

**MINUTES of the Court of Verderers held on Wednesday 16<sup>th</sup> May at 9.30 a.m. in the 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 Countryside Agency Appointed Verderer  
Mr A Gerrelli Elected Verderer  
Cllr Mrs K Heron National Park Authority Appointed Verderer  
Miss D Macnair Elected Verderer  
The Hon 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

APOLOGIES: Mr J F Kitcher Elected Verderer  
Mr J R Gerrelli Head Agister

**IN COMMITTEE**

The Head Agister was unable to attend the meeting.

2007/2972 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 18<sup>th</sup> April 2007 were approved.

2007/2973 CONDITION OF STOCK RESUME

Mr Adams reported that a few mares do not look as could be hoped at this time of year, however there are no major concerns. The weather was very dry during April and as a result there was little food on the Forest. Now that it has rained the grass is growing and stock is generally now improving quickly. The Agisters will continue to ensure ponies are taken off the Forest if necessary. Mares without foals look extremely well.

The Agisters are doing a good job with most ponies which lose condition being caught in good time.

2007/2974 STRANGLES DISCHARGE

Strangles is not evident on the Forest at present.

2007/2975 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2007/2976 DECLARATIONS OF INTEREST RESUME

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

Mr Gerrelli declared an interest in any items concerning Campsites and the Official Verderer declared an interest in any matters concerning golf clubs.

2007/2977 FINANCIAL STATEMENT

RESUME

The Financial Statement for the full year January 2006 to March 2007 was circulated and shows a healthy position.

The Financial Statement for April 2007 was unfortunately not available and will be circulated as soon as possible. Queries should be raised with the Clerk.

2007/2978 REPORT ON MARKING FEES RECEIVED AS AT THE END OF FEBRUARY 2007

RESUME

Ponies	4337	Pigs	19
Cattle	1735	Sheep	39
Donkeys	113		
TOTAL	6185	TOTAL ALL ANIMALS	6243

2007/2979 ANIMALS REMOVED FROM THE FOREST APRIL 2007

RESUME

**APRIL**

	POOR	SICK OR INJURED	WANTED BY OWNER	OTHER	TOTALS
MARES WITH FOALS	2	1		1	4
MARES WITH YEARLINGS	5			1	6
MARES	9	2	3	1	15
FILLIES	3	3	2	3	11
COLTS			2		2
GELDINGS					0
CATTLE			9		9
CALVES					0
DONKEYS	2	4			6
PIGS					0
PIGLETS					0
SHEEP					0
<b>TOTAL</b>	<b>21</b>	<b>10</b>	<b>16</b>	<b>6</b>	<b>53</b>

TWO YEAR OLD COLTS 2 Escaped from field

**SUMMARY BY SPECIES**

PONIES	40
CATTLE	9
DONKEYS	6
PIGS	0
SHEEP	0
<b>TOTAL</b>	<span style="border: 1px solid black; padding: 0 5px;">55</span>

2007/2980 BYELAW ENFORCEMENT

RESUME

The Coopers were successfully prosecuted for non-payment of marking fees. The full judgement will be copied to all Verderers. The Coopers have 21 days to appeal to the Crown Court or 28 days to appeal to the High Court.

2007/2981 FENCING OF THE A31, A35 and A337

RESUME

Mr Adams reported that repair of the A31 fence has still not commenced. He is continuing to try to contact Mr Gardner of Mott McDonald. Work should have started in early April.

51 defects were found by the Head Agister on the A35/A337 and the list sent to the Highway Authority at Jacob's Gutter Lane. Some work on these fences has been carried out.

The Official Verderer will write to Cllr Mel Kendal, Executive Member for the Environment (HCC). The list of defects together with a photograph of the pony which was trapped in the A31 fence and subsequently destroyed will be enclosed.

Mrs Pat Thorne will take up the matter with DEFRA. A copy of the photographs of the pony will be circulated to all Verderers as well as the defective fence.

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

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

**ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER**

2007/2982 CHARGE FOR ACCESS OVER CROWN LAND

At our March Court Mr Mike Cooper, on behalf of the New Forest Commoners' Defence Association asked us to investigate the possibility of reducing or even removing the charge that is currently made by the FC for access to dwellings built under the existing Commoners Housing Scheme, which is administered by the National Park Authority.

This was discussed with the Deputy Surveyor in committee, and he was at pains to point out to us that the charge that is made for access over Crown land to commoners' new dwellings is very heavily discounted already, and represents a significant benefit. We have asked the DS to provide us with details of how the charge is calculated so that we can see for ourselves how big the discount actually is, and this he has now kindly done.

We agree that the present charge is already generously discounted by the FC, however we remain concerned that even at a discount the rate would still pose a significant financial burden on any young commoner seeking independence through the housing scheme. We shall continue to investigate this matter and see if there might be a way to reduce or even remove this charge altogether.

2007/2983 THE ROWL KITCHER CUP

We would like to resurrect the annual award of the Rowl Kitcher Cup. The Cup will now be awarded each year to the owner of the highest scoring 2 or 3 year old colt at the stallion inspections which will be held in the spring of each year.

The award will take place at our next court in June when we shall announce the winner, who hopefully will also be present in order to accept the cup here in the Verderers Hall.

2007/2984 BYELAW ENFORCEMENT

At the Lyndhurst Magistrates Court on Friday 4<sup>th</sup> May 2007 Mr Robert Cooper, Mrs Annie Cooper and Mrs Caroline van der Pauw (all of Acres Down Farm in Minstead, Lyndhurst) were successfully prosecuted by the Verderers for non-payment of their annual marking fees for 2006 due under the Verderers' byelaws.

After a one day trial District Judge Arnold found that the case against all three was proved beyond all reasonable doubt. In delivering her judgement the District Judge specifically recognised that we had done everything we reasonably could to avoid bringing a criminal prosecution, and that we had acted perfectly properly in deciding to bring this case against the Defendants.

Mr and Mrs Cooper were both fined **£200** ( the maximum fine allowable for this type of offence) and ordered to pay **£2,500** each towards the Verderers' legal costs in bringing the prosecution. They were also each ordered to pay the Verderers **£680** compensation in respect of the unpaid marking fees for 2006. The total amount of **£6,760** was ordered to be paid within 28 days.

Because of the very peripheral role that she had played, Mrs van der Pauw was given a conditional discharge.

This prosecution was brought in pursuit of our long-standing policy of enforcing our byelaws where necessary, and in furtherance of our announcement on October 19th 2005 that, as from January 1st 2006, marking fees at the Forest rate would be collected for animals found running on the Forest which originate from neighbouring commons, such as Minstead Manor.

These convictions reinforce the point that it is misguided to believe that animals that come on to the Forest from Minstead Manor are somehow exempt from our byelaws; they are not.

It is unfortunate that once again we have had to resort to the Magistrates Courts, however it would have been unfair to the 99.9% of New Forest commoners who abide by the byelaws to simply sit back and do nothing .

## ANIMAL ACCIDENT REPORT

2007/2985 ACCIDENT REPORT FOR APRIL 2007

The Agisters attended 7 accidents, which compares with 6 for the same period last year.

4 ponies, 1 cow and 1 donkey were killed and 1 donkey was injured. 2 ponies were killed in one accident.

4 accidents occurred during the hours of darkness.

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

5 accidents involved local motorists.

The total killed and injured for the year to date is 28 compared with 31 for the same period last year.

2007/2986 ROAD TRAFFIC ACCIDENTS

Following the accident report, read by the Clerk, the Official Verderer asked the press to publish a reminder to all motorists to take extra special care at this time of the year because of the foals which are totally unpredictable and may run into the road without warning.

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

None

**PRESENTMENTS**

2007/2987 ILLEGAL FEEDING OF STOCK BY VISITORS TO THE FOREST  
Presentment by Mr Michael Cooper, Commoner

Last Saturday afternoon (12.05.07), I had cause to check some of my stock on Moonhills green at Beaulieu. Approaching the location via Summers lane I was confronted with a slow moving line of traffic a short distance ahead. I turned into Moonhills car park, and was able to observe the cause of the congestion. Two cars had pulled off the road into an unofficial lay-by. The occupants were actively engaged in feeding the ponies. Some fourteen mares and their foals were milling about in the road and on the edge of the green. Others further away were taking an interest in events, and were also making their way over. Young children from what appeared to be two families were walking amongst the ponies placing themselves at considerable risk, while their parents continued to feed and take photographs. I saw that the stallion was starting to take an interest and was slowly moving towards them. At this time I thought it pertinent to intervene and approached the group. I pointed out the error of their ways, and enlightened them as to their infringement of the Verderers Byelaws. My conversation with them was accepted and they left. It was several minutes however, before the ponies returned to their normal haunt on the green, during which time they could have become casualties. I have two points to raise concerning this incident: -

- (1) These people were day-trippers from Southampton, not holidaymakers. We are still not getting the message across to local people about how to behave near our stock, or how to avoid causing an accident.
- (2) Incidents such as these are very often the cause of our stock being ordered off, and I would urge the Verderers to take all possible measures to ensure that the content of any allegations are corroborated by an independent source, and thoroughly investigated before drawing any conclusions.

2007/2988 ILLEGAL FEEDING OF STOCK BY RESIDENTS OF THE FOREST  
Presentment by Mr Michael Cooper, Commoner

"On the 25<sup>th</sup> April, I was called to Lyndhurst Racecourse by agister Mike Lovell, where one of my mares had been showing the classic symptoms of colic. The matter was dealt with and the she subsequently recovered with no ill effects, this time. However, subsequent investigations showed that vegetable peelings are being put out at regular intervals on the racecourse, and apparently adjacent to Dunces Arch on the A35. Please can we make the public aware, yet again, that this is an offence, and that they could be subject to a £200 fine".

*The Official Verderer said illegal feeding of stock, either by residents or visitors is a long running problem. The Verderers will discuss the matter in Committee and contact the National Park*

*Authority which may be able to assist in getting the message across that such activities are harmful to stock and the public as well as being illegal.*

2007/2989 ASHURST CRICKET PITCH & "BULLS LANE"

Presentment by Mr Len Mansbridge, Home Farm, Ashurst - Commoner

Mr Mansbridge asked if when the cricket pitch is opened up to stock, the ground which runs down to Deerleap could also be made accessible to the animals. He said the area was known as "the back way".

Mr Mansbridge then referred to a grass ride known as "Bulls Lane" at Staplewood. He said this is another area that used to be grazed by Forest animals but which was gated off in the early 1960's. He felt that the lane was useful to the animals, particularly in poor weather conditions because it is sheltered, and he asked if it could be reopened by re-siting the gate at the other end of the lane. Mr Mansbridge said he would be prepared to pay for a new gate (but not fencing) if that would help. He went on to say that he believed it may be a Right of Way and suggested the County Council may be responsible for its upkeep.

*In reply, the Official Verderer said the Court will consider both requests.*

2007/2990 BRIDGE AT IPLEY

Mr Chris Aldhous asked if there was a decision on the bridge at Ipley which he raised at an earlier Court.

In reply, the Official Verderer said the matter is on the Agenda and due for discussion in Committee later.

Mr Aldhous said he seconds Mr Cooper's Presentment – strongly!

### **IN COMMITTEE in The Library**

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

### **CONSIDERATION OF PRESENTMENTS**

2007/2991 ILLEGAL FEEDING OF STOCK

RESUME

All members of the Court strongly agreed with Mr Cooper but the problem is how to get the message across. There has never been a prosecution, partly due to the difficulty of obtaining the necessary evidence.

Mr Frost suggested a large poster could be produced for display in public places in local towns and villages. It was suggested the Thelwell picture, currently in the Museum, could be used as a basis for a poster.

The Official Verderer pointed out that a review of signage in the Forest is underway.

Mr Cooper will be advised.



2007/2995 RUFUS STONE INTERPRETATION PANEL DISCHARGE

It is proposed to replace the current post which carries the Forestry Commission Byelaws' notice with an interpretation panel which will also include information about the Rufus Stone.

The Deputy Surveyor said he felt this matter falls under the section of the Memorandum of Agreement where the Forestry Commission would "not unreasonably disregard the Verderers' advice".

Members of the Court gave the proposal careful consideration but felt that such a board would unnecessarily urbanise the area to which enough people are attracted already.

Mr Frost pointed out that on Dartmoor there are thousands of pieces of archaeology but virtually no signs.

As a body the Verderers were not in favour of the panel which they felt to be unnecessary.

The Official Verderer said a final decision would be made later in the meeting.

2007/2996 SALE OF HOT DRINKS FROM CAR PARKS DISCHARGE

Two applications from local people have been received who wish to sell hot beverages to the public from certain car parks.

A brief discussion took place during which concern was expressed that the proposal will inevitably result in an increase in littering.

As with the previous item it was decided a further discussion should take place later in the meeting.

**MATTERS ARISING FROM THE MINUTES OF PREVIOUS COURTS OF CONCERN TO THE FORESTRY COMMISSION**

2007/2997 LAND EXCHANGE DISCHARGE

The draft land exchange document in respect of the reservoir tops and Vernalls Farm has been prepared and is ready for signature.

2007/2998 SSSI CONDITION ASSESSMENT RESUME

A revised version of the list providing more information is awaited.

2007/2999 LOSS OF BRIDGE AT IPLEY DISCHARGE

Following a site meeting at which Mr Brian Ingram, Chairman of the CDA and Mr Richard Stride of the Forestry Commission, it has been decided not to replace the bridge. Two fords further downstream are felt to provide adequate crossings for horses.

2007/3000 ANIMAL RTA'S DISCHARGE

The Clerk reported on the recent meeting of the Animal Reduction Group. A number of initiatives will be taken forward. The proposed pinch-points were generally supported.

2007/3001 PINCH POINTS ON THE C10 (PICKET POST TO BURLEY ROAD) RESUME

The Court is keen for pinch-points to be trialled between Picket Post and Burley Street and the matter is being discussed with the Highway Authority.

2007/3002 CONTACT TELEPHONE NUMBERS FOR REPORTING ROAD TRAFFIC ACCIDENTS INVOLVING FOREST STOCK RESUME

The Clerk was requested to obtain a quotation for the provision of a 24 hour telephone number by which the public could report accidents involving commoners' animals.

2007/3003 PICKET POST PROPERTIES – RUBBISH AND ENCROACHMENT DISCHARGE

Mr Parke reported that the Keepers have spoken with the occupiers of the properties.

The fence does not enclose any part of the Forest. It is on the top of a steep bank and was authorised in 1994.

The building work has now been completed and the property owners have been told to remove the rubbish.

2007/3004 A31 RUBBISH RESUME

Cllr Heron will chase up the litter picking. Following the last meeting the laybys were cleared.

2007/3005 SEAT AT BERRY WOOD RESUME  
July

Regrettably, in order to avoid setting a precedent the seat which was constructed in memory of Mr Colin Moore must be removed. The Forestry Commission has written to Mr Moore's family suggesting they approach Burley Parish Council to see if there is a redundant seat that the memorial seat could replace.

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

2007/3006 RESURFACING OF DRIVEWAYS DISCHARGE

Concern was expressed at the number of driveways which are being extended and surfaced with tarmac or gravel. Resurfacing of existing entrances is permitted but gravel and tarmac should not be laid if such materials were not previously there. The Forestry Commission does its best to keep an eye on such matters.



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

2007/3012    PARKING AREAS ON OPEN FOREST    RESUME

It was suggested that areas of Open Forest which are subject to common rights may have been sold to occupiers of nearby properties; such areas then being used for vehicle parking. Woodgreen Parish Council has stated that it does not take action where the resident has a reasonable expectation of being allowed to park – i.e. outside their dwelling. The Clerk was asked to make enquiries of the Parish Council.

**Cllr Mrs Heron left the meeting.**

**Mr Peter Frost returned to the meeting.**

2007/3013    NEW FOREST SHOW DISPLAY    RESUME

An example of the proposed display will be on show in the Verderers' Hall after the meeting.

2007/3014    KINGSTON GREAT COMMON    RESUME

A meeting between the owner of the common and Mr Steve Trotter of the National Park Authority has taken place. A report will be available shortly.

2007/3015    THE ROWL KITCHER CUP    DISCHARGE

It was agreed up to £150.00 may be spent on engraving the cup which will be presented at the June Court to the owner of the highest scoring 2 or 3 year old colt. The Clerk will contact the owner and arrange for him or her to be present.

2007/3016    THE LIFE ROSEBOWL    RESUME  
July

It has been suggested that the LIFE Rosebowl should be presented to the owner of the dam of the highest placed Forest bred performance pony. The New Forest Pony Breeding and Cattle Society is able to provide the necessary details.

The suggestion will be given careful consideration.

2007/3017    ROAD SIGN AT BRAMSHAW TELEGRAPH    DISCHARGE

The road name sign has been removed.

2007/3018    LYNDHURST BYPASS    DISCHARGE

The letter setting out the Verderers present position as respects a possible bypass for Lyndhurst was drafted by Mr Montagu was circulated. When it is agreed it will be sent to Mr Mel Kendal, the Executive Member for the Environment at the County Council, Mr Ken Thornber, Leader of New Forest District Council and the Chairman of the Lyndhurst Parish Council.

## **COUNTRYSIDE STEWARDSHIP SCHEME**

2007/3019    CSS UPDATE    RESUME

The Verderers' CSS sub-committee met to consider the advice received from the Advisory Group. The minutes of the meeting are in draft. The meeting discussed how best the surplus funding can be spent. One suggestion was to build up the surplus over the years until there is sufficient to purchase some additional land for the Forest. In the meantime the CSS Manager has been tasked with investigating possible areas which may be suitable. Other suggestions were to increase payments made to commoners or roll over any surplus beyond the end of the current scheme life.

## **NATIONAL PARK**

2007/3020    COMMONING REVIEW    DISCHARGE

The review is nearly complete.

2007/3021    NEW GRANT SCHEME FOR SMALL SCALE PROJECTS    DISCHARGE

A new grant scheme has been set up for small projects costing no more than £500.00. No match funding will be required.

2007/3022    RETIREMENT OF MR JEFF HAYNES    DISCHARGE

Mr Haynes has tendered his resignation from the Park Authority. Mr Stephen Trotter will become Director of both the 1<sup>st</sup> and 2<sup>nd</sup> purposes with two teams working beneath him.

2007/3023    BRAINSTORMING SESSIONS    DISCHARGE

The Official Verderer, Mrs Thorne and Mr Montagu will attend the brainstorming sessions and report back to the Court as necessary.

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

2007/3024    LOCAL ACTION GROUP (LAG)    DISCHARGE

The LAG is applying for further funds but it is thought they may not be successful as other types of project may be preferred.

2007/3025    FOREST DESIGN FORUM    DISCHARGE

Mr Pasmore is questioning what can be done to promote the Lost Landscapes Theme. Mr Frost said another paper is to be produced taking on board comments from the CDA and others. The NFA will give support where it can.

## **OTHER AGENDA ITEMS**

None

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

2007/3026 UNBRANDED CATTLE DISCHARGE

A commoner has declined to eartag or freeze brand some of his cattle despite offers of help from the Agisters.

The Agisters are to collect the necessary evidence and the commoner will be advised that he is in breach of the byelaws and must remedy such breach or be prosecuted. The matter will be brought back to the Court if necessary.

2007/3027 IDENTIFICATION OF PONIES – TATTOOING DISCHARGE

The suggestion of tattooing ponies has been abandoned because of the difficulties in achieving a satisfactory result on a semi-wild pony. Tattoos can also be difficult to read and are not permanent.

2007/3028 IDENTIFICATION OF PONIES – MICROCHIPPING BY AGISTERS RESUME

DEFRA will be approached in respect of obtaining authority for the Agisters to microchip ponies.

**TRAINING**

Nothing to report.

**HEALTH AND SAFETY AT WORK**

Nothing to report.

**SUBMISSIONS BY THE FORESTRY COMMISSION - CONTINUED**

2007/3029 RUFUS STONE INTERPRETATION PANEL DISCHARGE

The interpretation panel is considered inappropriate in the Forest as it is not necessary for either safety or essential information purposes. (See Verderers' Signage Policy, No. 8.1). The present bronze plaque which has been in situ for years is felt to be adequate. Agreeing to a new interpretation panel may set a precedent for requests elsewhere and in any event such a request is felt to be premature given that the National Park is working on preparing overall strategies for both signage and recreation in the Forest.

2007/3030 SALE OF HOT DRINKS FROM CAR PARKS DISCHARGE

It is felt the proposal will exacerbate trading on the Forest and will take business away from local traders. The Court has serious concerns about increased littering and there could well be an increase in conflicts with stock.

The proposal is considered to conflict with the Verderers' primary objective as well as Policy 6.3.

**ANY OTHER BUSINESS**

2007/3031 NATIONAL PARK AUTHORITY - RECREATION AND CAMPING REVIEW RESUME

The review is underway and members of the Court were concerned that the Verderers should not miss the opportunity to comment. The Official Verderer will ask the Chief Executive of the NPA for a timetable for the review.

2007/3032 ENCROACHMENTS – FIVE THORNS RESUME

Wilsons Solicitors have provided the written advice which has been copied to the CDA. It is felt, however, that Counsel's Opinion is required.

2007/3033 REVISION OF THE VERDERERS' BYELAWS RESUME

The DEFRA lawyers have considered the proposed revisions and passed them to the policy department. The Official Verderer said he has been advised that the process is still within the original timetable.

2007/3034 PONIES ARE AN INVESTMENT DISCHARGE

In a recent Country Life article, it was suggested that a New Forest Pony is a good financial investment!

2007/3035 TUBERCULOSIS DISCHARGE

Mr Pasmore has received a response to his letter to his Member of Parliament about TB and the Forest. Unfortunately it is clear that DEFRA does not currently have a formal policy for managing an outbreak of TB in the New Forest.

There being no further business, the meeting closed at 1.06 p.m.