

**MINUTES of the Court of Verderers held on Wednesday 18<sup>th</sup> March 2009 at 9.30 a.m. in the Verderers' Hall & Library, The Queen's House, Lyndhurst.**

PRESENT:	Mr O Crosthwaite Eyre	Official Verderer
	Mr J Adams	Elected Verderer & Chairman of the Staff Committee
	Mr P Frost	Natural England Appointed Verderer
	Mr J F Kitcher	Elected Verderer
	Mr A Gerrelli	Elected Verderer
	Miss D Macnair	Elected Verderer
	Mr A H Pasmore	Elected Verderer
	Mrs P Thorne	DEFRA Appointed Verderer (joined the meeting after the Open Court)
	Vacant	National Park Appointed Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister (for the first two items)
APOLOGIES:	The Hon R Montagu	Forestry Commission Appointed Verderer

**IN COMMITTEE in the Library**

The Official Verderer formally welcomed Mr Michael Campbell MBE DL, High Sheriff of Hampshire.

2009/4187 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 18<sup>th</sup> February 2009 were approved.

2009/4188 CONDITION OF STOCK RESUME

The Head Agister reported that he is much happier with the condition of stock this month. The weather has improved greatly and there have been some marvellous days which have really helped the animals.

The Agisters are still quite busy removing animals which have gone back in condition but the numbers needing to be removed have reduced. There is a definite improvement in the condition of stock and the Agisters are in control of the situation.

The Agisters have also been busy marking cattle and they all appear to be in good condition. The animals that have been marked are cattle that are continuously depastured and come home to be fed. No new herds have been turned out which is pleasing as it is too early in the year to turn out cattle.

Mr Adams asked about the situation with Mr Barnes' cattle. The Head Agister reported that Agister Andrew Napthine has asked twice for Barnes cattle to be marked. On the first visit he spoke to Mr Barnes' partner but on the second occasion he spoke to Mr Barnes in person. Mr Barnes told Agister Napthine that he is undecided as to what he will do with his cattle which is not very helpful. Reportedly Mr Barnes' cattle are due a tuberculin test at the end of the month which would be an excellent opportunity to get them branded and marked. The Agisters have offered to help.

Agister Napthine will continue to try to find out from Mr Barnes what he intends to do but if he does not mark his cattle in accordance with the

byelaws, the time will come when the Court will have to decide what action to take next. Mr Barnes has until 1<sup>st</sup> May to pay for his cattle but he will remain in breach of the byelaws for as long as some of his cattle remain unbranded.

**The Head Agister left the meeting.**

Mr Adams said he agreed with the Head Agisters report. He said most of the problem animals have now been removed and the condition of the majority of the animals is good. He is content that everything is under control.

2009/4189 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2009/4190 DECLARATIONS OF INTEREST RESUME

The Elected Verderers, and Mrs Thorne all declared an interest in the Countryside Stewardship Scheme.

The Official Verderer declared an interest in any matters concerning golf clubs and Mr Kitcher declared an interest in the item on the agenda concerning tree cutting by Network Rail at New Copse. Mr Gerrelli declared an interest in campsites.

2009/4191 FINANCIAL STATEMENT RESUME

The Financial Statement for February 2009 was approved.

2009/4192 REPORT ON MARKING FEES RECEIVED AS AT END OF FEBRUARY 2009 RESUME

Ponies	4198	Pigs	14
Cattle	612	Sheep	37
Donkeys	110		
SUB TOTAL	4920	TOTAL ALL ANIMALS	4971

2009/4193 ANIMALS REMOVED IN FEBRUARY DUE TO POOR CONDITION RESUME

Mares with yearlings	42		
Mares	42	TOTAL PONIES	154
Fillies	65		
Colts	2		
Geldings	2		
Cattle	0		
Donkeys	1	TOTAL CATTLE	0

2009/4194 BYELAW ENFORCEMENT RESUME

Apart from Mr Barnes' cattle as mentioned above, there appear to be no breaches of the byelaws.

The legal fees from the Barnes case have been paid and reimbursement from central funds is awaited.

2009/4195 REVISION OF THE VERDERERS' BYELAWS RESUME

The Official Verderer reported that the final draft of the byelaws is still not available. A few further minor amendments have been made but the byelaws have now also been submitted to a "third pair of eyes lawyer" at DEFRA who is submitting the wording to final scrutiny. It is hoped there will not be too many more changes and that a draft for approval and re-advertising will be received soon.

2009/4196 WELFARE TOUR RESUME  
May

The next welfare tour will be held on Friday 15<sup>th</sup> May

2009/4197 FOREST RUN STALLIONS RESUME

Mr Adams said he has arranged a meeting with Cadland Manor regarding the grazing for the summer and next winter.

A meeting has also been arranged with New Park to discuss the grazing there.

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

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

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

The Official Verderer was pleased to welcome Mr Michael Cambell, High Sheriff of Hampshire to the Court. The Official Verderer explained that High Sheriff is the oldest continually held office in England. Amongst his many duties, the High Sheriff looks after and protects the judiciary. He also presides over the Verderers Election and maintains the loyalty of Her Majesty's subjects. The Official Verderer thanked the High Sheriff for attending and added that he hoped he would find the proceedings interesting.

2009/4198 ELECTIONS

As mentioned last month, Verderers' elections will take place on November 27<sup>th</sup> if more than three candidates come forward.

We wish to encourage all those who are eligible to vote to do so, and to that end copies of the registration form are available here in the hall, and in the office, from today onwards. Please fill them in now if you wish, and hand them in either to an Agister or the office. We would also encourage you to take as many forms home with you as you like in order to give to those you think might be entitled to vote.

If you were on the electoral roll for the last election in 2006, then a form will be sent to you by post automatically.

2009/4199 STALLION SCHEME

At our February Court the Commoner's Defence Association made a presentment asking us to give urgent consideration to restricting the number of stallions that are allowed out on the Forest this year under the scheme, and even to consider having no stallions at all. This request was largely triggered by the ongoing decline in the prices being achieved for foals at the Beaulieu Road sales, which is a fact that we are all

well aware of, and is the result of a lack of demand for ponies due to the severe recession that has hit the nation.

In order to see how we could attempt to arrest this decline and stop the prices getting any worse, we called a meeting of the stallion owners here in the Verderers Hall on Friday 6<sup>th</sup> March.

We had a very rigorous and reasoned debate that evening in which all the pros and cons of the suggestions originally made by the CDA were considered. After a vote was taken a very significant majority of the stallion owners wished to amend the scheme so that the number of stallions going out this summer would be halved, and they would only be allowed out for the month of June.

Therefore, with the full backing of the stallion owners, we have taken the decision to alter the rules of the scheme so that this year only 20 stallions will be allowed out on the Forest for the month of June. This should significantly reduce the number of foals that are born next year.

The stallion scheme is undoubtedly one of the Forest's success stories, and this decision is an example of the pro-active way in which the Commoners themselves are finding solutions to some of the serious challenges they face. As Verderers we are grateful to the Commoner's Defence Association and the stallion owners for giving us their full support in running this scheme.

#### 2009/4200 CAMP SITES SURVEY

Last year the New Forest Association made a presentment suggesting that a professional survey of all the Forest's campsites was needed in order to establish a baseline record of exactly what buildings and facilities, including trees, exist on each of the sites on the Crown lands.

Such a survey would be invaluable for years to come for many organisations, including ourselves when dealing with requests for consent under the New Forest Acts. The NFA has agreed to fund half of this important project, and we agreed to seek out the balance of £9,000. I am very pleased to announce that the funding has now been put in place with donations from Forest Holidays (the FC's business partner in operating these campsites) the Commoners Defence Association, and the New Forest Trust.

Last week we were delighted also to learn that the Members of the National Park Authority have decided to contribute the sum of £3,500 as well as £1,500 worth of assistance in kind by supplying valuable help with mapping technology.

We are most grateful to all these Forest organisations for their support with getting this survey underway, and the NFA in particular for not only providing half of the cash but all of the day to day project management.

#### **ANIMAL ACCIDENT REPORT**

#### 2009/4201 ACCIDENT REPORT FOR FEBRUARY 2009

The Agisters attended 10 accidents compared with 11 in same period last year.

5 ponies were killed.

8 accidents occurred during the hours of darkness.

7 involved private cars or light commercials.

3 accidents were not reported.

7 accidents involved local motorists.

The total killed and injured for February is 5 compared with 6 for the same period last year.

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

None

### **PRESENTMENTS**

2009/4202 JACK DONKEYS  
Presentment by Mr Michael Cooper, Commoner

"In the light of the recent decision to reduce the amount of time that the stallions run on the Forest this summer, including the reduction of their numbers, due to the current economic climate. May I draw your attention to a number of jack donkeys that are also out on the Forest at this moment. I would like to suggest that the Byelaws are rigidly enforced in respect of these animals, as I believe opportunities will arise for them to take advantage of the current situation. I do not see the need or benefit of producing a number of mules at this time, and I have knowledge that a number of mare owners would join me in reaching this decision".

2009/4203 STUDLEY CASTLE  
Presentment by Mr Brian Tarnoff on behalf of the New Forest Association (Land Management Committee)

"In the light of the damage done by the Forestry Commission contractors to this Scheduled Ancient Monument, the site of one of Edward III medieval hunting lodges, could the Verderers ask the Forestry Commission whether sound procedures have been put into place to avoid future incidents which may further damage the Forest's heritage and archaeology".

2009/4204 CAMPSITE SURVEY  
Presentment by Mr Brian Tarnoff on behalf of the New Forest Association (Land Management Committee)

"The Association would like to thank the Verderers for their ongoing support for the New Forest Campsite Baseline Survey. Once completed it will be an integral tool for future detailed monitoring of the configuration and condition of the campsites. It will be of great use to the Verderers, Forest Holidays, the Forestry Commission, Natural England and the National Park Authority in ensuring that the future maintenance of the campsites is done sensitively and appropriately".

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

### **CONSIDERATION OF PRESENTMENTS**

2009/4205 JACK DONKEYS

DISCHARGE

Mr Cooper's presentment was considered carefully but it was felt that jack donkeys are not a major problem on the Forest. The Court is reluctant to start inspecting and approving jack donkeys but felt it is important that the situation on the Forest should be monitored carefully, particularly this year when there will be a very limited

number of stallions turned out on the Forest for June only. The Official Verderer will write to Mr Cooper.

2009/4206 STUDLEY CASTLE & ISLANDS THORNS

DISCHARGE

The Deputy Surveyor reminded the Court that this matter was raised several months ago.

A machine was accidentally driven across the ancient monument creating damaging ruts. These ruts will be backfilled by hand raking in accordance with the wishes of English Heritage.

The Deputy Surveyor said the Forestry Commission regards this as a serious incident caused by a lack of communication when information had not been passed to the machine operator. The Forestry Commission is looking to improve procedures for disseminating information, particularly in respect of machine operators.

As respects the wider environmental concerns in Islands Thorns the Deputy Surveyor said he has visited the site. Islands Thorns contains a large area of Oak which, if thinned as one parcel, would result in too much timber being extracted at a time. Unfortunately the consequence is that smaller areas are worked more frequently but as there are only one or two access tracks, it does mean that where the gravel tracks become grass rides, significant damage can sometimes be caused. The rides are due for restoration this spring when ground conditions are good enough.

#### **SUBMISSIONS BY THE FORESTRY COMMISSION**

There were no new submissions.

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

2009/4207 NEW FOREST CAMPSITE SURVEY

RESUME

Mr Street confirmed he has not yet heard from Mr Cox of the NFA regarding the maps. Mr Frost said he thought the National Park Authority is able to help by providing the information directly.

The Official Verderer confirmed the Verderers contribution to the cost of the survey is likely to be no more than £1,500 due to the generosity of other interested organisations.

2009/4208 LINWOOD ROAD DRAGONS TEETH/HANUCHING

RESUME

Mr Street confirmed he has a meeting with the Highway Authority on the 2<sup>nd</sup> April. The Authority is committed to removing the excess tarmac that was laid when the haunching works were carried out last year, however, there is concern about how to ensure the road structure is maintained. It will be necessary to reinstate top soil on top of the road sub-base. Funds are available to carry out the work which would have been started earlier had the Authority not spent the last two months mending potholes. Mr Pasmore commented that it will be imperative that some method is found of protecting the soil edges which will otherwise very quickly be worn away by vehicles.

- 2009/4209 HALE PURLIEU RESUME
- The proposals to construct passing places with dragons teeth to protect the verges is welcomed. However, dragons teeth 30m apart will be ineffective and the Highway Authority will be advised that then must be much closer together.
- Some huge potholes have now appeared which have slowed down vehicles very effectively. It is thought, however, that the Highway Authority is unlikely to wish to leave the road as it is for fear of being sued by drivers of damaged vehicles! The Clerk will advise the Highway Authority of the Court's views.
- 2009/4210 PRE-ERECTED TENTS AND PRE-PREPARED CARAVANS ON CAMPSITES RESUME
- The Deputy Surveyor read a draft letter which should soon be received from Forest Holidays. The intention is for 14 tents to be erected, 7 on Roundhill Campsite and 7 on Holmsley. In addition there will be 2 x touring caravans, each 22 feet long, on Holmsley. These are absolutely not static caravans. Forest Holidays has no plans to increase these numbers for the time being.
- A number of Verderers expressed various concerns about this departure from traditional camping and the Official Verderer advised the Deputy Surveyor that the Verderers would like to discuss the matter in further detail later in the meeting.
- 2009/4211 JOINT APPROACH TO PUBLIC ACCESS AND FREE ROAMING STOCK ON THE CROWN LANDS RESUME
- A response is awaited from the Court's insurers.
- 2009/4212 RAILWAY COMMUNICATION EQUIPMENT RESUME
- Mr Street has recently attended a site visit with Network Rail. The proposal is to install monopole masts or lattice towers at 4 locations in the Forest. The masts are required for updating the present analogue telecom system used to contact trains. At present there are some blank areas. Network Rail claims the masts are classed as "permitted development" because they are required for safety reasons. Digital systems need masts closer together than analogue systems.
- The sites are at Ashurst, near Sandhole Bridge, Woodfidley, further away from the cottages than the existing mast which is to be removed, Sway Road, Brockenhurst, where the old railway line splits off the main line and at the Tilery Cottage to the north-east of Brockenhurst.
- All the masts will be on railway land and apart from the one at Sway Road, the necessary electricity supply can be sourced from the railway itself.
- Concern was expressed that the masts will have a detrimental visual impact on the Forest but Network Rail try to site the masts away from residential areas because of health concerns. They are looking at reducing the height of some of the masts in order to reduce the visual

impact.

Mr Street said he is still awaiting formal proposals which will include details of the sites, access routes, construction areas and any licences required for services.

Mr Pasmore said he is due to meet with Network Rail and he will seek further confirmation of the claim that the masts are permitted development.

2009/4213 BEAULIEU ROAD HOUSE SIGN DISCHARGE

Mr Street explained this is still ongoing. He asked the Verderers to confirm what sort of sign they would be inclined to approve. It was agreed a 75% reduction in size of the current large stone is required. The sign must of course be readable and it was suggested a wooden sign in keeping with other Forest designs might be considered. Mr Street will go back to the householder with that information.

2009/4214 KINGSTON GREAT COMMON RESUME

Mr Trotter of the National Park Authority is continuing to negotiate with the owner of Kingston Great Common.

2009/4215 NETWORK RAIL COMPENSATION CLAIM RESUME

A letter, disputing the validity of the claim has been received from a firm of loss adjusters acting on behalf of Network Rail. A suitable reply will be drafted.

2009/4216 MILLERSFORD PLANTATION DISCHARGE

The logs have now been chipped and distributed.

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

2009/4217 GRAVELLING OF ACCESS TO PROPERTY AT BLISSFORD DISCHARGE

An existing access to a property at Blissford, close to Arniss Riding School has been gravelled without permission. The Forestry Commission was asked to take the matter up with the occupier.

2009/4218 NEW POUND AT PONDHEAD DISCHARGE

Mr Street undertook to check for any waterpipes or cables in the area where the new pound is to be constructed at Pondhead.

2009/4219 NEWLY LAID TARMAC AT PROPERTY AT PILLEY DISCHARGE

The occupier of a property close to Pilley Pound has recently replaced his gates and laid tarmac on what was a gravelled access. The Keeper attempted to deal with the householder but was ignored. Mr Street was asked to take up the matter.

2009/4220 HARD SURFACES IN THE FOREST DISCHARGE

The Deputy Surveyor sought the Court's views on allowing suitably dressed tarmac surfacing on driveways and other accesses in the



Forest.

Mr Pasmore expressed the view that in his experience such surfaces wear off quickly, exposing the underlying tarmac, and that would be unacceptable.

The Court gave the suggestion careful consideration but felt that on balance the traditional gravel/natural stone surfacing that has always been used and is in keeping with the Forest is preferred.

The Deputy Surveyor then reported that the Forestry Commission wishes to experiment with an alternative to the usual gravel surface for its car-parks which are a huge problem from the point of view of maintenance. The proposed surface is basalt and at the moment it is being trialled at Moors Valley.

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

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

2009/4221 NEW FOREST PERAMBULATION AND THE ORDNANCE SURVEY RESUME

A reply has been received from Ordnance Survey but sadly it appears they have misunderstood the Court's reasons for wishing the perambulation to appear on the maps. A further letter will be drafted.

2009/4222 FENCING AT MAYS FIRS DISCHARGE

The fence has been replaced and is now stock-proof.

2009/4223 CATTLE GRID AT BRAMSHAW GOLF CLUB & THE BELL INN DISCHARGE

The pony which was jumping the cattle grid is reportedly now in Burley.

2009/4224 FENCING ON A HOLDING IN THE SOUTH OF THE FOREST DISCHARGE

The Countryside Stewardship Manager will be writing to the owner of the property in the near future.

2009/4225 IDENTIFICATION OF PONIES – MICROCHIPPING DISCHARGE

Nothing further has been heard from DEFRA. It was agreed this matter should be discharged for the time being.

### **COUNTRYSIDE STEWARDSHIP SCHEME**

2009/4226 LAND MANAGEMENT ADVICE SCHEME DISCHARGE

A number of commoners and members of the Stewardship Scheme have found their land is now in the newly designated Nitrate Vulnerable Zones. A Land Management Advice Team is being created. The team will be available to advise commoners and farms in the Forest on such things as NVZ's. The Forest Friendly Farming Advisor who is part funded by the Verderers' CSS is part of the team which should be in place by May or June at the latest. The team is being part-funded by the National Park Authority and Natural England.

## **NATIONAL PARK**

2009/4227 NATIONAL PARK AUTHORITY APPOINTEE DISCHARGE

The NPA is hoping to appoint a representative to the Court immediately following local council elections in June. It was agreed interested members are welcome to sit in on a Court committee.

2009/4228 DONATION TOWARDS THE CAMPSITE SURVEY DISCHARGE

The Official Verderer thanked Mr Frost for making a request for funds from the NPA towards the campsite survey. It appears such a request has never been made by an NPA "member" before. The result was a very welcome £3,500 donation towards the Survey.

2009/4229 SERVICE VILLAGES AND HOUSING POLICIES WORKING GROUP DISCHARGE

Mr Frost who attended this group on behalf of the Court, reported on the meeting which he said went well.

2009/4230 ZONING POLICIES WORKING GROUP DISCHARGE

Mr Pasmore reported that he had attended this workshop. It seems the NPA may choose to scrap the zoning policy although the Court feels it has some merit and is a desirable policy.

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

2009/4231 PRE-ERECTED TENTS, PRE-PREPARED CARAVANS AND SEASONAL PITCHES ON FORESTRY COMMISSION CAMPSITES RESUME

A further discussion took place on the merits or otherwise of these new camping activities.

It is felt that the pre-erected tents and pre-prepared caravans amount to trading on the Forest similar to the sale of goods, bicycle hire etc., for which the Court has previously declined to give consent.

There was additional concern that should the number of these tents and caravans multiply it may be to the detriment of traditional touring campers. One of the reasons the formal campsites were designated in the 1970's was to reduce "wild" camping in the Forest. If too many pitches are taken up by in-situ tents and vans there will be a reduction in the number of pitches available to conventional touring campers.

The Court decided that if Forest Holidays gives assurance that the number of pre-erected tents and pre-prepared caravans is restricted to the currently suggested totals of 14 and 2 respectively, no objection would be raised. The Court, will not, however, approve any more. The Official Verderer will write to Forest Holidays.

## **OTHER AGENDA ITEMS**

None

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

2009/4232 NEW FOREST NOTIFIABLE ANIMAL DISEASE LIAISON GROUP DISCHARGE

Miss Macnair reported that she attended this meeting on behalf of the Court. It has been decided that the group no longer needs to meet annually but the Contingency Plan will continue to be updated annually unless something happens that brings it forward.

The meeting suggested that the Verderers bi-annual Welfare Tours would be an opportunity for Animal Health to report any animal disease updates and it was agreed this is acceptable. It was suggested that to save time on what is sometimes already a long day, a written report should be prepared and handed out to those present. They would then have an opportunity to ask questions at the meeting or over lunch.

At the meeting the latest position concerning TB was reported – namely that there have been several reactors in the Forest but all have been in animals purchased from areas where TB is known to be a problem. The solution to that is simply don't purchase from infected areas.

West Nile Disease is creeping closer and will be a significant issue if it enters Britain. There is now a vaccine licensed for use in Europe. If it does reach Britain, control will be through animal movement restrictions, surveillance and vaccination. The drifts would be essential.

Animal Health officers covering the Forest are now based in Reigate rather than reading but Malla Hovi will continue to attend the Welfare Tours.

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

2009/4233 AGISTERS' MILEAGE RESUME

Mr Draper is continuing to monitor the Agisters' mileage taking into account trailer usage which significantly reduces m.p.g. Once the calculations are available, consideration will be given as to whether the present mileage rate is sufficient.

## **TRAINING**

No training is currently being undertaken.

## **HEALTH AND SAFETY AT WORK**

2009/4234 HEALTH AND SAFETY REVIEW RESUME

The review is continuing with revised training sheets and risk assessments currently being drafted. Once everything is complete, the Agisters will each be provided with a folder in which all health and safety information will be contained. The folder will be kept in the Agisters' vehicles for ease of reference.

2009/4235 USE OF QUAD BIKES BY AGISTERS

DISCHARGE

It is understood that the Commoners' Defence Association does not agree with the use of quad bikes on the Forest. The Forestry Commission's Keepers are only permitted to use quad bikes for agreed tasks.

In view of the health and safety implications, and the Forestry Commission's blanket prohibition, the Agisters are not permitted to use quad bikes in the course of their duties.

**ANY OTHER BUSINESS**

2009/4236 CYCLING EVENT

DISCHARGE

The Clerk advised that a cycling event that has recently been advertised in the press has permission from the Forestry Commission and will take place on the designated cycle route.

There was no further business and the meeting closed at 12.41 p.m.