

**MINUTES of the Court of Verderers held on Wednesday 19<sup>th</sup> November 2008 at 9.30 a.m. in the Verderers' Hall & Library, The Queen's House, Lyndhurst.**

PRESENT:	Mr O Crosthwaite Eyre Mr J Adams Mr P Frost Mr J F Kitcher Miss D Macnair The Hon R Montagu Mr A H Pasmore Mrs P Thorne	Official Verderer Elected Verderer & Chairman of the Staff Committee Natural England Appointed Verderer Elected Verderer Elected Verderer Forestry Commission Appointed Verderer Elected Verderer DEFRA Appointed Verderer
IN ATTENDANCE:	Miss S Westwood Mr J R Gerrelli	Clerk to the Verderers Head Agister
APOLOGIES:	Mr A Gerrelli	Elected Verderer

**IN COMMITTEE in the Library**

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

2008/3992 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 15<sup>th</sup> October 2008 were approved.

2008/3993 CONDITION OF STOCK & THE WELFARE TOUR RESUME

The Head Agister advised the Court that the drifts have now finished. They have generally gone well and the condition of the ponies was pleasing. In the last couple of weeks, however, one or two ponies have started to lose condition. This is rather worrying at this time of year and it is thought it may be attributable to the very wet weather as there is no one particular place that is affected.

Mr Pasmore commented that he has also seen a few thin cows. They are most animals on their own, isolated from the main herds which are in receipt of supplementary feed. One on Hale Purlieu has a calf. The Head Agister commented that cows with calves that are not receiving sufficient feed will rapidly lose condition.

**The Head Agister left the meeting** and Mr Adams summed up, saying it is usually young ponies (2 or 3 year olds) who are changing their teeth who lose condition. The cattle which do less well on the Forest are often Holstein crosses which are not suited to the Forest. If their condition deteriorates they must be taken off. Mr Adams felt there should be no major concerns for the Welfare Tour due to take place on Tuesday, 9th December. The Official Verderer remarked that according to the invitation list, no less than 7 qualified vets will be present.

2008/3994 STRANGLES RESUME

Unfortunately there are still one or two cases of strangles on the Forest. At present Broadley and Wootton are affected.

2008/3995	ANNOUNCEMENTS AND DECISIONS	RESUME																
The announcements and decisions were approved.																		
2008/3996	DECLARATIONS OF INTEREST	RESUME																
The Elected Verderers, and Mrs Thorne all declared an interest in the Countryside Stewardship Scheme.																		
The Official Verderer declared an interest in any matters concerning golf clubs and Mr Kitcher declared an interest in the item on the agenda concerning tree cutting by Network Rail at New Copse.																		
2008/3997	FINANCIAL STATEMENT	RESUME																
The Financial Statement for October was approved.																		
2008/3998	REPORT ON MARKING FEES RECEIVED AS AT END OF OCTOBER 2008	RESUME																
<table><tbody><tr><td>Ponies</td><td>4480</td><td>Pigs</td><td>409</td></tr><tr><td>Cattle</td><td>2566</td><td>Sheep</td><td>62</td></tr><tr><td>Donkeys</td><td>127</td><td></td><td></td></tr><tr><td>SUB TOTAL</td><td>7173</td><td>TOTAL ALL ANIMALS</td><td>7644</td></tr></tbody></table>			Ponies	4480	Pigs	409	Cattle	2566	Sheep	62	Donkeys	127			SUB TOTAL	7173	TOTAL ALL ANIMALS	7644
Ponies	4480	Pigs	409															
Cattle	2566	Sheep	62															
Donkeys	127																	
SUB TOTAL	7173	TOTAL ALL ANIMALS	7644															
2008/3999	ANIMALS REMOVED IN OCTOBER 2008	RESUME																
<p>Mares with foals – 4 wanted by owner(s). Mares with yearlings – 2 wanted by owner(s). Mares – 1 sick or injured. Cattle – 1 for other reasons. Donkeys with foals/yearlings – 1 sick or injured. Donkeys – 3 sick or injured. Pigs – 1 sick or injured, 1 removed for other reasons.</p> <p>Summary: 7 ponies, 1 cattle, 4 donkeys, 2 pigs. TOTAL 14</p>																		
2008/4000	BYELAW ENFORCEMENT	RESUME																
Mr Barnes appeal is proceeding.																		
2008/4001	REVISION OF THE VERDERERS' BYELAWS	RESUME January 2009																
The Official Verderer provided the Court with the latest information concerning the revision of the byelaws. They should be confirmed by mid January 2009.																		
2008/4002	KINGSTON GREAT COMMON	RESUME																
The report being prepared by the National Park Authority is almost complete.																		

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

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

**ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER**

2008/4003 NEW FOREST GOLF CLUB

The existing 25-year lease for the New Forest Golf Club expires on 31<sup>st</sup> December 2008, and the Forestry Commission has been approached by the club seeking a new licence. The FC has therefore sought our views before approaching the Court for a formal consent to a new licence under the New Forest Acts.

As is our normal practice in a matter that we believe may be controversial, we have delayed our own deliberations until after last month's Open Court in order for any presentments on the subject to be made. We have received written representations from the New Forest Association, and heard two presentments last month from the Commoner's Defence Association and the manager of the Club, Mr John Ledger, respectively.

When this matter was last brought to the court for consideration by the FC in 2003 we expressed our concerns about the intensity of use taking place on this confined part of the open forest. Those concerns remain, and we felt that an up to date assessment by Natural England of the condition of the land is urgently needed, as well as an opinion on the effect that the club's activities may be having on the landscape itself. We therefore requested the expert opinion of Natural England and this has been received. The information provided will greatly assist us in formulating our own opinion on whether or not a renewal of the licence is appropriate on this sensitive site.

2008/4004 NATIONAL PARK CONSULTATIONS

We have now submitted our response to the National Park Authority's consultation on its draft Management Plan and Recreational Management Strategy. A copy of our written response is published on our website.

2008/4005 ROUNDHILL CAMPSITE

We have no objection in principle to Forest Holidays' wish to bury gas tanks for each of the four new facility blocks at Roundhill Campsite, however our formal consent is conditional upon the re-siting of the tanks or the blocks themselves so that as little grazing as possible is effected. We are confident that this can be achieved by moving the blocks around so that they are sited on hard standing that mostly already exists at Roundhill, and in discussions with Forest Holidays it appears that this can be achieved. We have also asked for an assurance from Forest Holidays that come the day that these facilities are no longer required, the ground on which they stand will be properly re-instated, with particular attention being paid to filling-in the holes created for the gas tanks in a way that prevents subsidence or collapse in future years.

2008/4006 COUNTRYSIDE STEWARDSHIP SCHEME (CSS)

We have formally applied for this year's funds from Defra, and we are hoping that we will receive them in time to send cheques out to all participants before Christmas, as we did last year. Application forms for next year's scheme will not be sent out until early in the New Year.

The audited accounts for the scheme have now been approved and signed, and they can be viewed, along with the annual report to Defra, either in our office or on our website.

We are very pleased that 86% of the animals eligible to graze the forest are now in the scheme and the total number of animals depastured has stabilised at a similar level to last year. We hope that the measures that have now been agreed, and which will take effect next year, will reduce that number to a more comfortable figure below 7,000, but without effecting the level of payments that any participant receives. The CSS will also continue to fully support the Stallion Scheme with financial contributions towards its cost, as well as paying for free reflective collars to continue to be available to those who require them for their ponies. We have also introduced a £15 premium for cattle and registered pure bred New Forest Ponies, which is now paid on top of the £55 due for each eligible animal. Details of these and other measures can be seen in the annual report.

Bearing in mind that one of the primary purposes of the CSS is to help conserve the open forest, it is pleasing to note that Natural England's ongoing monitoring has confirmed that the 6,300 hectares of Crown land surveyed in 2007/8 remain in favourable condition, reflecting the full value of the continued grazing of the commoners' stock.

## **ANIMAL ACCIDENT REPORT**

2008/4007 ACCIDENT REPORT FOR OCTOBER 2008

The agisters attended 19 accidents compared with 22 for the same period last year.

4 ponies, 3 cattle and 2 donkeys were killed. Both donkeys were killed in the same accident.

2 ponies and 1 pig were injured.

14 accidents occurred during the hours of darkness.

15 involved private cars or light commercials, 1 involved a motorcycle and 2 involved heavy-goods vehicles.

1 accident was not reported.

9 accidents involved local motorists.

The total killed and injured for the year to date is 67 compared with 93 for the same period last year – a reduction of 26.

10 deer were involved in road traffic accidents.

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

None

## **PRESENTMENTS**

2008/4008 NEW FOREST GOLF CLUB  
Presentment by Mr John Ledger

"My name is John Ledger and I am Honorary Secretary / Manager at New Forest Golf Club.

Since last month's Verderers' Court the drift has taken place on the golf course and I would like to publicly thank Mr Michael Cooper of the CDA who spent a considerable amount of time clarifying the various issues that previously gave rise to areas of conflict. I would like to think we can now move forward with a much better relationship than we have had in the past.

We have also spent a considerable amount of time with Jackie Kelly of Natural England and Sarah Kelly of the National Park Authority and would also like to thank these ladies for their considerable help, advice and assistance.

In another capacity, I arrange speakers for the Lyndhurst Probus Club and earlier this month we were fortunate enough to enjoy a presentation by Mr Jonathan Gerrelli about his work as an agister. Obviously Jonathan has a real passion for his work and is an excellent speaker winning the X Factor award of the year! But seriously, anything that might help us all understand the work of the Forest and prevent the dreadful animal road accidents has to be welcome. Thank you."

The Official Verderer reminded everyone that this is the last Court in 2008. He thanked everyone for coming along especially those who regularly support the Court. He added that it has been an interesting year and commented that life is never dull in the Forest!

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

#### **CONSIDERATION OF PRESENTMENTS**

2008/4009 NEW FOREST GOLF CLUB

DISCHARGE

Mr Ledger was simply expressing thanks on behalf of the Club. It was agreed the Club is trying to make an effort to run the course properly and its clear intentions are showing.

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

2008/4010 NEW FOREST GOLF CLUB

RESUME

A formal submission was submitted by Mr Street on behalf of the Forestry Commission for approval for the renewal of the licence for 10 years for the New Forest Golf Club.

Such approval was sought with certain conditions contained within the letter from Mr Street dated 14<sup>th</sup> November 2008.

The Official Verderer stated that whilst a condition assessment has been received from Natural England, the Landscape Report as not yet been received from the National Park Authority. This report will be available very shortly. Both documents will be copied to all Verderers.

The Official Verderer advised Mr Street that the Court will consider the application with a decision being made at the December Court Committee. Mr Street advised that if this is the earliest that can be agreed, the Club will have to have a "hold over letter" as if the Club's licence is not approved it cannot be expected to close instantly. The Court raised no objection to this.

2008/4011 DOG ATTACK

DISCHARGE

As requested, the Clerk investigated the legislation concerning out of control dogs and confirmed that the police do have powers to prosecute.

The following legislation is applicable:

Animals Act 1971 – Section 3.

Dogs (Protection of Livestock) Act 1953 – Sections 1.1 & 6.

Dangerous Dogs Act 1991 (c.65) – Section 3.

2008/4012 SURVEY OF FOREST CAMPSITES

RESUME

Mr Frost advised that the New Forest Association Chairman, Mr William Ziegler, is in charge of the campsite survey project and he will provide the Court with an update in December.

The Official Verderer requested 2 sets of site plans from the Forestry Commission and it was agreed these will be provided. The Deputy Surveyor requested sight of the Brief and commented that it is important the data is provided in such a way that it can be entered onto the Forestry Commission's GIS system.

2008/4013 ROUNDHILL CAMPSITE GAS TANKS AND ELECTRIC HOOKUPS

RESUME

Proposals from Forest Holidays/Forestry Commission are awaited.

January  
2009

2008/4014 OTHER CAMPSITE MATTERS

DISCHARGE

The Deputy Surveyor will check with Forest Holidays to ascertain whether there are any other outstanding matters.

2008/4015 LINWOOD ROAD & FOREST ROAD (BURLEY) WIDENING

RESUME

Mr Street has made a site visit. He has also spoken to the Area Surveyor, Mr Kevin Fuller and Tim Lawton, Highways Engineer. It appears that no information is available to confirm the width of the road prior to the most recent haunch repair works and this is making it difficult to return the road to within its original boundaries. Mr Pasmore recently provided a photograph which indicated the original width and this will be sent through. Forest Road has never been completed following complaints from the Court that it too was being widened.

Mr Street said that for future reference, he intends to build up a portfolio of photographs which can be linked to maps.

2008/4016 ENCROACHMENTS

RESUME

Rose Cottage Burley – Mr Street has requested a copy of the original conveyance documents from the Land Registry.

The owner of the property at Bartley has been given a limited period

of time (which will shortly expire) to remove the encroachment which extends to approximately 40 sq.m. A decision may have to be taken as to what to do next if the encroachment is not promptly abated.

The Official Verderer, Mr Street and a representative of the CDA will meet soon to discuss the next step.

2008/4017 A31 FENCE DISCHARGE

It has been agreed that a note of any instances of stock gaining access to the road will be recorded, together with reports of defective fencing. As and when a suitable list has been compiled, pressure will again be applied to the Highways Agency regarding the specification for the fence. It was agreed this is the only way forward as evidence is needed if anything is to be done. In the meantime, the matter will be discharged.

2008/4018 CROW ROAD STREET NAME SIGN RESUME

A meeting has been arranged which will be attended by representatives of the Forestry Commission, National Park Authority and New Forest District Council to discuss signing in the Forest.

There remains a query as to whether national legislation can over-ride the New Forest Acts. In the Commons Act "works" have to have Secretary of State approval. If this is not to apply in the Forest, the NFDC needs to explain why there is an exemption.

Mr Seddon suggested the way forward is to try to explain to NFDC why a proliferation of signs is so unwelcome in the Forest and hopefully it will be possible to diffuse the present situation.

It was agreed it is preferable to come to an amicable agreement in the hope that a serious legal challenge can be avoided.

2008/4019 SIGNS ON THE BEAULIEU ROAD RESUME  
January  
2009

Mr Street will be inspecting the signs this afternoon on his way to visiting another property along the road.

2008/4020 30 MPH SIGNS RESUME

The issue of the proliferation of unsightly 30 mph signs at the entrances to Forest villages remains under discussion and it is hoped a solution will be found in order that the impact of the signs can be reduced.

2008/4021 NETWORK RAIL TREE CUTTING AT NEW COPSE RESUME

The Clerk is working up the claim for compensation for the damage to the grazing.

The Deputy Surveyor reported that no proposals for further work have been received.

2008/4022 WOODLAND CLEARANCE

DISCHARGE

The SAC Plan dictates what can and cannot be done in the Ancient and Ornamental Woodlands. The tracks are being cleared but nothing else. The issue is being debated in the Open Forest Advisory Committee and may be brought back to the Court at a later stage.

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

2008/4023 MIRE RESTORATION AT PICKET BOTTOM

RESUME  
January  
2009

The restoration site requires another visit. The dam is not working and water is running around the bridge rather than under it, resulting in flooding of the adjacent lawn. This is urgent.

2008/4024 LITTER

DISCHARGE

Mr Pasmore reported that there is the remains of a campsite at Anderwood and evidence suggests it may have been occupied by users of illegal substances. This matter was reported some weeks ago but it appears there has been a breakdown of communication. The Deputy Surveyor promised to deal with the issue as a matter of urgency.

On the border of Mark Ash there is further evidence of illegal camping with plastic sheeting, bedding and bottles.

The Deputy Surveyor asked that all such reports be made to Ms Alexis Reeve in Queen's House. Ms Reeve will arrange for the areas to be cleared.

2008/4025 ISLANDS THORNS

RESUME  
January  
2009

This inclosure has been thrown open. However, there has been almost continual timber cutting which has resulted in a considerable quantity of brash being left, plus some felled trees. Ruts have not been restored and a scheduled ancient monument has been damaged. Mr Abrahams (Forestry Commission) has said that he is seeking to have all work in Islands Thorns stopped for five years in order for proper restoration and for damaged areas to recover. Additionally, timber that has been extracted has been pulled out and taken to Bramshaw Telegraph where it has been left on the Forest, stacked amidst a sea of mud. Studley Heath has been badly damaged. There appears to have been no planning for the works with haphazard cutting and clearing of trees having taken place but no brash clearance.

The Deputy Surveyor agreed there are a number of issues which must be addressed including the damage to the ancient monument. He added that oak is felled in winter to avoid the bird nesting season but unfortunately, this area is very wet resulting in damage when the timber is removed.

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

## MATTERS RESUMED FROM EARLIER IN THE MEETING

2008/4026 NEW FOREST GOLF CLUB

RESUME

It was agreed that the reports from Natural England and the National Park Authority plus any other information received, should be circulated and considered at the December Court. The matter will then be decided on a vote.

## COUNTRYSIDE STEWARDSHIP SCHEME

2008/4027 ANNUAL REPORT

DISCHARGE

The Official Verderer recommended members of the Court should read the very good Annual Report of the Scheme written by the Scheme Manager. The Report contains information on the decisions taken throughout the past year.

## NATIONAL PARK

2008/4028 CONSULTATION DRAFTS

DISCHARGE

The Verderers' response letters have been sent to the Park and the Official Verderer thanked everyone for their input.

Once the National Park has had the opportunity to analyse all the responses received, it will consider what, if anything, needs to be changed. The key statutory bodies will then go through the proposed changes. Members of the Court were urged to read the Forestry Commission's response to the documents, paying particular regard to the socio-economic imperatives.

The RSPB response was also considered to be very good. Mr Frost will email a copy to the Clerk and any Verderers who receive copies of responses from other organisations were asked to forward them to the Clerk for circulation.

2008/4029 NEW FOREST COMMONING REVIEW

DISCHARGE

The Review is to be considered on an annual basis and this has just been completed. The NPA has commenced actions on a number of items included in the Review. The Official Verderer will circulate a document which sets these out.

## OTHER AGENDA ITEMS

None

## MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS

There were no reports.

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

2008/4030 THE AGRICULTURAL WAGES BOARD ORDER RESUME

The Remuneration Committee will meet after lunch. The Court agreed to accept any recommendations it makes regarding the staff salary review.

2008/4031 AGISTERS' MILEAGE RESUME

The mileage rate paid to Agisters in respect of mileage incurred in the course of their duties was reviewed several months ago to take into account the dramatic rise in fuel costs. The cost of diesel has, however, now returned to a more reasonable level and as agreed, the rate paid to the Agisters has now been reviewed again. As a result a recommendation was made that the rate be reduced to 24p per mile with effect from 1<sup>st</sup> December. The rate will be reviewed again in one month's time.

## **TRAINING**

No training is currently being undertaken.

## **HEALTH AND SAFETY AT WORK**

There were no matters to report.

## **ANY OTHER BUSINESS**

2008/4032 PUBLIC CONSULTATION ON REVISED EQUINE IDENTIFICATION LEGISLATION RESUME  
January 2009

Mr Pasmore asked for the recent email received from DEFRA to be forwarded to him. The Sub-Committee set up to consider the proposals will meet with a view to responding to the consultation.

2008/4033 DEFRA CONSULTATION ON THE CODE OF PRACTICE FOR THE WELFARE OF EQUINES RESUME  
January 2009

This consultation will also be considered.

2008/4034 MARE CONTRACEPTIVE VACCINE RESUME

Mrs Thorne explained that she has a number of commoners interested in a mare contraceptive vaccine and she asked the Court for approval to investigate further. The Court agreed to support investigations and a trial and it was suggested the matter should be raised at the forthcoming Welfare Tour meeting.

2008/4035 NEW COMMONERS DISCHARGE

The Commoners' Defence Association has suspended membership due to concerns about the number of applications from new commoners. The Clerk confirmed there has been a substantial increase in brand applications.

There was no further business and the meeting closed at 12.05 p.m.