

**MINUTES of the Court of Verderers held on Wednesday 17<sup>th</sup> March 2010 at 9.30 a.m. in the Verderers' Hall & Library, The Queen's House, Lyndhurst.**

PRESENT: Mr O Crosthwaite Eyre Official Verderer  
Mr R Deakin Elected Verderer  
Mr P Frost Natural England Appointed Verderer  
Mr A Gerrelli Elected Verderer  
Mr J F Kitcher Elected Verderer & Chairman of the Staff Committee  
Miss D Macnair Elected Verderer  
Mr C Maton National Park Appointed Verderer  
The Hon Mr R Montagu Forestry Commission Appointed Verderer  
Mr A H Pasmore Elected Verderer  
Mrs P Thorne DEFRA Appointed Verderer

IN ATTENDANCE: Miss S Westwood Clerk to the Verderers  
Mr J R Gerrelli Head Agister

APOLOGIES: None

**IN COMMITTEE in the Library**

2010/4812 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 17<sup>th</sup> February 2010 were approved.

2010/4813 CONDITION OF STOCK RESUME

The Head Agister reported that the Agisters are continuing to remove ponies which have gone back in condition. The recent dry weather has provided some respite and ponies are looking better. There is still no grass on the Forest and it is hoped that the weather will soon warm up, particularly at night. Mr Kitcher commented that things appear to have stabilised.

One of the Agisters has suggested a meeting with the Verderers would be useful in order to discuss standards for ponies. He is concerned that standards vary. After discussion, the Court agreed that if the Agisters feel such a meeting would be useful it will of course be arranged. However, the Court is content with the standards to which the Agisters currently work. It is accepted that there may be some variations and the Verderers will support any Agister's decision. Mr Kitcher felt the Agisters do a good job and the Court commended them for their work.

The public appear to be generally satisfied with the management of the Forest stock, and this is evidenced by the lack of complaints which are received.

The Head Agister will speak to the Agister team to see whether or not a meeting to discuss standards would be welcomed.

The Head Agister left the meeting and Mr Kitcher said he had nothing to add except that if it was not for the gorse and holly cutting, conditions on the Forest would undoubtedly be far worse. The gorse is most important and its proper management needs promoting. The recreation diary indicates a welcome increase in vermin control.

- 2010/4814 ANNOUNCEMENTS AND DECISIONS RESUME
- The announcements and decisions were approved.
- 2010/4815 DECLARATIONS OF INTEREST RESUME
- The Elected Verderers, Mrs Thorne and Mr Maton all declared an interest in the Countryside Stewardship Scheme.
- Mr Gerrelli declared an interest in campsites. The Official Verderer declared an interest in matters concerning golf clubs, and stated that prior to the discussion on the renewal of the Bramshaw Golf Club licence he will leave the meeting. Mr Maton declared an interest in National Park planning matters.
- 2010/4816 FINANCIAL STATEMENT RESUME
- The Financial Statement for February 2010 was approved.
- 2010/4817 RAILWAY FUND DISCHARGE
- A number of withdrawals have been made over the years from the railway fund to cover the cost of legal fees and whilst some repayments have been made the Clerk has calculated that approximately £37,300 has not been re-paid. Given that interest should have been earned on that money, the Court decided that the sum of £44,760 should be transferred from the current account into the Railway Fund account as soon as possible.
- 2010/4818 REPORT ON MARKING FEES RECEIVED AS AT END OF FEBRUARY 2010 RESUME
- |           |      |                   |      |
|-----------|------|-------------------|------|
| Ponies    | 4311 | Pigs              | 3    |
| Cattle    | 364  | Sheep             | 32   |
| Donkeys   | 97   |                   |      |
| SUB TOTAL | 4722 | TOTAL ALL ANIMALS | 4772 |
- 2010/4819 ANIMALS REMOVED IN FEBRUARY DUE TO POOR CONDITION RESUME
- 26 mares with yearlings (last year's foals)  
28 mares  
64 fillies  
3 colts  
3 geldings  
2 donkeys with yearlings
- Total 126
- 2010/4820 BYELAW ENFORCEMENT RESUME
- No new byelaw offences have been reported by the Agisters.
- 2010/4821 REVISION OF THE VERDERERS' BYELAWS RESUME
- The Court is still awaiting confirmation that the Minister has signed the byelaws.

**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**

2010/4822 ILLEGAL CAR PARKING

The Chairman of the Commoners Defence Association made a presentment at last month's Court asking us to raise the issue of illegal car parking throughout the Forest, and we accordingly discussed this topic in some detail with the Deputy Surveyor in committee.

It is clear to us that the FC's policy is not to tolerate illegal parking, and that its Rangers and Keepers are fully instructed to act whenever they discover a vehicle that is parked on a verge or is obstructing a Forest entrance or gateway. The method used is to place a notice on the windscreen of the offending vehicle pointing out the offence and to take a note of the registration number so that persistent offenders can be identified and contacted directly by letter.

Over the years the FC has had a policy of altering gateways to make them unsuitable for parking, and this is an ongoing programme.

We have asked Mr Seddon to supply our Agisters with these notices so that they too can place them on windscreens, and we are considering other ways that this behaviour can be actively discouraged.

2010/4823 DAMAGE TO ARCHAEOLOGICAL SITES

The New Forest Association also made a presentment at last month's Court asking us to discuss the problems and damage caused by works recently undertaken on or nearby some of the Forests numerous archaeological features.

The Deputy Surveyor is as concerned as we are that whenever works are done on the Forest there is no danger of collateral damage being caused to these features, and he has assured us that the procedures in place are more than sufficient to prevent damage occurring, but only if they are used. Mr Seddon was candid enough to admit that on the particular occasion mentioned by the NFA in its presentment the procedures were not adhered to, and he is determined that this mistake will not be repeated in the future.

2010/4824 HLS

We will be having a brief formal signing ceremony of our Higher Level Stewardship Agreement here in the Verderers' Hall this afternoon. As I mentioned last month, it is the intention of the HLS Board to have a higher profile event on the first anniversary of the scheme next year when we will be able to map out much more fully exactly what projects and works are underway and what plans there are for the future during the ten year life of the scheme.

## **ANIMAL ACCIDENT REPORT**

2010/4825 ACCIDENT REPORT FOR FEBRUARY 2010

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

4 ponies were killed and 2 were injured.

9 accidents occurred during the hours of darkness.

8 involved private cars or light commercials and 1 accident was not reported.

7 accidents involved local motorists.

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

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

There were no Presentments by the Deputy Surveyor

## **PRESENTMENTS**

2010/4826 FENCING

Presentment by Mr Graham Ferris on behalf of the New Forest Commoners' Defence Association.

"The CDA would like to express its strongest support for the continued efforts of the Clerk of this Court and the Agisters in pursuit of irresponsible landowners and other authorities who continue to ignore their obligations to erect and maintain stock proof fencing where their property abuts the Open Forest.

It may not always be obvious, but often inadequate fencing next to the Open Forest can lead to depastured livestock straying onto the main roads via private property or roadside verges. The consequences may imperil the lives of not only the livestock but also motorists and other road users.

If those responsible for stock proof fencing think they are saving money by not renewing or inadequately repairing fencing, they should reflect on the potential liabilities arising from straying stock colliding with vehicles on roads from which stock are normally excluded.

Our members have most recently complained about fences between Elmers Court and the foreshore and on the perimeter of Hardley Industrial Estate. Unless they have been very recently repaired, we would encourage the Verderers and their staff to take every possible measure to ensure that there is stock proof fencing on the boundaries of the Open Forest, and to educate landowners and authorities about their responsibilities".

In reply to Mr Ferris's Presentment the Official Verderer said that the Court agrees 100% with everything the CDA says. He went on to say that it is the duty of all property owners to maintain their fences – it is no-one else's duty except landowners.

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

The Official Verderer welcomed Mr Barrie Foley, Chief Executive of the New Forest National Park Authority.

#### **CONSIDERATION OF PRESENTMENTS**

2010/4827    FENCING    DISCHARGE

Mr Pasmore explained that the National Trust plans to use some of the money received under its HLS scheme to pay for fencing properties where the land owners refuse to carry out repairs. Under the scheme, the landowners will be required to sign an agreement to undertake to maintain the fencing in future.

Mr Foley offered the assistance of the National Park by creating a campaign to encourage land and property owners in the Forest to maintain their fencing to an acceptable standard. He also suggested that perhaps the newly formed police initiative "Forest Watch" might also be able to help.

In the meantime the Clerk will continue to do everything she can to encourage land owners to repair their fencing, including pointing out their potential liability in respect of injury or damage suffered by third parties.

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

2010/4828    NETWORK RAIL BRIDGE REPAIRS AT IVY GUTTER    DISCHARGE

The details of the proposed works were unfortunately still not available at this meeting. It was agreed the item should be discharged and Mr Street will bring it back to the Court once details are to hand.

2010/4829    PROPOSAL TO REPLACE SEPTIC TANK WITH ECO FRIENDLY TREATMENT PLANT AT LONGCROSS COTTAGES, FRITHAM    DISCHARGE

The proposals set out in the letter dated 10<sup>th</sup> March 2010 from Mr Street with associated documents, were approved subject the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc., and also that the effluent is properly monitored. It is understood the latter is the responsibility of the Environment Agency who will ensure the plant does not result in pollution.

2010/4830    THE THATCHED COTTAGE CARAVAN SITE – REQUEST TO IMPROVE ACCESS    DISCHARGE

The proposals as set out in the letter and attachments from Mr Street dated 11<sup>th</sup> March 2010 were approved subject to the usual conditions.

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

2010/4831 CAMPSITE SURVEY RESUME

Mr Frost reported the survey will be ready in time for the New Forest Association's AGM on 17<sup>th</sup> April.

2010/4832 ROAD HAUNCHING RESUME

No progress has been made at Linwood with respect to the completion of the works on this road.

It was reported that work to repair the edges of the B3078 at Bramshaw looks likely to result in the tarmac being widened. The Clerk will write to the Highway Authority as a matter of urgency to objecting to any widening of the highway. Photographs will be obtained. A request for information will be made concerning the instructions given to the road repair teams and a copy of the specification that is used for haunch repairs will also be requested.

Apart from the obvious problem of wider roads encouraging motorists to drive faster, there are also issues of encroachment onto common land and compensation for loss of grazing.

2010/4833 30 MPH SPEED LIMIT RESUME

The Official Verderer reported that he has written to Mr Ken Thornber (Leader of Hampshire County Council) asking that the Verderers be included in the planned forthcoming review of transport management in the Forest.

## **SSSI RESTORATION WORKS**

2010/4834 QUEEN'S MEADOW, GRITNAM AND DRIVERS NURSERY RESUME

No papers are available for this although a site meeting has taken place. The Court agreed it cannot make a judgement on the proposals until they are available in writing.

2010/4835 HARVESTSLADE RESTORATION WORKS & FIELD AT TURF DISCHARGE CROFT

The Forestry Commission reported that the proposed works at Harvestlade will not be undertaken this summer. The site will be put into the restoration programme for the following year.

The route of the proposed meander downstream of the lower footbridge is to be reviewed, meaning it may not be restored across Ridley Green. Revised proposals will be brought to the Court once they are available. The postponement is due to a complaint from a local landowner concerning the flow of water.

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

2010/4836 REQUEST FOR DRAINAGE OF TRACK AT LONGDOWN DISCHARGE

A request was made for the track from Cuckoo Pen Gate to the Homeland Inclosure at Longdown to be drained. The track is very well used but is very wet. The Deputy Surveyor agreed to investigate the problem to see what can be done.

2010/4837 ROADSIDE VERGE SWIPING DISCHARGE

Concerns have been expressed about bushes left on the verges which obscure stock. These are usually dog roses or gorse. The Deputy Surveyor said it is only on very rare occasions that a bush is retained and that usually the tractor drivers are left to use their own initiative about what to cut and what to leave.

2010/4838 WOODFIDLEY POUND DISCHARGE

During the wet weather the pound was under about 2 feet of water and was unusable. The Deputy Surveyor agreed to ask Mr Stride to investigate and ensure the drain is cleared out.

2010/4839 BURNING DISCHARGE

It was commented that the Keepers in the south of the Forest are doing a good job with the burning programme.

2010/4840 A31 VERGE CLEARANCE RESUME

Concern was expressed that the clearance of the A31 verges will expose the road to the Forest and totally remove all screening.

The Clerk explained that she argued strongly in a meeting with the Highway's Agency contractors that the vegetation should not be cut back so vigorously. The Contractors, however, claim that the Highways Agency that employs them has a statutory obligation to clear the vegetation. They explained that the previous contractors did not fulfil the terms of their contract in this respect, hence the vegetation has been allowed to grow up to the present height. It is appreciated the road is going to be exposed but it is claimed that there is no alternative.

The Clerk will ask for details of the legislation that empowers the Highways Agency to insist this work is undertaken.

**NEW FOREST NATIONAL PARK**

2010/4841 CORE STRATEGY RESUME

The consultation is underway. Mr Foley undertook to provide a number of copies of the submission document for members of the Court to consider.

2010/4842 RECREATION MANAGEMENT STRATEGY DISCHARGE

The strategy has now been approved by the Members and the final version will be issued shortly.

2010/4843 MANAGEMENT PLAN DISCHARGE

The Management Plan is also complete and copies will be provided.

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

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

2010/4844 HLS RESUME

The agreements have been signed and the Scheme is now underway. A formal signing ceremony will take place this afternoon with the press in attendance. The first HLS Board Meeting will take place this afternoon.

Interviews for the Manager's position are taking place on Friday.

The outstanding money from the old Countryside Stewardship Scheme has been retained but does not form part of the new HLS. It is available for the Court to spend on supporting commoning as it sees fit.

The Verderers will be provided with minutes of all HLS meetings. The sub-committee will monitor all projects. The new Manager will maintain a project list which will be copied to the Verderers.

The Official Verderer said he will be attending the forthcoming CDA AGM and will give a short presentation on the HLS Scheme.

It was agreed that all Verderers should be informed of projects which the Board is to consider, from whatever source, so that they may make representations individually and/or formulate a Court policy on any such proposal. This information should be supplied in good time for such representations to be prepared.

2010/4845 COMMON V FOREST RATES OF MARKING FEE DISCHARGE

The commoner who has been paying the common rate of marking fee when he should have paid Forest rate has now paid the difference and as far as the Court is concerned the matter is closed.

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

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

2010/4846 COUNTRYFILE DISCHARGE

Countryfile wishes to film "Spring" in the New Forest. They want to focus mainly on foals, commoning animals, the dawn chorus, wild flowers and deer management and intend to film on the 16<sup>th</sup> and 17<sup>th</sup> April. The Court agreed that the Head Agister should speak to the Researcher with a view to agreeing where and what should be included in the programme.

2010/4847 FLETCHERS WATER DISCHARGE

A letter from the Deputy Surveyor dated 15<sup>th</sup> March in which he raised concerns about the Verderers recent decision on the proposals for Fletchers Water was circulated and discussed.

The Verderers agreed that due to time constraints, Condition No. 3 in the paper entitled SSSI Restoration – Fletchers Water Verderers' Court Decision – February 2010 will be waived on this occasion. The paper accompanying the February Minutes will be annotated to this effect.

2010/4848 THE EU HABITATS DIRECTIVE DISCHARGE

The question was raised in the February Court as to whether the Verderers are obliged under the Habitats Directive to consent to the various restoration works which are being undertaken on the SSSI. The Official Verderer replied that he felt the answer is no, but that statutory bodies must not permit actions that will damage the SSSI. Compromise generally resolves issues that arise in the restoration works that are undertaken on the Forest and it is hoped that will continue.

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

2010/4849 TB MEETING DISCHARGE

The meeting which was arranged in order to allow Animal Health an opportunity to present its future plans for TB testing of cattle in the Forest was well attended.

The decision that all commoners' cattle will from now on be subject to an annual TB testing regime is controversial as are some of the conditions attached. It was confirmed that Commoners will be able to negotiate the date on which the test takes place and this should assist commoners when planning when to sell animals.

If a commoner has an animal that proves to be a reactor, the whole herd will have to be kept off the Forest until the remaining animals have passed two further tests. An alternative would be to have a post mortem carried out on the reactor (at the owner's expense) and if it is proven not to be suffering from TB, restrictions on the rest of the herd are lifted. In the case of an inconclusive result, Animal Health's advice is that the animals should be kept off the Forest. However, they do not have the power to insist that happens.

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

2010/4850 AGISTERS' EXPENSES RESUME

The Clerk contacted Revenue and Customs but as yet no response to her letter has been received.

2010/4851 MILEAGE RATE RESUME

Mr Draper (Verderers' Grazing Scheme Manager) will be asked to calculate a reasonable increase in the Agisters' mileage rate. His recommendation will be considered at the next Court.

2010/4852 AGISTERS' ROSTA DISCHARGE

The Rosta is now being sent by email directly to the call centre as early as possible on a Monday morning. This will hopefully resolve the problems of the call centre not having an up to date Rosta.

It was noted that the call centre does sometimes call Agisters for problems involving deer and the Agisters have been asked to make a note of the date and time of such calls. The Forestry Commission will then be advised in order that any necessary action can be taken.

**TRAINING**

2010/4853 HUMANE SLAUGHTER ASSOCIATION RESUME

The Head Agister will be in contact with the HSA to arrange a meeting.

2010/4854 MANUAL HANDLING DISCHARGE

At least one Agister needs to attend a manual handling course and the Clerk is trying to arrange for him to attend a Forestry Commission course.

**HEALTH AND SAFETY AT WORK**

There are no health and safety issues at present.

**ANY OTHER BUSINESS**

2010/4855 CONTRACEPTIVE VACCINE FOR MARES RESUME

Mr Ralph Ellis, MRCVS, is giving a presentation at the forthcoming Commoners' Defence AGM. The question of liability in the event that something goes wrong will need to be considered.

2010/4856 ANIMAL HEALTH BILL RESUME

Mrs Thorne had drafted a response to the consultation and requested feedback from the other members of the Court. Once she has received any comments, a formal response will be sent by the Clerk. The deadline is 19<sup>th</sup> April.

2010/4857 VAT RESUME

Mr Gerrelli suggested that consideration should be given to the Court registering for VAT, given the expenditure that is going to be incurred in purchasing new Land Rovers and Trailers for the Agisters and other projects which will be undertaken under the new HLS Scheme.

The Official Verderer and the Clerk will check the Court's files as this matter has been raised before.

2010/4858 DAMAGE TO TURF HILL POUND RESUME

The ground within the pound and on the approach has been badly poached by a commoner catching and removing his cattle. It was suggested that it is not acceptable for any commoner to do this amount of damage, particularly if he or she is in receipt of Stewardship payments. The Official Verderer said he will discuss the matter with the Verderers' Grazing Scheme Manager and it will be raised with the National Trust. Mr Kitcher said he has already spoken to the National Trust about it and they may arrange the necessary repairs.

2010/4859 A31 VERGE CLEARANCE RESUME

The Clerk reported that the Highways Agency contractor Enterprise Mouchel has advised that it is about to commence the verge clearance work.

Concern was expressed at the extent of the works which will result in almost all of the screening being removed, leaving the Forest exposed to the full impact of the road.

The Clerk was asked to ascertain exactly what powers the Highways Agency has to demand this work is carried out – whether it is obligatory or discretionary. It appears no account has been taken of National Park purposes.

2010/4860 NEW FOREST RURAL CRIME SEMINAR AND LAUNCH OF FOREST WATCH RESUME

The Court has been asked to send representatives to a Rural Crime Seminar scheduled for Friday 26<sup>th</sup> March. A new rural crime fighting initiative, called Forest Watch, will be launched. Mrs Thorne said she would go along. The Clerk has also been asked by the police to attend.

There was no further business and the meeting closed at 12.40 p.m.