fees to see where savings can be made and he has promised to report back to the Clerk. Action SW

## OTHER AGENDA ITEMS

2012/6145 MANAGEMENT OF STOCK FEEDING AREAS ON NATIONAL TRUST COMMONS DISCHARGE

After consideration it was decided that it is not appropriate for the Court to assume responsibility for agreeing feeding areas on land belonging to the National Trust. It is not in the bilateral agreement with the Trust which is concerned mainly with subsidy payments, and is not something that the Court feels it wishes to undertake. This will be communicated to the Trust.

Action  
OV/SW

2012/6146 TOUR BUS ADVERT DISCHARGE

The Court ratified the decision to contribute £1,000 towards the cost of an advert on the back of the Forest Bus, designed to remind motorists to take care when driving across the Forest.

2012/6147 NEW FOREST NATIONAL PARK OPERATIONAL PLAN RESUME

There is some consternation that a sub-group of the Recreation Management Strategy Working Group, which clearly promotes recreation and access, has been charged with defining 'tranquility'. It was suggested that if the definition needs refining, someone such as Mr Peter Frost who is the NPA member for Biodiversity and Landscapes might be a more suitable person.

Members of the Court were asked to read the plan and let the Clerk have any comments as soon as possible in order that she may make a response to the Park.

Action  
All Verderers  
SW

2012/6148 A31 VEGETATION CLEARANCE REVIEW MEETING DISCHARGE

The Official Verderer, Mrs Thorne and Mrs Westerhoff will attend the meeting on 29<sup>th</sup> August at 10.00 a.m. in the Library in the Queen's House.

Action  
OV/PT/DW

2012/6149 REFLECTIVE COLLARS FOR CATTLE DISCHARGE

The Clerk obtained three samples for consideration. One has a heavy duty plastic clip to facilitate fitting collars to horned cattle. However, it was suggested a metal clip would be stronger.

## HIGHER LEVEL STEWARDSHIP SCHEME

2012/6150 HLS BOARD DISCHARGE

The minutes of the last board meeting were circulated. The Official Verderer advised the Court that board meetings will now take place every two months.

## VERDERERS GRAZING SCHEME (VGS)

2012/6151 CATTLE DISCHARGE

Cattle now account for over 30% of the stock turned out on the Forest which means an additional sum of money may now be available under the HLS agreement.

2012/6152 STOCK NUMBERS DISCHARGE

Stock numbers have risen significantly and therefore consideration will be given as to how to keep numbers under control. Action  
OV/C Draper

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

2012/6153 RECREATION MANAGEMENT STRATEGY WORKING GROUP DISCHARGE

Mr Deakin reported that the Commoners' Defence Association has been invited to appoint a representative to the RMSWG and three further organisations have requested representation on the Group. The terms of reference are being revised.

The RMSWG has reportedly suggested that the track between the Bolderwood Ornamental Drive to the Portugese Fireplace which it wishes to designate as a cycle route, is not subject to the Court's control. This was strongly refuted.

The RMSWG also expressed disappointment that the legal framework under which the Court had made its decision not to support the two new proposed routes, had not been provided. Mr Deakin explained to the Group that as the RMSWG had simply asked for the Verderers' support, no formal request for consent had been received by the Court. Hence the Court has not actually made a statutory decision. Mr Deakin said the Group will be challenging the Court's decision.

**Mrs Westerhoff gave her apologies and left the meeting.**

2012/6154 THE ACCESS FORUM DISCHARGE

Mrs Thorne said the Forum is unhappy because the Court objected to the Sustainable Transport Plan. The Forum is saying it is seeking cycle routes on the public highway rather than on the Forest.

2012/6155 HOT BRANDING TELE-CONFERENCE DISCHARGE

Mrs Thorne reported that she, the Head Agister and the Clerk took part in a tele-conference organised by Defra to discuss hot branding and possible alternative forms of identification of semi-feral pony herds. Other participants in the conference were representatives from Dartmoor, Exmoor and Bodmin Moor. All expressed their view that hot branding is essential for the efficient management of semi-feral herds and all the areas feel that losing it would compromise welfare.

Scotland and Germany have now banned hot branding.

A paper drafted by Mrs Thorne setting out the view of the Verderers following the conference has been sent to Defra.

**Mrs Thorne gave her apologies and left the meeting.**  
**FINANCIAL AND OTHER MONTHLY REPORTS**

2012/6156 FINANCIAL STATEMENT FOR APRIL 2012 RESUME

The financial statement for May 2012 was approved.

2012/6157 FINANCIAL AUDIT DISCHARGE

The accounts were audited last week.

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

2012/6158 OFFICE WORKLOAD DISCHARGE

Mr Deakin explained to the Court that the office is under a great deal of pressure at the moment. The upcoming office move and the election this year is in addition to a general increase in enquiries and other work.

**TRAINING**

2012/6159 FIRST AID RESUME

The Clerk and Head Agister will shortly be attending a First Aid refresher course.

**HEALTH AND SAFETY** - There are no health and safety issues at present.

**ANY OTHER BUSINESS**

2012/6160 SINGLE FARM PAYMENT SCHEME DISCHARGE

A letter was written to the Rural Payments Agency in March in which the Court expressed concern at the paragraph in the SPS handbook for 2012 which concerns common land entitlement. The text is incorrect and has resulted in confusion. To date, no response has been received from the RPA.

A follow up letter will now be sent asking for a response as a matter of urgency.

Action  
OV/SW

2012/6161 COURT REGULATIONS DISCHARGE

Mr Pasmore felt it would be helpful to review the regulations, particularly the one which covers presentments.

Action  
SW

There was no further business and the meeting closed at 15.07 hrs.