

**MINUTES of the Court of Verderers held on Wednesday 21<sup>st</sup> March 2012 at 9.30 a.m. in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.**

PRESENT: Mr Dominic May Official Verderer  
Mr R Deakin Elected Verderer & Staff Committee Chairman  
Mr A Gerrelli Elected Verderer  
Miss D Macnair MBE Elected Verderer  
Mr C Maton National Park Appointed Verderer  
The Hon R Montagu Forestry Commission Appointed Verderer  
Mr A H Pasmore Elected Verderer  
Mr D Readhead Co-opted Elected Verderer  
Mrs P Thorne DEFRA Appointed Verderer  
Mrs D Westerhoff Natural England Appointed Verderer

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

APOLOGIES: None

**IN COMMITTEE in the Library**

2012/5949 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 15<sup>th</sup> February 2012 were approved.

2012/5950 DECLARATIONS OF INTEREST RESUME

The Official Verderer, the Elected Verderers, including Mr Readhead, and Mrs Thorne all declared an interest in the Higher Level Stewardship Scheme.

Mr Gerrelli declared an interest in the encroachment at Bull Hill.

2012/5951 CONDITION OF STOCK RESUME

The Head Agister reported that so far this year has been marvellous with few animals removed due to loss of condition. Having said that, some rain would now be welcome and in the past few weeks some ponies have begun to lose condition, particularly younger animals which has meant the Agisters have been busier checking stock and removing animals as necessary. The danger now is that commoners will shortly be laying up their fields for hay and they may be less willing to have ponies in.

Miss Macnair commented that she has been judging the non-hand fed class for the Breed Society and she noted that many mares are in very good condition.

Mr Gerrelli agreed that some young ponies are losing condition.

Mr Readhead said that he is pleased to hear that commoners are more willing to take in ponies and this is a change which has occurred over the years. In the past people would wait until an animal was really poor. These days pre-emptive action is the norm.

The figures for animals removed shows a 50% reduction on 2011 at this time.

2012/5952 STOCK LOSING CONDITION AND REMOVED FROM THE FOREST RESUME

Mares with yearlings	20	Colts	2
Mares on their own	24	Geldings	2
Fillies (2, 3 yr olds)	22	Donkeys	1

Total in February 71  
Total year to date 97

Total year to date previous year 188

2012/5953 MARKING FEES RECEIVED TO DATE RESUME

Ponies	1024
Cattle	397
Donkeys	9
Pigs	37
Sheep	89

Total 1,556

2012/5954 MARKING OF CATTLE RESUME

Mr Maton was concerned that heavily in-calf cows are being caught and put through crushes in order that they may be marked. He felt they should not be subjected to rigorous driving-in and handling at this time. Mr Maton suggested that the Court should allow cattle to be paid for now and marked later when they have calved. Mr Gerrelli commented that he has the same problem with his herd and some are too large to physically fit through a crush. The problem appears to have arisen as a result of TB testing having to now be undertaken annually. Commoners and farmers have 60 days from the date of a clear test to sell any animals. If they do not sell during that period, they have to have the animals re-tested at their own expense.

The Court as a whole, however, felt this is an operational matter for the Staff Committee to discuss in the first instance and Mr Deakin will make sure the matter is raised at the next meeting in early April.

Action  
RD

2012/5955 FOREST AND COMMON MARKING FEES DISCHARGE

Clarification is required regarding when the common rate of marking fee may be paid.

Minute 2007/3046 of the 20<sup>th</sup> June 2007 Verderers Court is ambiguous. A re-draft of the minute/instruction was agreed as follows:-

*If an animal which is turned out by a commoner holding rights over the Adjacent Commons spends 75% or more of the time on the commons, then the Commons rate of Marking Fee is due. This rule recognises that animals near the boundary may occasionally cross into the Forest for a short time. If 25% or more of the animal's time is spent in the Forest, then the Forest rate of Marking Fees is due.*

The Court confirmed that where animals are turned out onto one of the Adjacent Commons, in exercise of rights of pasture over that common, the full rate of Forest marking fees will be payable if those animals spend more than 25% of their time on the Crown lands of the Forest. Concessionary marking fees are payable in respect of animals turned out

Action  
SW

on the Adjacent Commons in exercise of rights of pasture over those commons, only where the animals remain on the commons for at least 75% of their time during which they are depastured.

**The Head Agister left the meeting.**

2012/5956 ANNOUNCEMENTS AND DECISIONS

RESUME

The announcement on cycling was approved.

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

IN ATTENDANCE: Mr Mark Street, Area Land Agent (New Forest)  
Mr Kevin Penfold, Acting Deputy Surveyor of the New Forest

**ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER**

2012/5957 CYCLING

We have received several presentments on cycling at recent Courts, and we feel that we need to clarify certain matters.

The Court wishes to stress that it is not anti cycling. It is however, anti *illegal* cycling and it is important that the distinction is made between legal and illegal cycling on the Forest.

There is no objection to responsible cycling on the approved cycle network.

This Court is however concerned with illegal cycling on the New Forest, which for us means cycling on a Forest track which does not form part of the approved cycle network, or cycling on the open forest, roadside verges, lawns, heathland, mires and in even river beds!

Again, we ask the Forestry Commission to enforce its own byelaws, to stop the illegal cycling observed on a daily basis by Verderers and Agisters.

There are times when road cycling events conflict with drifts and other events. For that reason every effort is being made to encourage cycle event organisers to liaise with the Forestry Commission, the Verderers' Office, the Police, the District Council and the Highway Authority. We do not however want to hear any more presentments supporting or opposing road cycle events, because road cycling is outside the authority of this Court.

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

2012/5958 TRI-ADVENTURE ACTIVITIES FEATURED ON BBC COUNTRYFILE SUNDAY 18<sup>TH</sup> MARCH

Following the feature of a running/biking orienteering event, I would wish to provide the court with the background to the feature that has raised concerns over the promotion of this activity and its impact on protected habitats.

The BBC feature was directly arranged between the production team and Tri-adventure, an organisation not known to us before this event. When the Forestry Commission became aware of the planned feature, a filming permission was issued which included a specific requirement for cycling to be shown only on the approved gravel track network. Unfortunately, the feature did not promote the use of the approved cycle network sufficiently clearly, or the avoidance of sensitive sites.

A similar event is scheduled for this weekend, the organisers have contacted us in good time and as a result people participating in the event have very clear instructions to ensure

sensitive sites are safeguarded and conflicts with other forest users and commoning stock is avoided. The Forestry Commission would very much wish people to enjoy a wide range of activities across the forest but would urge organisers of events to contact the office at Queen's House, in good time, so we can ensure that they are aware of any constraints and site sensitivities.

We will subsequently be entering into further discussions with both the Countryfile producers and the Tri-Adventure company to ensure that these issues are resolved for the future.

## PRESENTMENTS

### 2012/5959 TRI-ADVENTURE ACTIVITIES FEATURED ON BBC COUNTRYFILE SUNDAY 18<sup>TH</sup> MARCH

Presentment by Mr Michael Chilcott on behalf of the New Forest Association

The New Forest Association wishes to register, in the strongest possible terms, its objection to the practice of adventure racing using bikes as well as running on the fragile lands of the New Forest.

The BBC's Countryfile programme on Sunday highlighted this damaging practice with footage of competitors racing over mires and heathland that should be protected by the Forestry Commission. We ask that the erroneous information supplied by the BBC should be corrected, and action taken against the business promoting this illegal use of the Forest.<sup>1</sup> A simple internet search has shown that a similar event is due to take place this week-end.<sup>2</sup> We ask that the Forestry Commission withdraw permission for this or ensure that it is adequately monitored and does not damage the protected habitat of the New Forest. We remind the Court of our request made in January, now more urgent than ever, of a full review of cycling activity on the Crown Lands.

The New Forest is suitable for many quiet recreational activities but is too delicate to be available for all activity.

### 2012/5960 CYCLING ON THE FOREST & LATE NIGHT DOG WALKERS

Presentment by Mr Brian Ingram

Mr Ingram expressed his serious concern at the increase in two activities, namely cycling and dog walking on the Forest at night. He reported that 22 cyclists with lights on their heads, recently passed by his property late at night, shouting loudly. In the morning tyre tracks were plain to see outside his and his neighbour's gate. Dog owners are also to be found regularly walking out in the Forest at ten or eleven o'clock at night.

Mr Ingram commented that car parks are closed in order to protect nesting birds, and yet no attempt appears to be made to prevent what he considers to be unacceptable night-time disturbance. He added that the Forest is rapidly becoming a glorified playground.

Mr Ingram asked the Forestry Commission to take action to stop these late night activities.

### 2012/5961 CYCLE ROUTES EXTENSION

Presentment by Vicky Myers on behalf of the Recreation Management Strategy Working Group

Good morning Official Verderer and Verderers. My name is Vicky Myers and I am here in my role as Chair of the Recreation Management Strategy Working Group (RMSWG).

This Working Group is an independent group with representatives from seventeen New Forest organisations which was established to assist with the implementation of the New Forest National Park Recreation Management Strategy (RMS). You can visit our website for more details and notes detailing the discussions which have led to this presentment.

The RMSWG recognises that the current off road cycling network is not coherent and that connectivity could be greatly improved by the addition of some strategic links. The Group acknowledges that the current lack of connectivity is causing frustration among some cyclists.

The majority of Group members would like to see the network improved as they consider that it is better to proactively manage and maintain key routes that address people's needs. Without such management, it is inevitable that desire lines will be formed as people try to find their own way across the Forest.

We therefore feel that, providing there was no adverse ecological impact, adding some missing links to the network would benefit the Forest and help keep more cyclists on the network.

However, Group members would like to see improvements to the cycling network happen gradually, with a trial of two routes for one year, accompanied by a detailed study monitoring the impacts of this trial. When added together, the two routes suggested for this trial would add less than 3 miles to the existing network.

Although members of the Working group have not reached full consensus, on behalf of the majority of members of the group I would like to ask for your support for this trial and associated monitoring scheme.

I will now set out the details of the proposed routes.

Route 1 links Ashley Walk car park to Hampton Ridge. This track is well surfaced and well used. This route would join the Godshill area to the existing permitted cycle network at Hampton Ridge.

The second route runs between Bolderwood Ornamental Drive and the Portuguese Fireplace. It follows an existing well-used track which has a good gravel surface with short unsurfaced sections.

This route would allow cyclists to connect from the existing cycle networks around Brockenhurst and Burley, to the Reptile Centre and Portuguese Fireplace. Safety of cyclists would be a significant benefit of this route as currently some cyclists attempt to go between these two areas by cycling along the A35 from the Ornamental Drive crossroads to the Reptile Centre. In so doing they pedal alongside cars travelling at 60mph. This link should also lead to a reduction in the number of private car trips generated by visitors to the Reptile Centre.

Over the last year the Working Group has considered five additions to the off road network on Crown land. During our discussions, compromises have been made and wherever possible, concerns have been addressed. These are the two routes that are proposed as a result of these discussions.

The RMSWG recognises that there are concerns about the potential ecological impacts of adding to the existing off road network. We would like to address these concerns as an integral part of the proposed trial.

This would be achieved by a robust scheme of monitoring which would provide information to answer questions concerning the impact of cyclists on the ecology of the Forest.

The methodology of this monitoring scheme would include assessing both the volume of recreational use on these tracks; and whether (or to what extent) cycling has an impact on erosion, protected species and habitats.

Natural England officers have assessed five potential additional links to the cycle network

and are supportive of the two routes I have described as they do not consider that permitting cycling would have any adverse impact on the local ecology. While considering the other three routes (which do not form part of this proposal), they have indicated that two of them would potentially have no ecological impact, however they recommend that monitoring of protected bird species should be carried out before these routes are considered as further additions to the cycling network.

Approving a robust monitoring methodology for the proposed trial is the role of the Research sub group of RMSWG, and, if we should receive your permission, no trial would go ahead until after a scheme of monitoring was approved by this sub-group.

The majority of members of the working group believe that taking these steps to work towards a coherent strategic network will play an important part in reducing the numbers of cyclists straying off the existing network. They believe this will help the conservation of the Forest, by reducing the incidents of people trying to find their own way from A to B which leads to cyclist ending up off the permitted network.

To help encourage people to use the existing network, the New Forest Cycle Working Group has offered to support this trial by establishing a network of Community Cycle Champions. These Champions would be recruited from the local community, and would be regular users of the New Forest with an awareness of the permitted network. The role of the Champions would be to educate off network cyclists and to encourage them to return to the permitted network.

In summary, the proposal offers benefits for the Forest as it aims to keep the growing numbers of cyclists on the approved off-road routes. It also includes comprehensive measures to address concerns which we recognise still exist.

The Recreation Management Strategy Working Group would be grateful if you could consider this proposal and support the trial for one year, with monitoring of the impacts and the establishment of Cycling Champions.

If you were minded to refuse this trial, we would respectfully request that the reasons for this decision are explained together with the legal framework under which this decision was reached, so that the working group is able to consider and respond to your concerns. A copy of the proposal, including maps of the two routes are attached to a paper copy of this presentment to assist with your discussion.

2012/5962 PRESENTMENT ON CYCLE ROUTES EXTENSION & TRI-ADVENTURE ACTIVITIES  
FEATURED ON BBC COUNTRYFILE SUNDAY 18<sup>TH</sup> MARCH

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

The CDA appreciates that leisure cycling in the New Forest can be a healthy and enjoyable experience for all ages. Regrettably however the privilege of using the Forest in that way, is often not accompanied by an appropriate and adequate sense of responsibility and a clear recognition that the New Forest is a working Forest, a unique set of habitats protected by the highest level of national and international designations and an area in which many seek peaceful recreation. If ever there was a clear example of the abuse and exploitation of this privilege, it was only necessary to watch Country File on Sunday evening. It featured a commercial venture organising races, partly on bicycles at high speed, on and off the gravel tracks and partly running on foot through bogs. It was accompanied by the paraphernalia of a race meeting with high flag poles and advertising bunting on the open Forest, marking the start and finish line. The owners and I quote had "spotted a gap in the market"-the "gap" which concerns CDA members is the gap in protection of the New Forest.

CDA members are very clear that the existing network of way marked and mapped cycle

routes in the Inclosures and on the Open Forest has led to off road cyclists penetrating further into the remaining relatively tranquil areas of the Forest, riding across the open heath, off the established routes, by day and by night. This is to the detriment of the enjoyment of other users of the Forest and is an obvious disturbance to livestock and wild life, especially at night with bright lights and shouting as the only means of communication. If left unchecked this rapidly growing trend will leave the Forest as little more than one large adventure playground. And we fear that extension of the cycle routes has the potential to make this situation dramatically worse.

We welcome the idea of using cycling "champions" to bring peer pressure to bear on those who through ignorance, poor navigation or irresponsibility have left the established routes. But we do not see these champions as excusing the Forestry Commission from their duty to enforce the Bye Laws and to prevent the commercial exploitation of the Forest in breach of those Bye Laws.

If any trial extensions such as those proposed go ahead, we would not support any which are not entirely on gravel, as the inclusion even of short sections of mud and grass will blur the distinction between cycle routes and the rest of the Forest. Clearly the collection of a full year's monitoring data to provide a base line would be necessary before going ahead and monitoring must include collecting data on cyclists already active in those areas.

Until such time as it is clear that the Bye Laws are being firmly enforced, that the Forestry Commission is not approving commercial and or competitive cycle events, that a speed limit has been imposed and that the cycle champions are successfully preventing cycling off the established routes, the CDA would be strongly against extensions of the existing routes and we urge the Verderers to hold to the same view.

2012/5963 CYCLE ROUTES EXTENSION  
Presentment by Mr Martin Hart

Mr Hart commenced by stating that he is not affiliated to any particular organisation. He said he wished to support Vicky Myers' presentment.

Mr Hart said he feels cycling should not be unduly restricted in the Forest. He himself suffers from Multiple Sclerosis and he explained that he can ride a bike easier than he can walk. In his opinion, the present routes on the Forest are not logical. They do not join up. He gave, having a 20 mph speed limit by a school, as an example of 'logic'. For example he cannot see the point of the wide gravel track to Holly Hatch not being part of the waymarked cycle route and yet it is designed to take vehicles. Mr Hart added that cyclists are responsible users of the Forest who want to ride on well surfaced routes such as gravel, not heathland.

2012/5964 LATCHMORE STREAM RESTORATION PROJECT  
Presentment by Mr Tony Bull, Commoner from Furzehill

'Because of the very strong possibility of danger to depastured stock, I am asking the Court to consider withdrawing its consent to this project, if the most likely of the proposed routes for the transport of materials to the site – Mockbegger to Latchmore Brook – becomes the accepted route.

There are 10 commoners with holdings along this route, who turn out ponies and/or cattle and donkeys, as well as others elsewhere whose stock also use the roadside grazing. We're talking about more than 200 animals, although, of course not all at the same time.

It is along these little Forest lanes that heavy lorries would transport the 10,000 tons of gravel, heather and clay to fill in the existing stream. With between 800 to 1000 trips over a six week period, one fully loaded and then empty on the return journey, this would amount to 40 extra vehicle movements per day on narrow single track lanes with no room

for overtaking. This with ponies, cattle and donkeys trying to graze.

We are told that the work will commence in June and that the gravel, etc., will be moved in the six-week period leading up to this, in April and May.

This is the time of year when the ponies start gathering in large numbers seeking shade and shelter from the flies. Very often they are right in the middle of the road, especially at South Gorley and Furze Hill. This causes enough chaos with the everyday traffic and holidaying cyclists as it is, without the 40 or so daily additional vehicle movements for the Latchmore Restoration. It is also at this time, of course, that there will be foals about – and the stallion may well be rounding up his mares as well.

There has clearly been no proper assessment on this project – a fact that has become obvious at recent public meetings about it – and no appreciation of the large number of visitors, vehicles and commoners' stock along most of this route, which is a single-track lane in poor condition.

The commoners have been told – by a member of this Court, no less – and I quote 'they might find it an unpalatable fact, but they are being subsidised by the conservation interests and should reflect this in their attitude to restorations works'. A nasty attempt at coercion and not at all what we expect from any Verderer, but perhaps the promise of possible extra grazing may be the reason why the Commoners' Defence Association overlooked the need to consider the impact of the scheme on the surrounding environment.

Whether or not they receive subsidies of any sort though, commoners will be concerned about the welfare of their animals – and they have every right to express that concern.

The safety of commoners' animals, as well as that of the public, should be of prime concern when agreeing to this kind of project, and if no clear decision about the route for transporting all the material has been made, this ill-considered restoration scheme should never have been given the approval to go ahead'.

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

#### **CONSIDERATION OF PRESENTMENTS**

2012/5965 TRI-ADVENTURE ACTIVITIES FEATURED ON BBC COUNTRYFILE RESUME  
SUNDAY 18<sup>TH</sup> MARCH

A considerable number of people are clearly concerned about the Tri-Adventure activities featured in Countryfile's programme. It was suggested that it would be helpful if everyone with concerns complained to the programme's producers.

The Deputy Surveyor said that the Countryfile production team is soon to move to Bristol and the Forestry Commission hopes this move will make engaging with them easier.

The Deputy Surveyor went on to say that the event planned for the forthcoming weekend will not be cancelled. This event is being run by an organisation well known to the Forestry Commission. The event has been held for a number of years and the instructions to participants are very clear about behaving responsibly in the Forest. The start is at Brockenhurst College.

Mr Pasmore said he is worried about more and more pressure being exerted on the Forest but in reply, the Deputy Surveyor said that in fact less permissions have been issued by the FC in the last year than

previously. Efforts have been made to filter out unsuitable events. Organised cycling events range from those involving 9 disabled participants to up to 1,000 on public roads.

Action  
KP

The Deputy Surveyor said requests for permission for unsuitable events are declined and he undertook to find out if events which are turned down are listed and what sort of things they are.

The Deputy Surveyor added that there is a need to look at the future management of recreation on the Forest and how the Forest should respond to the increasing pressures. There is a need to work collectively. The National Park Authority and the Recreation Management Strategy Working Group (RMSW) should lead on this, however, it was felt that the Group undertakes few if any impact assessments and this needs to improve. The Deputy Surveyor said that at the moment the Forestry Commission is undergoing huge organisational change and therefore the resources required to champion taking this forward with the RMSWG are simply not currently available.

2012/5966 NIGHT TIME CYCLING, DOG WALKING & OTHER RECREATIONAL ACTIVITIES ON THE FOREST DISCHARGE

The Court suggested that night-time activities should be banned. It is understood that Mr Ingram has reported problems with cyclists on the Forest after dark for the past three years. The Forestry Commission was asked by the Court to enforce its byelaws. There appear to be insufficient Keepers / Rangers available to police the Forest and there is concern that the Keepers are not always supported in enforcing the byelaws.

In reply, the Deputy Surveyor said that in the recent past, 3 vehicles have been impounded because of damage caused by driving on the Open Forest and in the latest incident where a 4x4 was stuck on the Forest, compensation of £300 was obtained from the owner towards the cost of removal of the vehicle and reinstatement of damage to the SSSI.

Action  
KP

The Deputy Surveyor went on to say that where they have the opportunity, Forestry Commission staff do engage with the public, and he will send out instructions when the cycling map comes out or possibly shortly before, that staff should speak to cyclists who are off-track.

It was suggested that organisations running events during which conditions set out in permissions are infringed, should be banned from holding the event in the future. The Deputy Surveyor said that Forestry Commission staff recently removed banners which had been erected without permission and a charge levied for the staff time which was involved.

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SW

As respects the event featured in Countryfile, the Clerk will write to the organisers of the event, expressing the Court's concern at their lack of consideration for the Forest and stressing the importance of liaising with the Forestry Commission.

2012/5967 CYCLE ROUTE EXTENSION DISCHARGE

Miss Myers' presentment on behalf of the RMSWG, asking for the support of the Verderers for two additional cycle routes, will be circulated to all members of the Court.

The Court discussed whether this was actually a request for permission,

and the Deputy Surveyor confirmed that it was not. Any request for permission would come through the Forestry Commission in the usual way.

Mr Pasmore's view is that the routes requested are not acceptable because one goes straight through the tranquil areas and both have already been refused by the Court. He said that the RMSWG should be having regard to National Park purposes and he felt it is not.

If the routes are ultimately refused, the Court will give its reasons.

All members of the Court agreed that it would be essential that monitoring should be carried out prior to any new routes being considered. This will be communicated to Miss Myers.

2012/5968 LATCHMORE STREAM RESTORATION PROJECT DISCHARGE

The Deputy Surveyor said the Forestry Commission has identified some alternative routes which will reduce the impact of passing vehicles on the residents of Ogdens. The effect on ground nesting birds is also an important consideration as of course is commoners' stock.

The intention is to move materials into the site from different directions according to what is required where. This should reduce the impact of large vehicles over the area surrounding the project.

Traffic control is being looked at and a banksman may be appointed to help.

Alaska is the contractor and they have been very good at ensuring their drivers and machine operators adhere to any conditions that have been imposed.

In summary, the Deputy Surveyor said the Forestry Commission is listening to concerns and doing what it can to alleviate any problems.

It was agreed that the content of the Presentment from Mr Bull does not warrant reviewing the decision on the project.

Mrs Thorne said she does have reservations in view of the disturbance the scheme will create and the proximity of the works to residents.

Whilst the Verderers continued to support the scheme, Mr Pasmore asked that his dissent for the scheme be recorded once more.

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

2012/5969 SCOTTISH AND SOUTHERN ELECTRICITY WORKS AT HINCHELSLEA DISCHARGE  
SUBSTATION

The request by SSE to place a welfare/storage unit and porta-loo on the Open Forest outside the sub-station for a short period as there is a lack of space for such amenities within the compound was approved. The approval is subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions, compensation for loss of grazing etc. as well as a reasonable time limit being agreed.

2012/5970 PRIVATE WATER PIPE TO FIELD TROUGH AT BROOMHILL, EAST DISCHARGE  
BOLDRE

The proposal to put a new underground water supply pipe to a field trough at the above property was approved subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions, compensation for loss of grazing etc. as well as a reasonable timescale being agreed.

2012/5971 SSE TEMPORARY UNDERGROUND ELECTRICITY SUPPLY TO RESUME  
WATTONS FARM, HOLMSLEY ROAD, WOOTTON

Further information is requested on this proposal before a decision is made including reasons why the property's own supply cannot be used.

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

2012/5972 DEAD PONIES IN INCLOSURE RESUME  
March 2013

Mrs Westerhoff has consulted with Natural England which has stated it wishes to monitor cicada activity this year before agreeing whether the fences of the internal inclosure should be removed.

In the meantime it was stipulated that the gates must be locked open.

2012/5973 FALLEN TREE OUTSIDE LONG MEADOW (NEW PARK) DISCHARGE

The Deputy Surveyor confirmed the tree will be removed with when other work is being undertaken in the area. The Court requested this happens before the commencement of this year's drift season.

### **SSSI RESTORATION WORKS**

2012/5974 SNAGGING RESUME

A full list is awaited.

2012/5975 SOLDIERS BOG RESUME

The Forestry Commission is awaiting a response from the CDA on the proposals. The project cannot be finalised until the CDA has considered the preliminary proposals.

2012/5976 HARVEST SLADE BOTTOM DISCHARGE

The proposals set out in the paper provided after the site meetings on 7<sup>th</sup> September 2009 and 8<sup>th</sup> December 2011 were approved.

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

2012/5977 CYCLE MAP DISCHARGE

The Deputy Surveyor thanked everyone for the responses received to the draft map. It is now with the printers and should be available soon. Gravel roads which are not cycle routes have been removed in order to discourage cyclists from straying from the waymarked route. Other tracks have also been removed for the same reason but it is hoped the new map will remain easy to understand. Cycle markers will be going out now but the new boards for the selected car parks where there has been a history

of trespass will not go out until next year as the counting needs to be done first.

A number of private cycling businesses have reportedly got together to produce a map of their own. Not all cycle centres are opting in and it is hoped those that haven't will distribute the Forestry Commission's map.

Rangers, Keepers and the Agisters will be issued with supplies of the map to distribute free of charge to anyone they see off the approved cycle network.

2012/5978 FALLEN TIMBER IN PINNICK AND RED SHOOT WOODS DISCHARGE

The Forestry Commission was asked to prioritise clearing tracks in these woods. The Deputy Surveyor agreed to see what can be done.

2012/5979 ROUNDHILL CAMPSITE POSITIONING OF FACILITIES BLOCKS AND WARDENS OCCUPATION DATES RESUME

Forest Holidays arranged for the facilities blocks to be put back on Roundhill campsite early. The Court did not object because the facilities blocks were going back in new positions and therefore it was important to ensure everything was in working order. However, the occupation date for the wardens which was also brought forward, is of concern as it is important that a precedent is not set. A discussion on the timing of warden occupation at the beginning of the season on the various campsites is requested.

Action  
KP

2012/5980 HOLLANDS WOOD CAMPSITE RESUME

Three caravans and adjacent tents have appeared on the site which is not due to open for several weeks.

The Court felt that it should have a policy to regulate the time that the warden is allowed to move onto a camp site before opening. The Deputy Surveyor will discuss start up plans for each site with Forest Holidays and provide the information so that the Court can make a decision.

Action  
KP

2012/5981 BURNING PROGRAMME DISCHARGE

Mr Gerrelli commended the Forestry Commission on the success of this years burning programme. A lot of good work has been achieved. The Court agreed the Forestry Commission has done very well.

2012/5982 YEW TREES DISCHARGE

Mr Readhead commented that a third of the yew trees at Sloden Yews appear to be dead. Mr Pasmore said this situation has prevailed for the past 30 years. The trees would be some of the oldest in the Forest. Other than old age, there appears to be no specific reason for the trees' demise.

2012/5983 HEATHER BALES DISCHARGE

Mr Pasmore asked why a large stack of heather bales has appeared in Turf Hill Inclosure. In reply, the Deputy Surveyor reported that unfortunately the strings had been cut at one location and therefore bales are now being stored elsewhere.

2012/5984 OLD PIPES DISCHARGE

The Official Verderer reported 6 long pipes appeared approximately 6 to 8 weeks ago not far from Bramshaw Telegraph and are still there. In response, Mr Pasmore commented that there had been a water leak in Downton Road and it is thought they could be old water pipes. The Forestry Commission will investigate and ask for the pipes to be removed as soon as possible.

2012/5985 SOUTH WEIRS BRIDGE DISCHARGE

The bridge railings which claimed the life of a pony on the South Weirs drift when she ran into them, have been repaired by they remain in a dangerous condition as far as stock is concerned. Mr Street will provide details of the people who it is understood are responsible for the bridge and the Clerk will approach them to see if they will make some modification to the railings.

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M Str / SW

2012/5986 HIGHWAY SAFETY WORKS PROPOSALS DISCHARGE

A meeting is being arranged for Thursday, 5<sup>th</sup> April at the Highways Unit Office in Totton at 10.00 a.m. to discuss three possible schemes to improve highway safety. Mr Montagu said he will attend the meeting and the Official Verderer may be able to go as well.

2012/5987 BARRIER LOCKS DISCHARGE

The barrier lock on the track to Hincheslea has been cut. If anyone has any information which may indicate who is responsible, the Forestry Commission would be pleased to receive it.

2012/5988 BURLEY VILLAGE QUEEN'S DIAMOND JUBILEE CELEBRATIONS DISCHARGE

The Parish Council has arranged an event over the three days of the June bank holiday weekend. It is to be held on the Forest in the car park by the Cricket Pitch. There will be a marquee, day and evening events, live music, a licensed bar and a fish and chip van. The Forestry Commission has stipulated that the latter must remain in the car park. The Court was not particularly happy with this event which in view of the scale, it felt it would be more appropriate to hold on private land rather than the Open Forest.

2012/5989 QUEEN'S DIAMOND JUBILEE TREE RESUME

A request from Burley Parish Council for permission to plant a tree in commemoration of the Jubilee was turned down. It has been suggested that the tree could be planted in the school grounds or an existing tree could be adopted.

## **ENCROACHMENTS OF INTEREST TO THE FORESTRY COMMISSION**

2012/5990 SCHEDULE OF ENCROACHMENTS RESUME

The updated schedule was provided by Mr Street who reported on progress with the various encroachments, several of which are in the process of being resolved.

Home Farm, Ashurst – The agreement with the Forestry Commission agreement has been signed and the Official Verderer confirmed that the

grazing scheme payment will now be paid if it hasn't already.

It was reported that two large posts which could be gate posts have been installed outside the fence line of a property in East Boldre. The Estates Keeper, Mr Graham Wilson, will investigate.

Mr Street, Mr Wilson and the beat Keepers are now concentrating on trying to prevent damage to the Forest by building contractors working on properties in the Forest. Photographic evidence taken at the commencement of any works is extremely helpful in proving where encroachments have resulted in loss of grazing and damage to the SSSI.

2012/5991 BURLEY MANOR STABLES DISCHARGE

Miss Macnair asked for the signs referred to previously to be removed. The Deputy Surveyor said this matter will be taken up with the stables.

2012/5992 SIGNS ON THE BEAULIEU ROAD RESUME

Signs stating 'You are now in Lyndhurst' have appeared on the roadside, on the Lyndhurst side of Limewood. These signs are thought to be new and consent has not been obtained.

Action  
MStr

2012/5993 VERGE PARKING AND CAR FREE DITCHING DISCHARGE

The Deputy Surveyor was asked when car free ditching works are likely to commence. The Official Verderer said funding from the HLS has been agreed. The Deputy Surveyor said he will confirm when works are planned to start.

Action  
KP

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

## **ENCROACHMENTS NOT INVOLVING THE FORESTRY COMMISSION**

No new encroachments have been reported.

## **OTHER MATTERS ARISING**

2012/5994 VISIT BY MEMBERS OF THE INDEPENDENT PANEL ON FORESTRY DISCHARGE

Three members of the Panel visited the Forest; Dr Mike Clarke Chief Executive of the RSPB, Dr Alan Knight OBE advisor on sustainable development for several large companies and Tom Franklin Chief Executive of the education charity Think Global. A report of their visit which it is felt went very well, can be found on the Panel's website. The Clerk was asked to circulate a copy to members of the Court.

2012/5995 ROAD TRAFFIC ACCIDENTS INVOLVING COMMONERS' STOCK – ADDITIONAL ROAD FENCING DISCHARGE

A discussion took place on the merits or otherwise of fencing the B3078 between Cadnam and Godshill and the B3054 between Lymington and Dibden Purlieu in an effort to reduce the large number of animal casualties on those roads each year.

Mrs Westerhoff reported that she had consulted with Natural England to see what its view is likely to be. The response is that such a project would be very difficult to achieve in view of the Habitat Regulations. An extremely strong case would have to be made in order for it to succeed.

There may have to be compelling arguments including that there is an over-riding public interest.

In addition, Mr Pasmore pointed out that an Act of Parliament would also be required before fencing on such a large scale on the common lands of the new Forest could be undertaken.

Members of the Court expressed various views on the drawbacks and benefits of such a scheme but because of differing opinions the Court was unable to reach a unanimous decision.

The Clerk was asked to provide a report on the activities of the Animal Accident Working Group.

Action  
Clerk

Mr Montagu gave his apologies and left the meeting.

2012/5996 HIGHWAY MAINTENANCE PLAN & GRIT BINS

RESUME  
May  
Maintenance  
Plan only

The Clerk reported that with the local Highways Manager, she has finally managed to inspect all the grit bins within the perambulation. Two will be brought in for the summer. A few need to be re-sited but the remainder are considered to be in the agreed positions.

As respects the maintenance plans, following a meeting between the Highways Manager and the Clerk some amendments have been agreed and once they have been incorporated the plan will be circulated again to those who commented on the original draft. It is hoped the plan will be completed in the not too distant future.

Action  
SW

2012/5997 POUND MAINTENANCE

DISCHARGE

The CDA has offered to provide assistance with pound maintenance. The HLS is able to provide 50% of the cost of maintaining pounds and 80% in respect of complete replacements. Labour from the CDA and the Agisters can be used for match funding the remaining 50% and 20% respectively.

**HIGHER LEVEL STEWARDSHIP SCHEME**

2012/5998 HLS AGM

DISCHARGE

The HLS AGM will be held on 4<sup>th</sup> April at 5.00 p.m. in the Verderers' Hall. All members of the Court are invited. The AGM will include a review of last year and a list of what it is hoped will be achieved in the coming year.

The intention is that the AGM will fill the void left by the suspension of the working and advisory groups.

Action  
OV &  
C Draper

**VERDERERS GRAZING SCHEME (VGS)**

2012/5999 VGS ACCOUNTS

DISCHARGE

The Official Verderer reported that it will not be possible to audit the HLS because it is not possible for the independent auditor to audit the income and expenditure of the Forestry Commission's and National Park Authority's accounts. Accounts will still be prepared and the independent auditor will provide an Accountants Report for the HLS.

In turn the VGS portion of the HLS accounts cannot be audited because it is not possible to audit the HLS partners' income and expenditure.

Although it will not be possible for the Verderers' independent auditor to audit the HLS or VGS accounts, the cashbooks will be inspected at the same time as the Verderers' accounts and this will provide assurance that there are no irregularities. The VGS accounts will be incorporated into the HLS accounts.

Because the Court decided previously that the CSS accounts would be fully audited, it was necessary to now agree that its successor, the new VGS accounts, will not be audited.

Mr Clive Maton proposed that the Court accept that it is not possible to undertake a full audit of either the HLS or VGS accounts. Mrs Diana Westerhoff seconded that proposal which was passed unanimously.

2012/6000 CSS PAYMENTS TO MR PASMORE DISCHARGE

Mr Pasmore had previously elected not to receive monies due to him under the terms of the Countryside Stewardship Scheme until his term of office as an Elected Verderer came to an end.

However, as the CSS has been wound up at the end of February, it is necessary for the monies due to Mr Pasmore to be paid to him if that is the will of the Court.

Mr Maton proposed that the monies should be paid to Mr Pasmore now and that the Official Verderer and Mr Draper should decide on the payment of interest. Mrs Thorne seconded the motion which was carried unanimously. Mr Pasmore did not vote.

The Official Verderer stated that although he will be entering all his stock in the new VGS, he has opted not to receive payments which may be due to him under the new Verderers' Grazing Scheme until after his term of office comes to an end. If his successor and the Court agrees, he will be pleased to receive the money then.

2012/6001 VERDERERS' GRAZING SCHEME RULES DISCHARGE

A detailed discussion took place about certain rules about which some commoners have expressed serious dissatisfaction. In particular concerns were raised about the quarter acre rule and also the eligibility for additional payments for New Forest ponies registered in the X register of the Stud Book. A letter of clarification will be sent to commoners.

Action  
OV

2012/6002 THE SINGLE PAYMENT SCHEME RESUME

Very serious concern was expressed about a new paragraph that has appeared in the latest Single Payment Scheme Handbook as it could in fact result in the collapse of the HLS due to over stocking of the SSSI.

It was agreed that two letters should be sent: one to commoners to clarify the mistake in the handbook; and one to DEFRA with the views of the Verderers.

Action  
OV, AHP &  
C Draper

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

2012/6003 LOCAL ACTION GROUP (LAG) DISCHARGE

Mr Gerrelli reported that the LAG still has plenty of funds to offer in respect of small businesses and projects which are not livestock related.

## FINANCIAL AND OTHER MONTHLY REPORTS

2012/6004 FINANCIAL STATEMENT FOR FEBRUARY 2012 RESUME

The financial statement for February 2012 was approved.

**STAFF MATTERS (including the Staff Committee)** - There were no staff matters to discuss

## TRAINING

2012/6005 FIRST AID TRAINING DISCHARGE

The Clerk and the Head Agister are due to undertake a First Aid refresher course this year.

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

## ANY OTHER BUSINESS

2012/6006 SWAY FOOTBAL GROUND / MEMORIAL FIELD DISCHARGE

Subject to the detail being agreed, including the agreement of the CDA, the Court suggested it may be prepared to allow the continued use of the field providing that the fences and the pavilion are removed.

The Clerk was asked to write back to the Parish Council to explore this compromise. Action Clerk

2012/6007 QUEEN'S DIAMOND JUBILEE PERAMBULATION RIDE RESUME

A proposal is being considered for a horse-back ride around the boundary of the Crown Lands of the Forest. The Official Verderer reported that he has applied for a Royal Warrant to commemorate the occasion. He asked for the support of the Court in principle for the Official Verderer and the Agisters to commence the ride by carrying the Warrant from the Verderers' Court to Bolton's Bench. Mr Pasmore said that traditionally perambulations of the Forest have in fact commenced from Milton Bridge on the River Avon at Breamore. Action OV

The Court was pleased to agree to the proposal in principle with the details to be ironed out and agreed.

2012/6008 CHRISTOPHER TOWER LIBRARY DISCHARGE

The Estate of the late Christopher Tower is being wound up and a significant donation (£850,000) is being made to ensure the future of the Christopher Tower Library which is run by the New Forest Ninth Centenary Trust. A fund to be known as the Christopher Tower New Forest Library Endowment Fund will be set up and five trustees will be nominated to manage it. The Official Verderer has been invited to be one of those responsible for nominating a trustee. This does not fall within the powers of an Official Verderer under the New Forest Acts and therefore members of the Court were asked if they would be willing to give their approval. Members of the Court confirmed they are happy so to do.

2012/6009 BBC HISTORY PROGRAMME

DISCHARGE

The Clerk reported that she has been approached by the BBC in respect of a half hour film on the history of the Forest in which they would like to include the Verderers Court. The Court gave its approval.

2012/6010 BEAULIEU ESTATE ENCROACHMENT

RESUME

An encroachment was reported on the Beaulieu Estate at Hilltop Gate where a fence has been erected on Manor Waste, it is believed to assist a hedge to become established. It was agreed the Official Verderer should discuss this with Mr Montagu.

There was no further business and the meeting closed at 14.26 hrs.