

MINUTES of the Court of Verderers held on Wednesday 19th May 2010 at 9.30 a.m. in the Verderers' Hall & Library, The Queen's House, Lyndhurst.

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

IN COMMITTEE in the Library

2010/4922 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 21st April 2010 were approved.

2010/4923 CONDITION OF STOCK RESUME

The Head Agister commented that he was happy with the recent Welfare Tour. Stock at last appears to generally be improving although further problems are expected with mares which have newly foaled which will look poor for a few days. Those that do not pick up reasonably quickly will be removed as soon as the foal is old enough. This is dependent on whether the mare is quiet enough to be walked in.

It has been noticeable in the past few weeks that cattle that were in acceptable condition when marked and turned out have subsequently lost condition as a result of the lack of grass. Some commoners have been asked to take their cattle back in. Any which have fallen below an acceptable standard are being removed.

In reply to a query about the system for removing animals, the Head Agister said that sometimes the owner is informed and the animal is left for him or her to catch but on other occasions, particularly if the animal is in a convenient place, the Agister will catch it and take it back to the owner's holding to save problems later. The Court was keen to point out, however, that catching and removing stock is the responsibility of the commoners, not the Agisters.

The Head Agister added that 27 stallions have now been turned out.

The Head Agister left the meeting.

Mr Kitcher agreed with the Head Agister as respects the condition of cattle. There is a terrible shortage of grass. Ponies are holding their own rather than improving in condition. Some are losing their coats which is a good sign. It is considered that it has been the worse winter

for many years and the late spring is not helping. It was suggested that the weather conditions will have tested the hardiness of stock this winter. It rained from mid November onwards, followed by snow and ice and then more rain. It is now dry and the nights have been cold.

Where the Forestry Commission's burning programme has been carried out the grass is beginning to grow. The ponies are also working the bogs where there is some limited growth.

Given that there is no longer 'natural selection' due to welfare concerns, the view is that this winter is a good opportunity for the owners of the ponies to take a close look at their herds and sell those animals which are not hardy. However, with the poor market at present that is regrettably not easy.

2010/4924 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2010/4925 DECLARATIONS OF INTEREST RESUME

The Elected Verderers, Mrs Thorne and Mr Maton all declared an interest in the Higher Level Stewardship Scheme.

Mr Gerrelli declared an interest in campsites. Mr Maton declared an interest in National Park planning matters.

2010/4926 FINANCIAL STATEMENT RESUME

The Financial Statement for April 2010 was approved.

2010/4927 REPORT ON MARKING FEES RECEIVED AS AT END OF April 2010 RESUME

Ponies	4569	Pigs	3
Cattle	1116	Sheep	151
Donkeys	100		
SUB TOTAL	5785	TOTAL ALL ANIMALS	5939

2010/4928 ANIMALS REMOVED IN APRIL DUE TO POOR CONDITION RESUME

1 mare with a foal
16 mares with yearlings (last year's foals)
29 mares
16 fillies (2 & 3 year olds)
1 colt
1 gelding
1 cow

Total 65 Total year to date (January to April) 520

2010/4929 BYELAW ENFORCEMENT RESUME

No new byelaw offences have been reported by the Agisters. One commoner has a cow that has not yet been marked and paid for because she has not been caught, but the Agister for the area is working to ensure the matter is resolved as swiftly as possible.

2010/4930 NEW FOREST RURAL CRIME SEMINAR AND LAUNCH OF DISCHARGE FOREST WATCH

Mrs Thorne reported on this event which was held in April. Mrs Thorne said it was a good day and there is lots of enthusiasm to tackle rural crime. The police expect their partnership with other agencies – Forestry Commission, National Park Authority, New Forest District Council etc., will improve greatly as a result of the initiative.

One of the most important messages to come out of the event was the importance of reporting ALL crime, however insignificant it may seem. Unless crime is reported it cannot be recorded and then it is not seen as a problem.

The Official Verderer thanked Mrs Thorne for attending.

2010/4931 THE ATLAS PROJECT RESUME

Once more, the Clerk said she is hopeful that the project will be completed very soon. She commented that she has specifically asked that the system be delivered fully working so that there are no delays in setting up the necessary training.

2010/4932 NEW ASSISTANT CLERK DISCHARGE

A job offer has been made and accepted and the new Assistant Clerk is expected to take up her post at the end of June.

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

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

ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER

2010/4933 NATURAL ENGLAND APPOINTED VERDERER

After ten years in post Peter Frost will be stepping down as an appointed Verderer this month. I would like to formally thank him for his long and exemplary service to this Court over the last decade. We shall miss his considerable expertise and knowledge, particularly on landscape and conservation issues, and on behalf of my fellow Verderers I would like to express our gratitude for all that he has done for the Forest.

I am pleased to announce that Natural England has chosen Mrs Diana Westerhoff as its next appointed Verderer, with effect from 1st June 2010, and we look forward to welcoming her next month.

2010/4934 WELFARE TOUR

Our spring welfare tour took place last Thursday and was attended by local and national animal welfare organisations such as the RSPCA, The British Horse Society, World Horse Welfare, The Horse Trust and The Blue Cross, as well as veterinary officers from the government's Animal Health Agency. Over 500 animals were inspected in both the north and the south of the Forest.

Despite the very harsh conditions during the winter, and the prolonged cold and dry spring, all the representatives of the welfare organisations expressed their collective

general satisfaction with the condition of the animals.

In addition they were satisfied that the system of removing animals from the Forest when their condition deteriorates generally works well, and their particular thanks were expressed to the Agisters for their hard work over the winter months.

Obviously the last six months have been hard for the ponies, but they have come through, thanks in no small part to the vigilance of our Agisters. This winter has shown that our system works, but we will remain ever vigilant; there is no room for complacency when you are monitoring animal welfare.

ANIMAL ACCIDENT REPORT

2010/4935 ACCIDENT REPORT FOR APRIL 2010

The agisters attended 5 accidents compared with 11 for the same period last year.

1 cow was killed and 2 donkeys were injured.

4 accidents occurred during the hours of darkness.

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

3 accidents involved local motorists.

The total killed and injured for the year to date is 19 compared to 24 for the same period last year.

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

There were no Presentments by the Deputy Surveyor

PRESENTMENTS

There were no Presentments

PRESENTATION

2010/4936 PRESENTATION OF THE ROWL KITCHER CUP

In 2007, we resurrected the annual award of the Rowl Kitcher Cup which was kindly donated some years ago by Mr Rowl Kitcher's family. The Cup was to be awarded each year to the owner of the highest scoring 2 or 3 year old colt at the stallion inspections held in the spring. The cup was duly presented in 2007 and 2008. Last year, we did not inspect stallions and so it was not possible to make the award.

This year, however, we have again inspected stallions and young colts and so we have a young colt eligible for the award.

I am very pleased to announce that the Rowl Kitcher Cup is being presented this year to Mr Michael Maton, the owner of Woodfidley Top Gun, the highest scoring young Colt selected to run out on the Forest this year. It is perhaps fitting that the dam (mother) of the Top Gun is a mare called Fir Tree Little Gracie who was bred by Rowl Kitcher himself.

IN COMMITTEE in the Library

PRESENTATION

2010/4937 PRESENTATION TO MR PETER FROST, NATURAL ENGLAND DISCHARGE
APPOINTED VERDERER

Miss Rachel Green entered the Library and make a presentation to Mr Frost in recognition of his 10 years of dedicated service as Natural England's (and formerly the Countryside Agency's) representative on the Verderers' Court. Miss Green made two presentations to Mr Frost, one from Ms Wanda Fojt and Mr Alan Law of Natural England's Regional office, and the other from Rachel herself and the local team.

Mr Frost thanked Miss Green and said he had thoroughly enjoyed his time on the Court.

NEW SUBMISSIONS AND OTHER MATTERS RAISED BY THE FORESTRY COMMISSION

2010/4938 HATCHET POND FURNITURE RATIONALISATION DISCHARGE

Hatchet Pond car park currently hosts an information point (PIP), a waste bin and two prohibition signs on the Open Forest grazing. A request was received for agreement to these items being rationalised. The PIP is badly sited and in poor condition, the warning/prohibition signs are in a poor condition and the waste bin is not situated for optimal use. Key messages are therefore not reaching the intended audience and litter is a problem.

A proposal was tabled to relocate the PIP and waste bin in accordance with a sketch provided and the warning signs will be removed.

The effect should be beneficial and therefore the Court approved the proposal subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

2010/4939 DRAFT DESIGN GUIDANCE FOR PRIVATE ACCESSES AND SIGNS RESUME

The Forestry Commission grants licences for private signs and accesses in the Forest. Traditionally the signs have been of FC house style and the accesses simple hoggin construction. Increasingly, however, householders are asking for alternatives.

The Deputy Surveyor asked for comments from members of the Court on the proposed design for signs and alternatives for surfacing accesses. He added he is not looking to finalise these issues now but will come back to the Court after consideration of the various views he expects to receive.

MATTERS ARISING OF CONCERN TO THE FORESTRY COMMISSION

2010/4940 FOREST HOLIDAYS SITE SIGNAGE DISCHARGE

The paper which was provided to the Court shortly before the April Court resulted in the view that the principle aim of re-evaluating signs on the campsites should be to renew existing signs and wherever possible merge, amalgamate and remove unnecessary ones. Fewer signs will always be preferable to more. The sign saying 'Thank you for staying' is considered to be superfluous and the Court requested all such signs be removed.

The Deputy Surveyor said he will feed the comments made by the Court back to Forest Holidays.

2010/4941 PROPOSED INSTALLATION OF ECO-FRIENDLY TREATMENT PLAN FOR THE REPTILIARY AND HOLIDAYS HILL COTTAGE RESUME
July

After much discussion, the Court asked the Forestry Commission to revisit this proposal. Whilst little objection was raised to the cottage being put on the new proposed system, it was felt that the heavy usage associated with the reptiliary would result in an excessive quantity of discharge directly in to a watercourse which would inevitably contain nitrates, onto the Open Forest.

2010/4942 CAMPSITE SURVEY RESUME

The survey is now due at the end of May. The New Forest Association hopes to present it to the Verderers at their June Court.

2010/4943 ROAD HAUNCHING RESUME

No further progress has been made in respect of drawing up an agreed specification for road haunching although it is understood the Highway Authority is keen to progress it. In the meantime, problems have occurred in various places where repairs have resulted in widening of roads. This has been blamed on new contractors who are unaware of the special conditions which apply in the Forest although the Highway Authority has taken steps to ensure the problem does not continue.

As regards Forest Road, the newly laid tarmac has resulted in significant road widening and the Clerk will take this up again with Highways.

2010/4944 A31 VEGETATION CLEARANCE RESUME

The Clerk was asked to arrange a meeting to discuss future works. Enterprise Mouchel, the contractors for the Highways Agency responsible for the road will be invited to meet representatives of the Forestry Commission, Natural England, the National Park Authority, the New Forest Association and the Verderers.

2010/4945 ILLEGAL PARKING STICKERS (see also 2010/4959 below) RESUME

The Court approved the latest draft of the stickers. A sample of the material has been requested and subject to it being suitable, an order will be placed. The Deputy Surveyor said that ideally he would still prefer the Verderers use the Park Wise scheme rather than having their own, but he said he accepted the Agisters and Commoners have specific issues. The Verderers stickers will only be issued by the Agisters in specific circumstances.

2010/4946 WIDENING OF CASTLE HILL LANE RESUME

Mr Street said that he has inspected the Lane and agrees that in certain places it has indeed been widened. However, so far he has been unable to find anyone prepared to take responsibility for having the work carried out in Castle Hill Lane. Miss Macnair said the Clerk's assistant has the name and address of the contractor. She will be asked to provide the details to Mr Street in order that he can pursue this matter.

2010/4947 SANDHOLE POUND REPAIRS RESUME

The Deputy Surveyor asked the Court to draw up a formal proposal for remedial works to the ground in this pound. Natural England's consent will be required.

2010/4948 ISLANDS THORNS DISCHARGE

Mr Stride will arrange for the additional restoration work to be done. All ground on the Open Forest should be restored. The Deputy Surveyor asked Mr Pasmore to show him on a map where the remaining damaged areas are on that part of the Open Forest outside the old Inclosure bank and where waste timber has been left lying.

2010/4949 DAMAGE TO VERGES IN THE VICINITY OF THE ROYAL OAK IN FRITHAM RESUME
September

This item has been resumed from last year. The Deputy Surveyor said that the Forestry Commission is trying to set up a meeting but representatives of NFDC, the National Park Authority and the Parish Council need to be present. He would like a representative of the Court to attend as well.

2010/4950 TEMPORARY SIGNS ON THE FENCED ROADS RESUME

The Clerk reported she is waiting for the NPA to come back to her on this.

SSSI RESTORATION WORKS

2010/4951 WARWICKSLADE CUTTING SOUTH RESUME

The Deputy Surveyor advised the Court that contractors are back on site and working through the list of issues to ensure the remedial works are carried out. With the exception of the adjustment of the falls near the bridge at Brinkenwood Lawn, he said the work should be virtually complete by the end of June and he suggested that the best

time to inspect the site would be just before the June Court. The issue of debris dams is being addressed and the problems downstream from the bridge are being looked at.

ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2010/4952 OPEN FOREST ADVISORY COMMITTEE (OFAC) DISCHARGE

The Verderers representing the Court on the Open Forest Advisory Committee are Mr Gerrelli, Mr Kitcher and Mr Pasmore.

2010/4953 SIGN FOR THE HIGH CORNER INN DISCHARGE

The 'A' frame sign is still in situ. Mr Street said as he is visiting the area this afternoon he will remove the sign and take it into the hotel.

2010/4954 LIMWOOD DISCHARGE

The up lighter on the sign board is still in situ. Mr Street said he will speak with the management about it and the National Park Verderers will ask the planning enforcement officers for support.

2010/4955 ROUNDHILL CAMPSITES DISCHARGE

Two tents close to the Warden's office have not been moved in accordance with the 28 day rule. One appears to be a store and the other a workshop. One may be on the Open Forest. The Deputy Surveyor said he will investigate.

The Deputy Surveyor and Area Land Agent left the meeting.

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

2010/4956 NEW FOREST SHOW DISCHARGE

A number of Verderers kindly offered to assist on the stand at this year's show.

The Court's future attendance at the show was also discussed and it was a unanimous decision that it should continue.

2010/4957 ENCROACHMENTS RESUME

There are two long standing encroachments which despite letters from the office and Wilsons' solicitors, the occupiers of the properties refuse to remove.

One is at Home Farm, Cadnam where a ditch has been piped and concreted over in order to extend the garden of a new development. The second is in Canterton Lane where a fence has been erected outside the original boundary.

The Official Verderer sought the Court's agreement in principle to pursuing these encroachments through the County Court. He said it is estimated that the cost is likely to be £15,000 for each case if it proceeds to Court.

It was agreed that the New Forest Commoners' Defence Association would need to take the lead with the Court taking a supporting role

Mr Pasmore asked to see the plans and read the witness statements that have been obtained. The Court agreed that subject to Mr Pasmore having an opportunity to peruse the files on each case, Counsel's Opinion will be obtained. The likely cost of this is in the region of £5,000 for each case.

2010/4958 ARTCHITECTURE PROJECT

DISCHARGE

The project brings together architects, artists and engineers to collaborate on exploring new models for rural architecture, through proposing a series of temporary buildings in the New Forest National Park. The buildings will be a resource for interaction and debate on issues of sustainability, recycling, energy conservation and rural architecture, with artists' inhabitation and activity as the catalyst for engagement. The buildings will offer models with potential for adaptation to replace or improve existing buildings in the New Forest, e.g. visitor facilities.

The Verderers understood what the project is trying to achieve but it was nevertheless felt that the best place to test a building is on private land. The Verderers' policies are very clear on development on the Forest and it is the Court's aim to restrict any new development and encourage any existing infrastructure, of which the majority is for recreational purposes, to be re-located to less sensitive, peripheral locations.

The Official Verderer will relay the Court's response to the outline proposals, and advise Artchitecture that it is unlikely that the project's ideas for buildings on the Open Forest will secure support under the Verderers' existing policies.

2010/4959 ILLEGAL PARKING STICKERS (see also 2010/4945 above)

RESUME

After a further short discussion, it was agreed to proceed with the stickers however they must only be used when a vehicle is actually blocking an access.

NEW FOREST NATIONAL PARK

2010/4960 NEW CHIEF EXECUTIVE

DISCHARGE

The Official Verderer is meeting with the new Chief Executive, Ms Alison Barnes on the 3rd June. Mr Barry Foley leaves the Authority at the end of June.

2010/4961 SOCIETY OF NATIONAL PARK STAFF CONFERENCE

DISCHARGE

Mr Pasmore agreed to lead a study tour on Saturday, 14th May 2011.

VERDERERS' HIGHER LEVEL STEWARDSHIP SCHEME (HLS)

2010/4962 DAMAGE TO TURF HILL POUND DISCHARGE

The Official Verderer confirmed he raised this issue with the HLS Sub Committee. The Sub-Committee decided that in this instance the most appropriate course of action was for the Verderers' Grazing Scheme Manager to write to the commoner responsible for the damage. The commoner, who is a member of the Scheme, has therefore been advised that if he causes similar damage again, a financial penalty will result.

2010/4963 HLS SCHEME MANAGER DISCHARGE

The new scheme manager has been appointed. He is a recently retired full Army Colonel. He takes up his position on 7th June 2010.

2010/4964 AGISTERS' TRAILERS DISCHARGE

The new trailers have been delivered.

The Agisters will be issued with conditions of use and these will form part of the contracts of employment.

MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2010/4965 OPEN FOREST DESIGN PLAN MEETING RESUME

Mr Pasmore reported that there appears to be little to object to in principle in respect of the Forestry Commission's proposals except that some landscape safeguards are needed. The Forestry Commission has agreed to come back with a draft.

STAFF MATTERS (including the Staff Committee)

2010/4966 STAFF PERSONAL ACCIDENT INSURANCE RESUME

The Clerk was asked to check and confirm the details of the personal accident insurance.

TRAINING

2010/4967 HUMANE SLAUGHTER AND MANUAL HANDLING RESUME
July

Due to pressure of work the Head Agister has not been able to arrange a meeting with the Humane Slaughter Association.

The Clerk is in touch with the Forestry Commission with regard to manual handling training.

HEALTH AND SAFETY AT WORK

There are no health and safety issues at present.

ANY OTHER BUSINESS

2010/4968 NATURAL ENGLAND / CDA LIAISON MEETINGS DISCHARGE

The Official Verderer informed the Court that minutes of the last meeting are available from the Clerk if anyone would like a copy. There is also a report on grazing in the Avon Valley.

2010/4969 NEW MINISTERIAL APPOINTMENTS DISCHARGE

Caroline Spelman MP for Meriden has been appointed Secretary of State for the Department of the Environment, Food and Rural Affairs (DEFRA).

Mr James Paice MP for South East Cambridgeshire is the Minister of State for DEFRA.

Mr Richard Benyon has been appointed the new Parliamentary Under Secretary for the natural environment and fisheries.

2010/4970 MARE CONTRACEPTIVE VACCINE DISCHARGE

Mrs Thorne reported that a trial is taking place on Dartmoor. It is hoped a report will be available in due course. Mrs Thorne will keep the Court informed of progress.

2010/4971 PETER FROST DISCHARGE

Mr Frost thanked the Court for putting up with him during his 10 years as a Verderer, firstly having been appointed by the Countryside Agency and then more recently Natural England. He said he has very much enjoyed his time on the Court.

The Official Verderer then thanked Mr Frost on behalf of the whole Court for his 10 years of attendance at Committees, site meetings and for representing the Court on various forums.

The Clerk then thanked Mr Frost for his assistance and support of the office.

There was no further business and the meeting closed at 12.45 p.m.