

**MINUTES of the Court of Verderers held on Wednesday, 19<sup>th</sup> November 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  
Mrs K Heron Appointed Hampshire County Council Verderer  
Mr J F Kitcher Elected Verderer  
Miss D Macnair Elected Verderer  
The Hon R Montagu Appointed Forestry Commission Verderer  
Mr A H Pasmore Elected Verderer  
Mrs P Thorne Appointed DEFRA Verderer

IN ATTENDANCE: Miss S Westwood Clerk  
Mr J R Gerrelli Head Agister (first three items only)

APOLOGIES: None

**IN COMMITTEE**

The Official Verderer welcomed Mr Jonathan Gerrelli who has taken up the post of Head Agister following the retirement of Mr Brian Ingram.

The Head Agister was present for the first three items.

2003/517 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 15<sup>th</sup> October 2003 were approved subject to minor amendment and signed.

2003/518 ANNOUNCEMENTS & DECISIONS DISCHARGE

The Announcements and Decisions were approved subject to some amendment. See also Minute 2003/523 below.

2003/519 CONDITION OF STOCK RESUME  
Report by the Head Agister

The Head Agister felt that on the whole stock looks very good. One or two mares with foals are beginning to come to the attention of the Agisters and it is hoped they will be removed prior to the December Beaulieu Road Sales. The condition of stock through the winter will depend a lot on the weather.

The Chairman of the Staff Committee agreed with the Head Agister's report. He said there are a number of mares with foals still on the Forest and commoners are being asked to take them in. One of the problems is always that foals are too young to be removed on the early drifts and commoners are then inclined to leave them on the mares. It is hoped the lack of rain during the summer and autumn will not result in a shortage of food on the Forest. Mr Tony Gerrelli remarked that the cattle look exceptionally well at the moment.

The Head Agister left the meeting.

- 2003/520 STRANGLES RESUME
- There are still one or two cases of strangles around the Forest. The drift at Wilverley was postponed and will now take place this coming Sunday. The Clerk reported that the Verderers' vet knows of a private horse in Brockenhurst which has strangles.
- 2003/521 DECLARATIONS OF INTEREST RESUME
- There were no declarations of interest in respect of any item on the Agenda.
- 2003/522 FINANCIAL STATEMENT RESUME
- The financial statement for October was approved.
- 2003/523 MARKING FEES RESUME  
October  
2004
- Mr Gerrelli commented that the level of marking fees for the coming year is usually confirmed at the November Open Court. The meeting therefore discussed the level of marking fees for 2004 and agreed they should remain unchanged from this year. This was proposed by Mr Gerrelli and seconded by Mr Kitcher. The motion was carried unanimously. An announcement will be made in Open Court this morning. As this item is frequently omitted from the Agenda for October (this year being no exception) the Clerk said she would ensure it is included in the forward planner for the Agenda for October next year.
- 2003/524 BYELAW ENFORCEMENT RESUME
- The Official Verderer reported that there are no new problems. No notices for breaches of the byelaws have been served since the last Court.

**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 Forest)

**ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER**

- 2003/525 BYELAWS
- In accordance with Section 25 of the 1877 New Forest Act (as amended by Section 9(5) New Forest Act 1949) the revised Verderers Byelaws have now been formally submitted to the Minister for confirmation.
- 2003/526 HORSE PASSPORTS
- The Verderers' List is now in operation as an alternative to a full horse Passport, and all practising Commoners will by now have received written details of the scheme and how to apply to join. Along with various other representative bodies the Verderers wrote to the Minister expressing concern at the tight national deadline for obtaining either a full passport or to join the Verderers List. Happily the Government has taken these concerns in to account, and have announced that the deadline has been extended by six months to June 30<sup>th</sup> 2004. We will be writing to all Commoners to inform them of the extension.

2003/527 WELFARE TOUR

The usual late autumn welfare tour will take place on Friday, 5<sup>th</sup> December. Representatives from DEFRA and welfare and commoning organisations have been invited to tour the Forest and inspect depastured stock.

2003/528 ELECTIONS

I would like to remind all commoners that the election for three Verderers will be taking place next Friday 28<sup>th</sup> November.

2003/529 NEW AGISTER'S AREAS

Mr Mike Lovell will take up his position as our fifth Agister at the end of the month. Our new Head Agister has altered the Agisters' areas and the changes will be implemented once Mr Lovell commences his employment. The changes are not radical, and we would suggest that the best way to discover the new arrangements is to contact your usual Agister who will explain the changes to the various areas.

2003/530 STALLIONS

We hope that we shall shortly be able to report that we have resolved the issues surrounding the stallion scheme.

2003/531 CYCLING ON THE CROWN LANDS OF THE NEW FOREST

Later today, and following comments that we may hear this morning, we will be considering the Presentment made by the Forestry Commission in the October Court.

2003/532 NEW PARK

The Forestry Commission has assured the Court that only camping by official groups will be permitted in the foreseeable future in New Park.

The Commission is in touch with the police in order to formulate a clearer and more co-ordinated approach to coping with travellers and rave parties.

2003/533 CAMPING

The Forestry Commission is aware of the parties in Waters Copse. The Forestry Commission assures us that it is doing all it can to resolve the issues.

2003/534 UNLAWFUL ACCESSES

The Forestry Commission has clearly explained its policy on accesses. It is able to grant permission for accesses without requiring the Verderers' consent. If a new access prejudices the rights of commoners, compensation may be due.

In cases where the perambulation is breached, the Verderers become involved. The recent breach at Norley Wood has been refused by the Forestry Commission.

2003/535 HEATHER ENCROACHMENT ON FOREST LAWNS

This matter has been discussed at length with English Nature which takes the view that the reseeded areas should be allowed to go back to heathland. There seems to be some sympathy for the concerns about streamside lawns and there are proposals in the LIFE 3 Project for clearance works in certain areas, particularly of blackthorn scrub.

2003/536 GOLF

The Court has made its decision as respects the New Forest Golf Club and until such time as the Forestry Commission approaches the Court again, the matter is closed.

2003/537 BEAULIEU RIVER

The Court agrees that the length of Beaulieu River between Ipley and Northgate is badly blocked. English Nature, however, consider this to be the most important riverine woodland in Western Europe. Requests for debris dams to be removed are always firmly refused. The Court is hopeful however, that there may be some compromises to be reached on individual stretches of stream.

2003/538 KINGSTON GREAT COMMON

The Court is aware that the owner of Kingston Great Common has erected fencing materials on his boundary with the Crown Lands. We have expressed our concern directly to the land owner who has been requested to remove these materials without delay.

2003/539 MARKING FEES FOR 2004

Commoners will be relieved to hear that we do not intend to increase marking fees next year. Fees therefore will remain as follows:-

Ponies and Donkeys £20.00 with £2.00 discount if fees are paid before 31<sup>st</sup> March. This rule will be strictly enforced.

Cattle £20.00 with no discounts.

Sheep £10.00.

Pigs £1.00.

On the added areas, commoners will pay half Forest marking fees for ponies, donkeys and sheep and one-eighth for cattle.

**ANIMAL ACCIDENT REPORT**

2003/540 ANIMAL ACCIDENT REPORT FOR OCTOBER 2003

Total Accidents for the Period: 16 (23)

	Killed		Collar		Injured		Collar		Uninjured		Collar		Not Found	
Ponies	5	(5)	0	(2)	3	(5)	0	(0)	0	(0)	0	(0)	4	(7)
Cattle	1	(0)	N/a	N/a		(3)	N/a	N/a	0	(0)	N/a	N/a	0	(3)
Donkeys	0	(0)	0	(0)	1	(0)	0	(0)	0	(0)	0	(0)	0	(0)
Pigs	1	(0)	N/a	N/a	1	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Sheep	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Totals	7	(5)	0	(2)	5	(8)	0	(0)	0	(0)	0	(0)	4	(10)

TOTAL KILLED & INJURED	12	(13)
Accidents During the Hours of Darkness	11	(20)
Vehicles Involved	15	(18)
Private Cars / Light Commercials		
Motor Cycles	0	(0)
Heavy Vehicles	0	(0)
Bicycles	0	(0)
Number of Local Motorists	12	(11)

Number of Accidents Not Reported	1	(5)
Total Killed and Injured for the Year to date	88	(86)
Number of Deer Killed	-	(-)

Figures in brackets ( ) show previous year's totals.

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

### **2003/541 FORESTRY COMMISSION CAMPSITE SALES**

The Verderers have previously considered the matter of items offered for sale on Forestry Commission campsites. In 1998 a list of items offered for sale was agreed.

Customer expectations along with attitudes towards customer care and health and safety all change over time. Given these changes the Forestry Commission now seeks the agreement of the Verderers to add bottled water to the items offered for sale.

The campsites provide an important customer base and potential source of trade for local towns and villages and their shops. The Forestry Commission is concerned about the viability of local towns and villages and does not wish to undermine trade generated by those staying on our campsites. Equally the reasonable satisfaction of our guests is important to us and feedback suggests this could be improved.

Satisfaction levels of guests staying on our campsites could be improved by the addition of bottled water to the very limited number of items offered for sale. Shops in local towns and villages would remain the most convenient source of the vast majority of goods camping guests might require during their stay.

This presentment is made in accordance with the Countryside Act 1968 and the New Forest Act 1970.

## **PRESENTMENTS**

### **2003/542 UNLAWFUL ACCESSES** Presentment by Mr A R Cooper

"It seems likely that one of our Leaders the Rt Hon Margaret Beckett, countrywoman and caravanner, will enhance the land management position of such bodies as English Nature and the Countryside Agency, following Lord Haskins report to her about the Rural Way of Life. My dung heap will remain in situ regardless and hopefully you will as a Court of Law, explain to the lady that until the law is changed you are the government of the New Forest not the trendies of outside agencies or the New Forest Committee. It will take some explaining, believe me. I comment as a matter of opinion that this and, indeed, earlier governments have done for our New Forest what Danny La Rue has done for Rugby League!

There is an analogy concerning the Planning Inspectorate. Because of what I would plead to be gross negligence and abysmal ignorance, not necessarily in that order, nor possibly in equal proportions, the relevant local authorities do not implement a simple legislative remedy to prevent encroachments onto common land by construction of hardstanding or made up access ways over grazing land. I refer to S.194 of the Law of Property Act 1925 with which you are no doubt familiar. Equally I understand that the Forestry Commission is just as likely to issue licences to all and sundry without your involvement by way of veto or otherwise claiming the Court has no locus standi – and of course then it takes the money and runs.

A recent instance of this has occurred in the Minstead Manor area, not of course involving the Forestry Commission, and this could provide a lever for the Court. One of our incomers, all green wellies and four wheel drive, has recently committed such an act of unlawful vandalism on common land that even the steady slumbering of the Local Planning Authority has been interrupted and, Glory Be! an Enforcement Notice has been served upon the intruder. Now, following the lodging of an Appeal the Planning Inspectorate has become involved, and in acting for the Minstead Manor Commoners, who jealously guard their rights, despite the efforts of English Nature and the Countryside Agency, representations on behalf of the Commoners have been made. Thus made and acknowledged, the secretariat of the Inspectorate in cavalier fashion has indicated that we Manor Commoners may, ONLY MAY, be allowed to address a duly appointed Inspector on the point.

It has been pointed out that apart from the owner, the Lord of the Manor against whom this outrageous trespass has been perpetrated, the Commoners are the only other party having a legal interest in the land unlawfully perhaps illegally developed by the intruder and as such we Commoners have an indefeasible right of audience in any tribunal to defend our rights against all comers, even people from lofty offices in Bristol with their centrally heated air conditioned offices and with low level avocado tinted suites at the end of the corridor.

I understand that my suggestion has caused a panic button to be pressed in Bristol and that legal advice is being sought. As ever, placid in my demeanour and quietly spoken in quasi-legal jargon I have told them to f-f-find some other mugs to bilk with their dim witted and half-baked regulations.

The reason I mention this is that I understand the Forestry Commission have suggested that the Court has no specific power to deal with encroachment such as this under the New Forest Acts. A grudging acknowledgment of the commoner's rights so to do as been made. With respect that is not the Law. Though no specific power might exist, which itself is a moot point, under the general powers and duties of the Court, there always has been an implied ancillary power vested in the Court in its management and good husbandry of the grazing lands to protect that grazing land against encroachment. Of course the logistics, paid for one assumes by the scrooges of Edinburgh, may preclude a blitz on the many encroachments so far licensed by a Forestry Commission well versed in evasion of the real issues of common land.

Now the Court might care to indicate to the Forestry Commission that it will join with the Commoners in impeaching its treachery should it not bow to the Courts implied power to prevent such encroachment by trespass and nuisance at law.

I ask the Court to report to its next open Court, through the good offices of its own elected membership and the Agisters on each and every encroachment discovered by inspection or by licence granted by the Forestry Commission over the last six years as soon as possible. Not only is this a matter of Land Management: it has its financial ramifications. The Forestry Commission can be made to produce all such licences for inspection, and, perhaps, most interestingly, to account for all monies and fees charged in so doing. I do hope this will upset the Gods in Edinburgh: it is high time they were knocked off their luxurious perches".

2003/543 THE STRATEGIC CYCLE NETWORK  
Presentment by Mr C J Aldhous

"I have studied the recent proposals for cycle routes while I applaud the moves to encourage cyclists to use the roads, I would like to ask the Verderers what practical actions will be taken to make designated routes safe for cyclists, and how these will affect the Forest environment.

Rural roads have become the most dangerous in the country, because many drivers treat them as highways or even motorways. I would ask the Verderers to consider the following question. Surely, rather than designating roads as cycle routes we should be making them into quiet routes, safe for all users including walkers, horse riders, cyclists, invalid buggies, Forest animals and slow moving vehicles".

2003/544 BEAULIEU RIVER  
Presentment by Mr C J Aldhous

Mr Aldhous remarked that we are not in the outback of Canada. People have used rivers for thousands of years and he did not think our ancestors would want Beaulieu River to become a festering sewer.

The Official Verderer asked Mr Aldhous if he represented a particular organisation to which Mr Aldhous replied that he did not.

2003/545 CYCLING  
Presentment by Peter Sweet

Col Sweet explained that he had a rather long Presentment, a written copy of which he had handed to the Clerk and the Press. He would, therefore, précis what he had to say.

Col Sweet expressed concern at the continued lack of control of cyclists on the Open Forest. He added that he thought it reasonable for the Court to allow the continuation of the existing Crown Lands cycle routes for a further year, but only if it is made clear to the Forestry Commission that if in this coming year nobody is prosecuted for cycling where they shouldn't, the Court will not allow cycling on the Forest tracks in future as part of the Strategic Network.

The Official Verderer said that the Verderers would be discussing the cycle routes later this morning.

Before calling on the Head Agister to formally close the Open Court, the Official Verderer thanked those present for their support and attendance through the year and wished everyone a Happy Christmas.

**IN COMMITTEE in the Library**

**CONSIDERATION OF PRESENTMENTS**

2003/546	FORESTRY COMMISSION CAMPSITE SALES	RESUME January 2004
This matter will not be decided upon until January, to allow an opportunity for counter or supporting Presentments to be heard.		

2003/547	UNLAWFUL ACCESSES	DISCHARGE
The Forestry Commission advised the Court that it has statutory power to grant licences and pay compensation. Mr Parke commented that a		

schedule of compensation is prepared every year but he did not think the Clerk was provided with a complete list of every property but just the total area.

The Official Verderer felt the matter has been satisfactorily dealt with by the announcement in Open Court in October.

2003/548 THE STRATEGIC CYCLE NETWORK (Cycling on the Forest) DISCHARGE

It was felt that Mr Adlhous may have confused the Strategic Network with the network on the Forest's tracks. The suggestion that the Forest's roads should be designated "quiet lanes" falls outside the remit of the Court and should be addressed to the County Council Highway's Department. The cycle tracks on the Forest allow for permissive access rather than a right of access. As regards health and safety and Forest cycle tracks, the tracks are maintained in a condition suitable for normal Forestry access and they are generally safe for cyclists.

2003/549 CYCLING ON THE FOREST DISCHARGE

The feeling of the Court is that whilst there is no overall objection to the principle of granting a further year's approval for the cycle tracks, there is clearly a lack of enforcement resulting in straying cyclists. The Court sought the Forestry Commission's assurance that enforcement will be carried out.

Whilst cycling is seen as a friendly activity the policy is for cycling to take place on waymarked routes only and the Court felt it essential for this message to be enforced.

The Forestry Commission said that in order to succeed with a byelaw prosecution it is essential to have the right evidence. It is difficult and costly to gather such evidence and there is a danger that the right result may not be achieved.

Mr Parke went on to explain that the Forestry Commission recently took a prosecution in respect of two lads who took an old reconditioned Massey Ferguson tractor onto the Forest and got it stuck. They then brought a Landrover onto the Forest in order to extract the tractor. Considerable damage was done to the SAC. Good evidence had been collected including photographs of the damage caused. The Magistrates gave one lad a conditional discharge and the other was required to report before a youth offending panel. Each was ordered to pay £50.00 costs. The cost to the Forestry Commission was £1,300 in solicitors fees alone. The Forestry Commission does not undertake prosecutions lightly and even when successful the outcome is often far from satisfactory.

When asked if "on the spot fines" could be imposed, Mr Parke replied that the law does not permit the Forestry Commission to take such action.

The Deputy Surveyor said the Forestry Commission will continue to re-direct cyclists who are off track and monitor the situation but will not undertake to take a prosecution. Cycling is considered to be a benign, friendly activity. The vast majority of cyclists stay on the tracks. Cycling does not appear to still be the issue that it once was. The lack of Presentments bears out this theory.



The Official Verderer said it was helpful to have the Forestry Commission's forthright views and that a good point had been made in explaining that the results of prosecutions are often disappointing.

The Verderers felt increasingly disappointed by the apparent lack of policing and whilst it was agreed that approval for the Forest cycle network should be granted for a further year, the Court said it expects the Forestry Commission to increase its efforts to prevent incursions by cyclists onto the Open Forest.

It was suggested that members of the Court should tell the Forestry Commission where there are specific problem areas and a copy of the Forestry Commission's weekend working rota will be made available to the Court and its officers to assist with this.

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

2003/550 UNDERGROUND ELECTRIC SUPPLY DISCHARGE  
FOREST GARDENS, BEECHWOOD ROAD, BURLEY

The proposal by Southern Electric to put a new underground supply to the above property at the same time dismantling the existing overhead supply was approved subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

2003/551 EAST BOLDRE ALLOTMENTS - RETURN OF FIELD TO THE OPEN DISCHARGE  
FOREST

East Boldre Parish Council wishes to give up their southernmost field nearest East End, being OS No. 7770 amounting to 5.17 acres.

The Court was happy with the proposal subject to a meeting on site to agree the re-instatement works required. Mr Gerrelli, Mr Montagu and Mr Pasmore will attend on Thursday, 27<sup>th</sup> at 10 o'clock. The Agister for the area will also be asked to attend.

2003/552 PITMORE LANE, SWAY, JUNCTION WITH BACK LANE DISCHARGE

In the interests of road safety, the County Council wishes to alter the above junction so that Back Lane meets Pitmore Lane at more of a right-angle. At present the two roads meet at a fairly sharp angle which makes it possible for motorists to drive straight out of Back Lane without stopping or even slowing down. In addition, traffic going from Pitmore Lane to Back Lane can also manoeuvre the junction without slowing. The result of the proposed works will be a modest net gain to the Forest of 18.40 m<sup>2</sup>. Apart from some temporary signing that would last three months advising motorists that there has been a junction layout alteration, it is not proposed that there be any additional signing at the junction but there might be slight repositioning of the existing signs.

The Court approved the proposals subject to the usual conditions.

2003/553 ROE COTTAGE, LINWOOD - ELECTRICITY SUPPLY DISCHARGE

The tenant of Roe Cottage wishes to connect the property to the mains electricity supply. At present the cottage is served by a generator. The Court approved the proposals subject to the usual conditions and that the works are carried out prior to the completion (resurfacing) of the Broomy Plain Road.

Mr Parke confirmed it is intended that the works be co-ordinated so as to ensure the Broomy Plain Road is not resurfaced and then dug up again!

2003/554 INSTALLATION OF DOG WASTE BINS DISCHARGE

The Forestry Commission has been receiving an increasing number of complaints about dog fouling at certain sites in the Forest, especially around the immediate periphery of certain car parks. The FC has had discussions with the New Forest Dog Owners Group about how this issue should be tackled.

There is a view that some dog owners are not clearing up after their dogs because there is no convenient place to dispose of the waste and that the provision of dog waste bins would reduce the problem of fouling.

The Forestry Commission seeks the Verderers approval to install dog bins at 6 car parks as a trial to determine their effectiveness. The bins would be emptied by New Forest District Council as part of their existing litter contract with the Forestry Commission although additional costs would be involved.

The Court gave very careful consideration to the proposal but declined to give approval for the following reasons:-

Urbanisation of the Forest.

User modification of the Forest.

The belief that dog owners should regulate themselves.

Poor use of taxpayers funds.

It is unrealistic to enforce the use of dog bins.

It is not acceptable that a single group of recreational users should impose their own special requirements on the Forest as a whole.

It was suggested that as an alternative to bins, notices could be placed in the worst car parks in an effort to get the message over to dog owners that they should behave responsibly and clear up after their pets. The New Forest Dog Group will be encouraged to work with the Forestry Commission to campaign for responsible dog ownership.

2003/555 INSTALLATION OF VEHICLE COUNTERS DISCHARGE

The Forestry Commission has recently launched the PROGRESS Project which will investigate the interaction of recreational use of the proposed National Park area with nature conservation interests.

A survey of how the area is used by the public for recreation will be undertaken over a 12 month period largely during 2004. To support this, the Forestry Commission and the Countryside Agency wish to install vehicle counters at the entrance to 8 selected car parks across

the Forest. These counters will record all vehicle movements into these car parks on an hourly basis throughout the 12 month survey period. Identical counters already exist on the Forest both on the public roads (to assist Hampshire County Council to monitor traffic flows) and in 3 key visitor car parks. The Court gave approval for the additional 8 vehicle counters subject to the usual conditions.

**MATTERS ARISING FROM THE MINUTES OF PREVIOUS COURTS OF CONCERN TO THE FORESTRY COMMISSION AND ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION**

2003/556 DIBDEN INCLOSURE CAR PARK DISCHARGE

The Forestry Commission has considered the problems at this car park and feel the best solution to the current parking problems would be for the car park to be moved closer to the road. However, in the short-term the budget does not allow for the necessary works to be undertaken. As an interim measure some vegetation will be cut back to open up the track leading to the car park. It is hoped this will encourage people to use the car park instead of parking at the end of the track.

2003/557 BEAULIEU ROAD HOTEL SEWAGE OUTLET RESUME  
January  
2004

The sewage is flowing again. Mr Parke has been in touch with the Environment Agency which has said it is prepared to give the Hotel some time to sort out their system before taking action. The Hotel reportedly intends to commence work shortly on installing a new system.

2003/558 BRAMSHAW TELEGRAPH ROAD SIGNING RESUME  
January  
2004

Mr Parke reported that no further response has been received from the Highway Authority. It was commented that the present signs are very dirty and could do with being cleaned. Mrs Heron remarked that all road signs are supposed to be washed twice a year. The Highway Authority is happy to receive reports of signs which are becoming obscured by dirt.

2003/559 FORESTRY COMMISSION CAMPSITES RESUME  
January  
2004

The Forestry Commission is continuing to work on proposals for Hollands Wood and Roundhill. The Camping Manager is taking forward the ideas expressed at the earlier meeting. The Deputy Surveyor is meeting with the Camping Manager tomorrow and will hopefully have some proposals for a meeting of the sub-group in January.

2003/560 LITTLE HAYES DISCHARGE

A response has been received from the Parish Council stating that is happy for the piece of land to be used for informal parking but that it would not support its sale and the construction of a garage. The reason given was concern that a precedent would be set which might make it difficult to refuse other similar applications.

The Court agreed to support the Parish Council's views and a formal response will be sent to Mr Parke so that he can reply to the applicant.

- 2003/561    ORIENTEERING    RESUME  
January  
2004
- The Deputy Surveyor reported that a meeting with the Southampton Orienteering Group is scheduled for next week. Bruce Rothnie (Recreation Manager) is to look at the medium term agreement which includes the number of people involved and the type of events which are held in the Forest. The Forestry Commission will take heed of the advice given by the Court and will come back in January if any issues arise as a result of the meeting.
- 2003/562    PICKET POST JUNCTION FENCING    RESUME  
January  
2004
- It seems that at last, action is being taken by the Little Chef to deal with the fencing. The Company's Property Manager has been on site and has been in touch with Mr Parke and the Highway Authority. The Forestry Commission is providing a specification for a stock proof fence and a list of contractors. The whole fence is to be replaced with posts and three rails, complete with stock netting. The recent escape by a Forest cow and the attendance of the police at the scene seems to have concentrated minds! The Official Verderer thanked Mr Parke for his hard work in seeking a resolution to the problems.
- 2003/563    GALVANISED TIN SHEETS ON THE FOREST AND COMMONS    RESUME  
January  
2004
- Mr Martin Noble, Chief Keeper, has completed his paper which is now being considered. The matter will be resumed in January. In the meantime it was suggested a list showing the locations of the sheets would be helpful to the Agisters.
- 2003/564    DRIFTWAY BETWEEN BROCKISHILL INCLOSURE AND THE A337    DISCHARGE
- The 1964 New Forest Act provides for fencing of dangers on the Forest. The Court, therefore, asked the Forestry Commission to fence the dangerous drain by forming an enclosure bounded by a new fence along the northern edge of the drain, the fence of the A337 and that of Brockishill southwards from the drain and the existing fence linking those two fences at the southern edge.
- 2003/565    NEW PARK POUND    DISCHARGE
- Following a site meeting, Mr Parke agreed to a new pound being constructed close to the New Park fence. Plans will now be drawn up. The proviso is that pending the outcome of future plans for New Park, the pound may have to be moved. This was agreed. Mr Adams will liaise with Mr Parke.
- 2003/566    BEECHWOOD ROAD LOG STORE    RESUME  
January  
2004
- Mr Frost produced a photograph of what is a fairly sophisticated log store! Mr Parke said the matter is being progressed.

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

- 2003/567    WOODFIDLEY BRIDGE    DISCHARGE
- It was commented that the proposed bridge is to be constructed to Ministry of Transport standard capable of supporting 44 tons. This was felt to be rather excessive for a bridge on the Forest! The Court

queried whether such a specification is really necessary as it must involve a lot of expense. The Deputy Surveyor said he will look at the specification.

2003/568 IPLEY BRIDGE CAR PARK

DISCHARGE

This car park was one of those closed under LIFE 2 and since then, there have been numerous complaints particularly as its closure has resulted in verge parking by people determined to get to the stream. The Deputy Surveyor explained that the closure was due to the conflict between pressure from trampling and the need to protect the important riverine woodland. The closure was carried out with the complete support of English Nature and it is considered it is highly unlikely that permission would ever be given for it to be re-opened. In any event the Forestry Commission does not want to re-open it as it was closed for the protection of the Forest. The Court suggested that under the circumstances it might be helpful if the verge could be banked up to prevent parking. This will be considered.

2003/569 CASTLE HILL CAR PARK

DISCHARGE

The status of this car park was queried. It has not been re-opened but neither has it been reinstated. The Deputy Surveyor said it is not the Forestry Commission's intention to re-open it because it was closed in order to protect the ancient monument of Castle Hill. The question of reinstatement was raised but English Nature has suggested it is not a good idea to remove the gravel as it will eventually grass over. Miss Macnair remarked that ponies break their teeth on gravel.

2003/570 UNLAWFUL ACCESSES

DISCHARGE

This matter was raised again in order to seek clarification from the Forestry Commission as to the status of agricultural accesses. In response Mr Parke said that in respect of accesses to fields, the Forestry Commission is content not to have a formal document. Property owners can have a piece of paper if they want but most are not recorded or documented or shown on any maps.

Where the access is to a building, the Forestry Commission does prefer a document to be issued. Short stretches of track between property curtilages and the highway are not usually charged for and are generally ignored.

Major changes such as when a plot is split, such as when an additional dwelling is built are a different thing and in those cases a formal licence will be issued and a fee is payable.

The Forestry Commission does not accept that there is any right of access to field gates nor does it accept prescriptive rights of access. Purely agricultural accesses are not usually worth making a fuss about. Mr Pasmore, however, maintained that the Forestry Commission does not have the right to interfere with ancient accesses, of whatever type many of which have clearly been in existence and used unchallenged for centuries. The feeling of the meeting in this respect was to let sleeping dogs lie provided this is not taken as an acquiescence by the Verderers of the Forestry Commission's view of its rights.

2003/571 MILKHAM INCLOSURE RESUME  
January  
2004

The Forestry Commission is in the process of throwing open parts of this inclosure. There was concern, however, that the fencing which has been erected has cut off some tracks. It was requested that gates be installed. The Deputy Surveyor undertook to discuss the proposal with Mr Mihalop and report back to the Court. It was commented that Milkham is one of the areas identified as a stock holding facility in the case of the outbreak of disease.

2003/572 ROE INCLOSURE RESUME  
January  
2004

One of the rides in Roe Inclosure was closed some years ago for reinstatement. As it is now fully restored, the Forestry Commission was asked if the notice restricting access could now be removed.

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

### **OTHER MATTERS ARISING FROM THE MINUTES OF PREVIOUS COURTS**

2003/573 NON PAYMENT OF MARKING FEES RESUME  
(Mr Frost was absent for this item)

There have been no further developments. The outcome of the court case in December is awaited.

2003/574 MR COOPER'S RUBBISH DUMP RESUME

English Nature has asked the Court to give its support to getting this dump removed. Whilst the Court felt that in principle there is no objection to giving support, the Official Verderer stated that it is important for the Court to have a specific reason for requiring the dump to be removed. For example, does it present a hazard to stock? The dump reportedly contains wire, old fridges and other items which would certainly be a danger but further information is awaited.

2003/575 REVIEW OF THE VERDERERS' BYELAWS RESUME

The Official Verderer reported that no comments have been received in respect of the proposed new byelaws and therefore the Minister has been asked to approve them.

2003/576 LAND AT IBSLEY AND THE ANNUAL DONATION RESUME

The Staff Committee is of the view that the land at Ibsley is not suitable. It was agreed that unless a piece of land can be found which is situated close to an Agister's holding, it is not likely to be of use. Head Agister Gerrelli has confirmed he is prepared to take stock found on the Forest. However, the present £1.00 per day that is payable in respect of keep was felt to be insufficient, particularly in winter when animals have to be fed. This will be considered further.

The annual donation has to be used for animal welfare and it has recently been suggested that a portable cattle crush could be purchased. This would make handling cattle safer and less stressful for the animals. It is hoped the donation could be used to partly fund the portable crush together with the proposed pound re-building programme and the purchase of new portable pound sections all of

which will hopefully be partially financed by LEADER +. Quotations will be obtained and in the meantime a letter has been sent to the anonymous donor to see if the proposals are acceptable.

- |                                    |  |                           |
|------------------------------------|--|---------------------------|
| 2003/577                           | PONY PASSPORTS   | RESUME<br>January<br>2004 |
|                                    | The Verderers' Identification List is up and running. About 18 applications have so far been received. The Statutory Instrument has now been published and it is thought the legislation will go forward although it may be opposed by the Lords.  |                           |
| 2003/578                           | BEAULIEU ROAD HOTEL  | RESUME                    |
|                                    | Mr John Twentyman of Woolley and Wallis has been instructed to deal with this matter on behalf of the Court. Mr Kevin Marsh of FPD Savills is acting for the Hotel.  |                           |
| 2003/579                           | AGRI-ENVIRONMENT / STEWARDSHIP SCHEME  | RESUME                    |
|                                    | There is no further news as to whether the application has been accepted. More questions have been asked by DEFRA which are currently being addressed  |                           |
| 2003/580                           | REPLIES TO PRESENTMENTS  | DISCHARGE                 |
|                                    | It was agreed that after each Court, the Official Verderer will agree with the Clerk which Presentments can be responded to immediately and which need to wait until future meetings.  |                           |
| 2003/581                           | STALLION SCHEME  | RESUME                    |
|                                    | Mr Adams reported that he has recently attended two meetings involving the New Forest Pony Breeding & Cattle Society. Both resulted in heated debates. A meeting is due to take place with the Stallion Sub-committee next week and anyone from the Court was invited to attend. Mr Adams is confident agreement can be reached and a way forward identified. The dates for the inspections and turning out will also hopefully be agreed at that meeting which it was decided should take place on Wednesday 26 <sup>th</sup> November at 7.30 p.m. at Mr Adams home. |                           |
| <b>REPORTS FROM OUTSIDE BODIES</b> |  |                           |
| 2003/582                           | NEW FOREST COMMITTEE - KEY PARTNERS WORKSHOPS  | DISCHARGE                 |
|                                    | Miss Macnair and the Official Verderer have agreed to attend the workshops in order to help implement the Strategy for the New Forest  |                           |
| 2003/583                           | WATER BASIN FORUM  | RESUME                    |
|                                    | Mr Kitcher reported that some of the works will involve blocking drains in Slufers. Mr Simon Weymouth, Forestry Commission, is to provide plans and details and the Verderers will be invited to attend a site meeting.  |                           |

- 2003/584 CONSULTATIVE PANEL DISCHARGE
- There was nothing specific to discuss in connection with the last Panel meeting and the minutes have been circulated.
- 2003/585 LOCAL ACTION GROUP DISCHARGE
- Mrs Thorne attended the meeting on behalf of the Court. Again, there was nothing of specific interest to the Court.
- 2003/586 THE WAY AHEAD GROUP DISCHARGE
- Mr Montagu apologised for not being able to attend the last meeting.
- 2003/587 RECREATION WORKING GROUP DISCHARGE
- Mr Frost attended the last meeting which is chaired by Mr Bruce Rothnie, the Forestry Commission's Recreational Manager. There was nothing of direct interest to the Court.

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

- 2003/588 NEW AGISTER DISCHARGE
- Mr Mike Lovell's employment as the new Agister is confirmed. He is due to start on 24<sup>th</sup> November.
- 2003/589 JOB EVALUATIONS RESUME
- The Official Verderer reported that the Job Evaluations for the Clerk and her assistant have now been completed. It was agreed a remuneration committee should be convened to examine current salary levels. Mr Pasmore and Mrs Thorne expressed an interest in sitting on the sub-committee and this was agreed.
- 2003/590 STAFF COMMITTEE MINUTES RESUME
- The Chairman of the Staff Committee referred to the item concerning Agisters' mileage in the Minutes of the last meeting.
- The Official Verderer said he wished to consider the recommendations contained in the Staff Committee minutes more carefully and also to seek advice from the Court's employment law adviser as respects mileage claims connected with the re-allocation of Agisters' areas.
- 2003/591 FOAL JUDGING DISCHARGE
- Miss Macnair asked for the results of the Foal Judging to be circulated.
- 2003/592 UNBRANDED PONIES & UNPAID MARKING FEES RESUME
- The Staff Committee minutes state that one commoner in the north of the Forest has ponies which are not branded. The Clerk was asked to write stating that having unbranded stock on the Forest is a breach of the Verderers' byelaws. It was also reported that one of the Northern Commoners who is already subject to prosecution has turned out some cattle without paying for them and a letter will be sent to him.



## **HEALTH AND SAFETY AT WORK**

There were no health and safety matters to report at this meeting.

## **ANY OTHER BUSINESS**

2003/593    BROOMY PLAIN ROAD    DISCHARGE

Mrs Thorne expressed concern that the grass cell blocks that are to be constructed at the road edges may cause distress to livestock in trailers which may be driven across them. This was felt to be a matter for the Highway Authority to consider and it was pointed out that they are used in other parts of the Forest.

2003/594    NEW FOREST GOLF CLUB    DISCHARGE

It was noted that the Lymington Times has reported that the current proprietor is offering the lease for sale in the sum of £400,000.

2003/595    LYMINGTON RIVER STRATEGY    RESUME

Members of the Court have been invited to meet with the Environment Agency to discuss their proposals for alleviating flooding in Brockenhurst and Lymington. Mr Frost, Mr Gerrelli and Mr Pasmore expressed an interest in attending the meeting and the preferred date is Wednesday, 10<sup>th</sup> December 2003 at 9.30 a.m. in the Library. Representatives of the Commoners' Defence Association and Forestry Commission will also attend.

2003/596    KINGSTON GREAT COMMON    RESUME

Mr Richard Lowndes, the owner of Kingston Great Common has started erecting a fence on the boundary of the Common and the Crown lands. The Official Verderer reported that he and Mr Richard Manley, Chairman of the Commoners' Defence Association met with Mr Lowndes to discuss what is considered to be his illegal fencing of common land. Mr Lowndes wishes to consult a solicitor and therefore he has been given 14 days from the date of the meeting to remove the fence before further action is taken. English Nature are also involved as they lease the common from Mr Lowndes and they also believe fencing the common is illegal. English Nature has requested support from the Court and other Forest bodies.

There being no further business, the meeting closed at 1.35 p.m.