

**MINUTES of the Court of Verderers held on Wednesday 21<sup>st</sup> May 2008 at 9.30 a.m. in the Verderers' Hall & Library, The Queen's House, Lyndhurst.**

PRESENT:	Mr O Crosthwaite Eyre	Official Verderer
	Mr J Adams	Elected Verderer & Chairman of the Staff Committee
	Mr A Gerrelli	Elected Verderer
	Mr J F Kitcher	Elected 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
	Mr J R Gerrelli	Head Agister
APOLOGIES:	Mr P Frost	Natural England Appointed Verderer
	Mrs D Halford	National Park Authority Appointed Verderer

**IN COMMITTEE in the Library**

The Head Agister attended the meeting for the first three items.

2008/3738 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 16<sup>th</sup> April 2008 were approved.

2008/3739 CONDITION OF STOCK & THE WELFARE TOUR RESUME

The Head Agister reported that he is pleasantly surprised how well the recent Welfare Tour went. He said that beforehand he had concerns because of the condition of some animals. However, those who attend the Tours understand how the system in the Forest works and they know that if they find something about which they are concerned, they only have to contact the Agisters and the animal will be dealt with.

In the past week the grass has started to come through well and the condition of the ponies is improving although some mares who have foaled are still being removed if their condition is below the Verderers' standard.

Mr Adams said he agreed with the Head Agister's report and commented that there are a few ponies which need to come in.

Two new people attended the Welfare Tour; the recently appointed Chief Veterinary Officer from the RSPCA, Mr Mark Evans who came with a camera and Dr Malla Hovi, Divisional Veterinary Manager, State Veterinary Service, DEFRA. Both went away happy with what they had seen.

Mr Evans said he was hugely impressed by the way the stock on the Forest is managed and said he is keen to learn more. An invitation will be extended to him to join the Stallion inspections next spring.

2008/3740 STRANGLES RESUME

Mr Adams advised the Court that there are several foals at Moyles Court exhibiting symptoms of strangles. They do not appear to be in too bad condition but the illness will undoubtedly knock them back.

2008/3741 POOR CATTLE DISCHARGE

Two Agisters recently went to mark a herd of cattle for a commoner in the south of the Forest. A number of animals were found to be below the Verderers condition standard and the Agisters refused to mark them. The owner complained and demanded a second opinion. A few days later, the Head Agister attended the commoners holding with a DEFRA Veterinary Surgeon and a representative of the local Trading Standards (Animal Health) office. They all agreed that the original decision made by the two Agisters was quite correct and the animals were not in good enough condition to be turned out onto the Forest.

The owner has been advised to ensure his animals are in receipt of adequate feed and Trading Standards and DEFRA will monitor their condition until they have improved.

The Court was very pleased that the Agisters' assessment of the condition of the animals mirrored that of the Trading Standards and DEFRA officials.

The Head Agister left the meeting.

2008/3742 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2008/3743 DECLARATIONS OF INTEREST RESUME

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

Mr Gerrelli declared an interest in any items concerning Campsites.

2008/3744 FINANCIAL STATEMENT RESUME

The Financial Statement for April was approved.

2008/3745 REPORT ON MARKING FEES RECEIVED AS AT END OF APRIL 2008 RESUME

Ponies	4329	Pigs	0
Cattle	1789	Sheep	62
Donkeys	121		
SUB TOTAL	6239	TOTAL ALL ANIMALS	6301

2008/3746 ANIMALS REMOVED IN APRIL 2008

RESUME

	POOR	SICK OR INJURED	WANTED BY OWNER	OTHER	TOTALS
Mares with Foals	11	2	1	1	15
Mares with Yearlings	9		4		13
Mares	24	4	4	1	33
Fillies	13	3	3		19
Colts				2	2
Geldings			1		2
Stallions		1			1
Mule					
Cattle			3		3
Calves					
Donkeys with Foal/Yrlg					
Donkeys					
Pigs					
Piglets					
Sheep					
Total	57	10	16	4	87
Total year to date	417	19	82	55	573

Two year old colts

**Summary by Species**

Ponies	84
Mules	
Cattle	3
Donkeys	
Pigs	
Sheep	
Total	87

2008/3747 BYELAW ENFORCEMENT

RESUME

There has been no news of an appeal by Mr Cooper and he is now out of time.

Mr Barnes still has time to appeal.

Three commoners have not paid their marking fees. Two are declining to pay the Forest rate of marking fee for animals they have depastured on the Crown Lands and one wrote a cheque which has been returned by the bank. The Official Verderer sought the approval of the Court to pursue these commoners, and if necessary, to instruct solicitors to proceed with issuing summonses and subsequent prosecution. The Court gave its approval for this action to be taken.

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

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

**ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER**

2008/3748 APPOINTMENT OF OFFICIAL VERDERER

Although the news is by now well known, I am pleased to confirm that I have accepted the Prime Minister's invitation to continue in office for a further three year term. I will be offering the position back to the Crown on 30 April 2011 and, under the very clear guidelines set out by the Public Appointments Commissioner (The Nolan Rules), I will be stepping down permanently at that stage.

2008/3749 ENFORCEMENT OF BYELAWS

Mr Colin Barnes of Penn Common, Bramshaw, was found guilty of breaching the Verderers Byelaws after a trial in the Southampton Magistrates Court held on April 30<sup>th</sup> 2008.

Mr Barnes was charged with not marking his cattle in 2007 to the satisfaction of the Verderers (byelaw 14), and after hearing evidence the magistrates found the case proved. Mr Barnes was fined £100 and ordered to make a contribution of £2,000 towards the Verderers' legal costs in bringing the prosecution.

We cannot allow unidentified animals to wander about on the Forest. We need to know to whom they belong at all times, so that if there is an accident, or an animal is unwell, we can contact the owner and ensure that the animal is properly cared for. That is why it is so important that all depastured stock are properly marked so that our Agisters can immediately identify who is responsible for them.

Mr Barnes regrettably chose to persistently ignore this fundamental requirement. Prosecutions are an expensive exercise, so it is fitting that Mr Barnes has been ordered to pay £2,000 towards our costs.

2008/3750 AMENDED BYELAWS

Our amended byelaws are presently awaiting signature in London, and we have been assured that the Minister is happy with their content and that they will be formally confirmed soon.

The National Trust has also written to us stating that it supports the amended byelaws. However, although there may be a delay between confirmation by the Minister and the Trust's National Executive Committee formally ratifying that support in the late summer, we have assured the Trust's local office at Mottisfont Abbey that we will continue to provide the full services of our Agisters over their commons as usual.

2008/3751 ROUNDHILL CAMPSITE

Further to the presentment made on behalf of the CDA by Mr Michael Cooper concerning the replacement by Forest Holidays of the shower blocks at Roundhill Campsite, we discussed this issue with the Deputy Surveyor in committee. He very much shared our acute concerns, and he confirmed that the Forestry Commission feels that the way the works have taken place to date has not shown sufficient respect for the Forest and the site itself.

Since then we have visited Roundhill with representatives of the National Park, including the chief planning enforcement officer, Mr Steve Avery. It would appear that the National Park, like the Verderers, believe that some of the work done falls outside both the consent granted by this Court and the intended works originally described by Forest Holidays and agreed to by the planning authority last year. Urgent clarification has been requested, and we expect to be updated on this matter in committee this morning.

2008/3752 WELFARE TOUR

Our spring welfare tour took place on Tuesday 13<sup>th</sup> May, and was very well attended by representatives from both national and local animal welfare charities such as the RSPCA, World Horse Welfare, the British Horse Society, the Donkey Sanctuary, the Blue Cross, as well as two senior Defra veterinary surgeons.

Two groups toured both the north and south of the Forest and 470 ponies were inspected as well as numerous foals, cattle sheep and donkeys. Despite a long wet winter which caused the Agisters to have to remove more than double the usual amount of animals from the Forest, the unanimous conclusion was that the stock is in good condition and picking up very quickly now that the warmer weather has arrived and grass growth has begun.

In addition the representatives all went out of their way to express their admiration for the way that the animals are managed so effectively by our team of Agisters, and such praise is more than justified since they have all worked particularly hard this winter.

2008/3753 ANDERWOOD END COTTAGES

The two cottages that have been built by the Forestry Commission at Anderwood End in Burley were finally completed and unveiled at a ceremony held last week.

These are the first two homes to have been built on Crown land here in the Forest for more than half a century, making this a significant event. We would like to congratulate the FC for this achievement, which has been warmly welcomed throughout the Forest.

Both these properties are not only of an innovative and environmentally responsible design, but they are also specifically designed for use by practising commoners. Indeed they are reserved for occupation by local commoning families in perpetuity, showing the FC's longstanding and the very real support for affordable rural housing here in the Forest. We applaud this initiative, and we truly hope that these two cottages are just the first of many, and that they will help inspire similar projects in the near future.

**ANIMAL ACCIDENT REPORT**

2008/3754 ACCIDENT REPORT FOR APRIL 2008

The agisters attended 4 accidents, compared with 7 for the same period last year.

2 ponies were killed and 1 was injured.

3 accidents occurred during the hours of darkness.

2 involved private cars or light commercials.

2 accidents involved local motorists and 2 were not reported.

The total killed and injured for the year to date is 20 compared with 28 for the same period last year.

The figures show a welcome reduction in animal accidents for the first four months of the year and a significant contributing factor to this reduction is undoubtedly the "Stay under 40" campaign which was launched by the Police in early March.

A hard-hitting poster is being displayed at various locations including Thruxton race track. This is most welcome as it is getting the message across to a much wider audience.

The police are carrying out speed enforcement operations in the Forest. Last week one such operation took place on the B3078 at Bramble Hill which is one of the worst roads in the Forest for accidents involving commoners' animals.

12 drivers were stopped in just over 2 hours. All received a £60.00 fixed penalty notice and three penalty points on their licence. They were also shown explicit photographs of the results of collisions between vehicles and animals. The speeds ranged from 51 to 62 mph. Eleven of the vehicles stopped were local and one was an HGV delivery driver. Disconcertingly, one driver said he could see nothing wrong with driving at close to 60 mph.

Further speed enforcement operations are planned at various Forest locations throughout the Summer and around the times that the clocks change.

The Official Verderer then thanked the Police for all their efforts and commented that speed enforcement does seem to help. He asked the Police to please continue!

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

None

## **PRESENTMENTS**

2008/3755 THE OFFICIAL VERDERER  
Mr Michael Cooper, Commoner, and on behalf of the CDA

Mr Michael Cooper congratulated the Official Verderer on his re-appointment and said he looked forward to working with him over the next three years.

2008/3756 DONATION TOWARDS THE PURCHASE OF PONY COLLARS  
Presentment by Cllr Bill Dow

Firstly, Cllr Dow also congratulated the Official Verderer on his re-appointment.

Cllr Dow, New Forest District Council Member for the Forest, North West Ward (Godshill, Hyde, Ellingham, Harbridge and Ibsley Parish Councils) kindly presented the Court with a cheque for £300.00 to be put towards the cost of purchasing reflective pony collars.

Cllr Dow explained that each Councillor is given a grant, the purpose of which is to provide support to rural communities where small scale improvements can potentially make a big difference. The money is given at the discretion of the local Councillor, to projects that will, in their opinion, be of benefit to the residents of his or her ward. Cllr Dow asked that the money be used to buy more reflective collars for commoners' stock running in his Council Ward. In particular, he asked that a particular commoner,

whose name was provided to the Court, be provided with some collars for her ponies.

The Official Verderer thanked Cllr Dow very much for his kind donation and said that the Agisters will encourage commoners in the area to fit collars to their ponies. The commoner who Cllr Dow mentioned will be provide with collars as requested.

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

PRESENT: Mr Mike Seddon, Deputy Surveyor  
Mr Will Parke, Area Land Agent, New Forest

#### **CONSIDERATION OF PRESENTMENTS**

2008/3757 DONATION TOWARDS THE PURCHASE OF PONY COLLARS DISCHARGE

The Clerk will write to express the Court's gratitude once again for Cllr Dow's kind donation. The Agisters will be asked to encourage commoners in the area to fit collars to their ponies.

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

2008/3758 BT CONNECTION TO ANDERWOOD COTTAGES DISCHARGE

Although details are not yet available, the new tenants of the cottages will require a telephone connection, The Court agreed that subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc., no objection would be raised to the installation. It is hoped, however, that a connection may be possible without crossing the Open Forest.

2008/3759 ELECTRICITY CONNECTION TO THE OAK INN, BANK DISCHARGE

Subject to the 3 usual conditions, consent was granted for the installation of a cable from an existing pole from across the highway, under the road and then via a duct under the gravelled surface of the Inn's car park. The entire route will be in the car park, apart from that under the public highway.

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

2008/3760 ROUNDHILL CAMPSITE RESUME

The Planning Authority has been in contact with Forest Holidays and a meeting is to take place on site to which the Verderers are also invited.

The Deputy Surveyor clarified a query concerning a proposed new toilet block close to the water tower in confirming that Forest Holidays had decided to drop that option.

*The meeting will take place on Friday 6<sup>th</sup> June at 2.00 p.m. on site.*

- 2008/3761 ROAD SIGNING AT BRAMSHAW TELEGRAPH RESUME
- Mr Parke reported that he has again asked the Highway Authority for its response to the concerns which have been expressed about the signage but nothing has yet been received.
- 2008/3762 GAS REGULATOR BUILDING AT KNAVES ASH RESUME
- The Gas Board has made a planning application for consent but no design details for the kiosks have yet been forthcoming.
- 2008/3763 ILLEGAL FENCE AT ROSE COTTAGE, BEECHWOOD LANE, BURLEY RESUME
- This matter is now in the hands of the Forestry Commission's solicitors.
- 2008/3764 ROAD WIDENING AT LINWOOD, FOREST ROAD BURLEY AND HALE RESUME
- Significant widening of the road has resulted from the recent highway repair works. The work extends beyond the original tarmac surface and the Highway Authority has acknowledged that the works that have been undertaken do not comply with what was agreed.
- The Highway Authority has stated that it would prefer to leave the road as it is now but is prepared to remove the excessive surface and the Court felt that this should be done.
- At Hale, the road widening has resulted in a dramatic increase in the speed vehicles travel and it is hoped that the Highway Authority will ensure that in future haunch repairs are restricted so that the overall width of roads in the Forest are not increased. The Clerk will advise the Highway Authority of the Court's concerns.
- 2008/3765 ANIMAL DISEASES LIAISON GROUP DISCHARGE
- This group met recently and the situation concerning the outbreak of Blue Tongue was discussed. The group was advised that cattle which have tested positive for Blue Tongue but which do not show symptoms can be turned out onto the Forest. Blue Tongue is not passed from cow to cow except via the placenta.
- As regards TB, it is confirmed that cattle from high risk areas must be pre-movement tested. Ownership makes no difference. They cannot move from one area to another without testing even if ownership remains unchanged.
- The New Forest Animal Diseases Contingency Plan has been updated.
- Miss Macnair expressed concern that there is no liaison in respect of farm animals and the horse industry. EVA which was found in horses in Ireland last year is carried by the same midge as Blue Tongue. The British Horse Society Breeds Committee has asked why containers bringing cattle in from abroad cannot be sprayed with insecticide. The response from DEFRA is that it has insufficient resources.



Vaccine against Blue Tongue for the Forest's cattle is needed earlier next year as vaccinations must be done before the cattle are depastured.

2008/3766 SSSI SITE MEETINGS

RESUME

No further meetings have taken place to date but more meetings are due to be arranged.

#### **OTHER AGENDA ITEMS OF CONCERN TO THE FORESTRY COMMISSION**

2008/3767 LAND EXCHANGE – PIPERS WAIT RESERVOIR AND VERNALLS FARM

RESUME

The Deed of Exchange is with the Minister but is expected soon. The Court gave approval for the Official Verderer to sign and seal the document.

Mr Parke confirmed that all compensation in respect of loss of grazing during the time that the exchange land was not thrown open has been paid.

The Head Agister will discuss with Mr Richard Stride (FC) whether a new pound is required.

2008/3768 ESSO MIDLINE 14" PIPELINE

DISCHARGE

The Court was advised that further repairs to the pipeline are needed. Two are in Marchwood Inclosure, now thrown open, and the third is immediately outside the former Fawley Inclosure near the Heath Hotel roundabout. The works will take approximately two weeks to complete.

An excavation approximately 3 metres wide and 10 or 12 metres long will be required, surrounded by Harris fencing. Subject to the three usual conditions, the contractors for Esso are aware of the sensitivities of the site and the need for safety.

Being a repair rather than a request for new work, the Verderers are being notified of this work.

The Forestry Commission confirmed it is content that no damage will occur.

2008/3769 BOLDERWOOD CAR PARK

DISCHARGE

The Court was advised that the Forestry Commission has altered the fencing into the Crown Freehold inclosure of Bolderwood so that the public has greater access to the Information Unit there.

Commoning stock has access to a new rectangular area of land. Such access is by permission of the Forestry Commission which is at liberty at some time in the future to re-enclose the area now opened up.

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

2008/3770 MILL LAWN STREAM & MARKWAY RIVER BLOCKAGES RESUME

Mr Adams reported that there is a major blockage in the stream, caused by a fallen tree. It was agreed in the Spring meeting of last year of the OFAC that such blockages should be removed. Additionally, there is a further blockage just below the A35 road bridge at Markway. The Deputy Surveyor said he will make enquiries as to what is being done.

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

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

2008/3771 ENCROACHMENT AT MINSTEAD RESUME

Unfortunately, it has so far not been possible to obtain statements in respect of this matter.

2008/3772 REVIEW OF THE VERDERERS' BYELAWS RESUME

DEFRA has explained the reason for the delay which is due to the need for the revised byelaws to go before a new Parliamentary Scrutiny Committee. This is a new procedure to which all such secondary legislation is now submitted. It is hoped the byelaws will be signed soon.

2008/3773 THE MINISTER'S MANDATE DISCHARGE

The Forestry Commission is preparing a schedule of the responses it received to it's letter regarding the timing of the review. The schedule will be forwarded to the Minister who will decide when the Mandate should be reviewed.

2008/3774 OVERGRAZING REPORT BY NATURAL ENGLAND – PLAITFORD, WEST WELLOW AND CANADA COMMONS RESUME

A meeting took place on 15<sup>th</sup> May at which the DEFRA Overgrazing Unit stated that these commons are overgrazed and something has to be done to reduce the grazing pressure. The meeting "recognised that the vegetation has changed in the past decades from a heavily grazed sward rich in lichens to one dominated by bare ground and close-bitten heather i.e. overgrazed". Although the local Natural England team, is "inclined to take the long-term view and is reluctant to act too hastily on what could be described as added diversity across the Forest", an Overgrazing Order will be issued and DEFRA will then set acceptable grazing levels which must be complied with.

In the meantime, a letter of proof of the over-riding public interest test is awaited before any details concerning commoners whose animals may graze these commons are released.

2008/3775 FREEDOM OF INFORMATION ACT RESUME

An appeal against a decision made by the Information Commissioner is pending.

2008/3776 THE ATLAS PROJECT RESUME

It has been confirmed that the National Archive holds a set of unbound Atlas sheets. A quotation for scanning has been received which is considerably less than was originally feared. The Court therefore authorised the project to proceed, subject to the approval also of the National Park Authority which is part funding the project.

2008/3777 THE LIFE ROSEBOWL DISCHARGE

As the breeder of the dam of the best Forest Bred performance pony in 2007 is no longer alive, it was agreed the rosebowl should be engraved with his name at the expense of the Court. The rosebowl will then be kept in the display cabinet in the Verderers' Hall until next year.

### **COUNTRYSIDE STEWARDSHIP SCHEME**

There was nothing to report at this time.

### **NATIONAL PARK**

2008/3778 MOBILE EDUCATION UNIT DISCHARGE

The Official Verderer confirmed he has advised the National Park Chief Executive of the reasons why it is not thought practical for the Agisters to tow the proposed Education Unit.

2008/3779 RECREATION STRATEGY KEY STAKEHOLDERS ADVISORY GROUP RESUME

The Official Verderer reported on a recent presentation. The first draft of the strategy is awaited. Upon receipt, the Verderers will meet to discuss them. The strategy will then go out to public consultation.

### **OTHER AGENDA ITEMS**

2008/3780 TOURISM CAN MEETING DISCHARGE

As regrettably no one is able to attend the meeting, a copy of the minutes will be requested.

2008/3781 HIT & RUN REWARD SCHEME RESUME

Three teenagers recently provided information to the police following a hit and run RTA in which a pony was killed. One of the teenagers provided a statement which helped the police secure the successful conviction of the driver who failed to stop and report the accident. The Court agreed a reward of £300 should be paid to each of the three witnesses provided they are prepared to attend the Verderers' Open Court to receive it. It was felt the reward should be presented in Open Court in order to obtain maximum publicity for the scheme and to show to the public that payments are made. The Clerk will write to the witness who provided the statement.

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

There were no other reports.

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

2008/3782 AGISTERS' MILEAGE PAYMENTS DISCHARGE

In view of the recent increases in the price of fuel, the Court agreed that rate of reimbursement paid to the Agisters for mileage incurred in the course of their duties should be increased to 28 pence per mile.

2008/3783 AGISTERS' AREAS DISCHARGE

As Agister Peter Rix has been successful in his application to rent one of the new commoners' dwellings at Anderwood, it is necessary to alter the Agisters areas. As a result a new map is being prepared and will be available for issue as soon as Agister Rix moves in.

### **TRAINING**

2008/3784 FIRST AID TRAINING DISCHARGE

Three Agisters recently successfully updated their First Aid Certificates.

### **HEALTH AND SAFETY AT WORK**

2008/3785 STALLIONS AND THE HEALTH AND SAFETY EXECUTIVE RESUME

Advice is still awaited in this connection.

2008/3786 MANAGEMENT OF DRIFTS RESUME

The meeting has not yet taken place.

### **ANY OTHER BUSINESS**

2008/3787 STALLION AT BROCKENHURST DISCHARGE

A complaint has been received about the Stallion, Lovely Hill High Jack. It has been alleged that he has been harassing riders from Forest Park Riding Stables in Brockenhurst.

The Clerk had produced a report which the Court considered very carefully and following which it was agreed the stallion, who is 10 years old, should remain on the Forest.

It was decided that the best course of action in this instance is for the owner of the stallion to be advised of the complaint and the riding school to be advised to keep out of his way and in fact that is what has already happened. The Agister for the area, Robert Maton, has spoken to the stallion's owner and the Clerk and Agister Maton have both spoken to the riding school.

There being no further business, the meeting closed at 12.15 p.m.