

MINUTES of the Court of Verderers held on Wednesday 18th November 2009 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 P Frost	Natural England Appointed Verderer
	Mr A Gerrelli	Elected Verderer
	Mr J F Kitcher	Elected Verderer
	Miss D Macnair	Elected Verderer
	Mr C Maton	National Park Appointed Verderer
	The Hon Mr R Montagu	Forestry Commission Appointed Verderer
	Mrs P Thorne	DEFRA Appointed Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister
APOLOGIES:	Mr A H Pasmore	Elected Verderer

IN COMMITTEE in the Library

2009/4610 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 21st October 2009 were approved.

2009/4611 CONDITION OF STOCK RESUME

The Head Agister reported that on the whole the condition of stock is good at the moment. The Agisters are catching a few mares with foals who missed the drifts. One or two mares with foals are beginning to lose condition which is a little worrying at this time of year. The weather has been very wet and windy over the past few weeks, but unusually mild. Stock is likely to lose condition if the weather turns wet and cold.

Mr Gerrelli commented that the grass is still growing. Mr Kitcher agreed that there are a few mares whose condition could be better.

Mr Kitcher mentioned that the Livestock Society has decided to drop the minimum bid at the last sale. This was discussed further later in the meeting.

2009/4612 PRIVILEGE SOWS DISCHARGE

Mr Adams asked for the Head Agister's view on privilege sows this year. The Head Agister commented that there is no food on the Forest for pigs now and some are therefore straying onto private property and crossing cattle grids. There are a number of young pigs at Linwood in poor condition which the owner has been told to remove.

The Head Agister added that he is dubious about recommending the privilege be withheld because of the danger of setting a precedent but if sows are to be allowed out, the rules regarding their returning home at night must be vigorously enforced.

This matter was discussed again later in the Court.

The Head Agister left the meeting.

Mr Adams agreed with the Head Agister's summary on condition of stock saying that one or two mares have indeed begun to lose condition. The Agisters are, however, in control of the situation and Mr Adams did not feel it is a problem. He added that despite some people suggesting the contrary, he does not think any more foals have been left on the Forest than usual.

2009/4613 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2009/4614 DECLARATIONS OF INTEREST RESUME

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

Mr Gerrelli declared an interest in campsites. The Official Verderer declared an interest in matters concerning golf clubs, and stated that prior to the discussion on the renewal of the Bramshaw Golf Club licence he will leave the meeting. Mr Maton declared an interest in National Park planning matters.

2009/4615 FINANCIAL STATEMENT RESUME

The Financial Statement for October 2009 was approved.

2009/4616 REPORT ON MARKING FEES RECEIVED AS AT END OF OCTOBER 2009 RESUME

Ponies	4821	Pigs	249
Cattle	2537	Sheep	91
Donkeys	126		
SUB TOTAL	7484	TOTAL ALL ANIMALS	7824

2009/4617 ANIMALS REMOVED IN OCTOBER DUE TO POOR CONDITION RESUME

1 mare with a foal and 3 mares without foals.

2009/4618 BYELAW ENFORCEMENT RESUME

No new byelaw offences have been reported by the Agisters.

Mr Barnes' cattle have now been marked in accordance with the byelaws.

2009/4619 REVISION OF THE VERDERERS' BYELAWS RESUME

Following the one month advertising period, the Clerk prepared a schedule of the comments received together with suggested responses. The schedule was copied to all Verderers with the request that they advise the Clerk if they have any queries or concerns, or feel there should be any further amendments to the byelaws. Verderers were requested to advise the Clerk by no later than the end of the day after the Court, Thursday 19th November. Assuming no further amendments are required, the schedule, together with the original

correspondence from those submitting the comments, will be sent to DEFRA with a request for the Minister to confirm the Byelaws.

2009/4620 BEAULIEU ROAD SALES

DISCHARGE

Concern was expressed that the Livestock Society and Auctioneers appear to have decided to remove the minimum bid at the next and last sale of the year.

This was felt to be a retrograde step that may damage the reputation of the Forest. The Clerk was asked to write to the Chairman of the Livestock Society, advising him of the Court's concerns.

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)

The Official Verderer welcomed the High Sheriff of Hampshire to the Verderers' Court. The High Sheriff is always the Returning Officer for the Verderers' Elections and Dr Bartlett asked to come along and sit in committee with the Verderers, as an observer.

The High Sheriff is responsible for all matters of law and order and the judiciary and traditionally sits with the tribunal. The Official Verderer said it is an honour to welcome her to the Court and he hoped that her visit will prove interesting and useful when she conducts her official duty next Friday at the Election.

ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER

2009/4621 MARKING FEES

Despite the fact that marking fees for ponies and cattle have remained at the same level for over sixteen years, we have decided once again to keep them at the same rate as last year for 2010. Indeed it is still our very firm policy to avoid any increase in the level of marking fees for as long as that is possible, and we anticipate that in the medium term that will remain the case.

As from January 1st 2010 the rates will be as follows:

Ponies & Donkeys on the Forest £20.00 or £18.00 if paid before they are turned out, or before 1st February for continuously depastured stock.

Ponies & Donkeys on the Commons £10.00 or £9.00 if paid before they are turned out, or before 1st February for continuously depastured stock.

Cattle on the Forest £20.00 Cattle on the Commons £2.50

Sheep on the Forest £5.00 Sheep on the Commons £2.50

Pigs on the Forest £2.00 Pigs on the Commons £1.00

2009/4622 BURLEY CRICKET & FOOTBALL CLUB PAVILION EXTENSION

In September, Burley Cricket and Football Club applied for consent to enlarge its pavilion which is situated on Open Forest just outside the village.

The application was for a significant extension of 46 sq. metres which would have

resulted in a pavilion considerably larger than any other similar structure on the Open Forest. This, we were not minded to grant, as under our Policies we do not normally permit new recreational facilities on the Open Forest. In addition, several Presentments were received expressing concern at the proposals, and the Commoners Defence Association (which represents the vast majority of practising commoners), specifically asked the Court to refuse consent if any development meant losing 46 sq. metres of grazing.

However, following a meeting with the Chairman of the Cricket and Football Club, the Court was asked to grant consent for a revised and much more modest extension.

This smaller extension (6 square metres) will permit the Club to revise the interior layout of the Pavilion in order to upgrade the facilities to the standard required by modern village cricket and football clubs, whilst also providing a new equipment store. It was felt the latter would be of benefit to the Forest as well as the Club as equipment which has previously been left on the Open Forest can now be securely housed in a purpose built store.

The size of the extended pavilion will be in line with other similar double purpose pavilions on the Open Forest. We therefore decided to accept the revised application and grant consent, with the proviso that no future consents will be granted for any further enlargement of that pavilion.

2009/4623 BRAMSHAW GOLF CLUB LICENCE RENEWAL DECISIONS

The licence for Bramshaw Golf Club's Forest course expires in December this year and the Forestry Commission sought our consent to grant a new 25 year lease.

In considering the application, the Court was mindful of the Presentment it received in Open Court as well as a report from "The Friends of Brook Common" in which concern was expressed regarding certain aspects of the Golf Club's operation and its effect on the Open Forest. The Court shared those concerns and as a result decided that a licence of 10 years duration, rather than 25 years, should be granted. This consent being subject to prior approval of the Management Plan which the Club is required to submit.

2009/4624 VERDERERS COUNTRYSIDE STEWARDSHIP SCHEME

We have received notification of this year's payment for the Stewardship Scheme and individual payments will be sent out within the next few weeks.

I am pleased to report that over 100 Scheme members took advantage of the option to reduce the number of animals they turned out during the last 12 months, turning out nearly 500 less animals than previously without any reduction in Scheme payments. This option was introduced in order to keep the total number within the limits set for the Scheme and has proved successful in preventing a further increase this year.

2009/4625 HIGHER LEVEL STEWARDSHIP SCHEME (HLS)

After detailed discussions with Natural England over many weeks we have now reached a decision on how we think it is best to upgrade our existing CSS to a new and bigger HLS. Bearing in mind that the window for applying for an HLS closes in early January 2010 we have had to move quickly in order to consider whether or not to end our own existing scheme early to make way for the larger but much more complicated HLS.

Because of the wide range of potential projects that can be funded by HLS, and the

expertise that will be needed to fulfil them, we believe that the best way forward for such a scheme is to share the responsibility. We have thus invited the Forestry Commission and the National Park Authority to consider entering in to a formal partnership agreement with us to jointly share the administration and management of the scheme. I am very pleased to say that both organisations have agreed to do this. As Verderers we will be the signatories to the HLS and we will be responsible for holding and distributing the funds, however we will create an HLS Board to direct the scheme during its ten-year lifespan. The individual members of that Board will be the leaders of the FC, the NPA, Natural England and ourselves.

The current mechanisms for making payments under the existing CSS will carry on as usual until 2013 when we will take stock and review progress, and an annual fund for directly supporting commoning and grazing on the open Forest will be ring-fenced within the HLS, and administered exclusively by the Verderers, in order to achieve this throughout the life of the scheme.

This is a once in a generation opportunity for the Forest, and many exciting possibilities will be opened up by the very significant funding that will be released over the next ten years for land management and conservation work. Our objective is to use the HLS to support projects that will leave behind a beneficial legacy for the Forest long after the scheme has ended.

There is a huge amount of work that now needs to be done to bring these projects together, incorporate them in to our formal application to Defra for an HLS, and put the management in place. I am delighted that we have been able to enlist the services of Ian Stone, who is well known to many of us in the Forest, to help with this. He has been appointed on a short term contract as the co-ordinator for our application. We hope that this work will be completed early next year so that we can sign the HLS agreement at the end of March. If so, our scheme will be the largest of its kind in Europe.

2009/4626 ELECTIONS

We are pleased to announce that there will be an election on Friday 27th November.

There are four candidates – Mr Michael Cooper, Mr Richard Deakin, Mr Anthony Gerrelli and Mr Anthony Pasmore.

Mr Gerrelli and Mr Pasmore are of course serving elected Verderers. Mr Cooper and Mr Deakin are standing for election for the first time.

We hope that everyone will show their support and as many people as possible who have registered to vote will do so.

ANIMAL ACCIDENT REPORT

2009/4627 ACCIDENT REPORT FOR OCTOBER 2009

The agisters attended 29 accidents, compared with 19 for the same period last year.

10 ponies and 2 cattle were killed, and 6 ponies and 1 cow were injured.

14 accidents occurred during the hours of darkness.

24 involved private cars or light commercials and 5 accidents were not reported.

12 involved local motorists.

The total killed and injured for the year to date is 87 compared with 69 for the same period last year, and 93 in 2007.

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

There were no Presentments by the Deputy Surveyor

PRESENTMENTS

2009/4628 MR JOHN ADAMS, VERDERER

Presentment by Mr Graham Ferris on behalf of the New Forest Commoners' Defence Association (CDA)

"The Commoners' Defence Association would like to put on record its gratitude for the work that Mr John Adams has done, on this the occasion of his last Court as a Verderer. John has been a Verderer, elected by the Commoners, for the last 12 years and for 8 of those was Chairman of the very important Staff Committee.

John is famously a man of few words, but his contributions to debate are always made without fear or favour and are respected for his clear vision of what he believes is in the best interests of the Commoners, Commoning and the New Forest as a whole. And he has always been relied upon to do the things that needed doing, without seeking a high profile.

It would be difficult to overstate the enormous amount of time and effort he has devoted to Commoners' interests and this is greatly appreciated by the CDA and its members. Thank you."

2009/4629 NATIONAL PARK MANAGEMENT PLAN AND CORE STRATEGY

Presentment by Mr Brian Tarnoff on behalf of the New Forest Association

"The NFA are disheartened by the new draft Management Plan for the New Forest National Park which now lacks direction and courage.

Despite the well publicised flaws of the original draft, there was real vision in it, attempting to improve on the present situation. They've thrown out the bits that received loud objections, but, inexplicably, they've also thrown out much that was notably given support by the Verderers and the NFA.

The concept now is to try to merely hold the line. There is no real attempt to look to the future. The wording of many of the Objectives has been weakened and now shows bias towards potential development.

In particular, they have removed explicit mention of the Sandford and Precautionary principles, which the Verderers had (in your response) "hope(d) that the strong emphasis that is given to these doctrines in the draft will remain in the final version of the plan.

The NFA ask the Verderers to insist that the National Park Authority restore the vision to the plan, underpinned by these principles. And we should support the National Park Officers in regaining their courage to produce a Management Plan and a Core Strategy that fulfils the promise of the National Park, rather than a watered down template which is a weak foundation for the future".

The Official Verderer reminded everyone present that there is no Court in December. He thanked all those who attend the Court for their support, especially those who are regular attendees. He also wished everyone a Happy Christmas although it is slightly early.

The Official Verderer went on to say that Mr Ferris's words concerning John Adams were very fitting and that he would also like to say a few words on behalf of the Court.

"Mr Adams is not standing for re-election. We will miss his enormous experience and good judgement and the Official Verderer thanked Mr Adams for his dedicated service both to the Forest and to this Court".

IN COMMITTEE in the Library

CONSIDERATION OF PRESENTMENTS

2009/4630 NATIONAL PARK AUTHORITY MANAGEMENT PLAN AND CORE DISCHARGE STRATEGY

National Park matters are on the Agenda for later today but the Official Verderer asked for any comments from the Forestry Commission.

The Deputy Surveyor said he has written supporting the current version of the Plan and welcomed the partnership approach and financial sustainability of land. Unless the Plan is changed, the Forestry Commission will sign up to it.

NEW SUBMISSIONS BY THE FORESTRY COMMISSION

2009/4631 POSSIBLE EXTENSION OF LYNDHURST CEMETERY, BOLTON'S BENCH RESUME
January
2010

The Parish Council has approached the Forestry Commission to seek its views on the likelihood that consent would be granted for an extension to the cemetery. The Forestry Commission, in turn, is seeking the views of the Verderers.

As in many other parts of the country, Lyndhurst will, in due course, have nowhere left to bury the deceased and the Parish Council has written to explain its position. Mr Street advised the Court that the cemetery has been enlarged once before, back in the 1930's where the Parish was able to offer an exchange of land.

Due consideration was given to the Parish Council's request and it was suggested that if the Parish is able to find some land to exchange the request may be considered. However, the land must be of equivalent value and of course there are statutory SSSI and SAC interests which will have to be satisfied.

The Forestry Commission was asked to go back to the Parish Council to ascertain whether it feels a land exchange is viable.

2009/4632 RE-INSTATEMENT CONDITIONS FOR WORKS ON THE OPEN FOREST RESUME
January
2010

Following a recent incident where an excavation for emergency works on an electricity cable were left in a dangerous condition with barbed wire around the hole, Mr Street asked for assistance in drafting

instructions for utility companies who require to undertake emergency works on the Open Forest.

Questions such as what sort of protective fencing is acceptable and for how long does such temporary fencing need to remain in place must be considered in order that good practice can be promoted. Natural England's requirements must also be satisfied.

It was agreed that Mr Street draft some guidelines for consideration by the Court.

2009/4633 SCOTTISH AND SOUTHERN ELECTRICITY PROPOSED DISCHARGE
UNDERGROUND ELECTRICITY SUPPLY TO "SANDELS",
FRITHAM

The proposed underground route as per the location plan provided by the Forestry Commission was approved and consent granted subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

2009/4634 SCOTTISH AND SOUTHERN ELECTRICITY PROPOSED DISCHARGE
UNDERGROUND ELECTRICITY SUPPLY TO THE REDSHOOT INN,
LINWOOD

This proposed underground route as per the plan provided was also approved and consent granted subject to the usual conditions.

2009/4635 PROVISION OF MAINS SEWER TO STABLE CROFT COTTAGE, DISCHARGE
BURLEY STREET

The Court approved, and granted consent for the proposals as per details provided by the Forestry Commission and subject to the usual conditions.

2009/4636 SOUTHERN GAS NETWORKS GAS MAIN REPLACEMENT WORKS DISCHARGE
– BEECHWOOD LAND AND CHURCH LANE, BURLEY

The replacement of this main by SGN is being undertaken under the licence terms which allows for the repair or replacement of their equipment.

The Court consented to the work as set out in the Forestry Commission's letter and attached documentation. Consent is granted as always, subject to the usual conditions.

2009/4637 REPLACEMENT SEAT AT BOLTON'S BENCH DISCHARGE

The Parish Council request to replace and re-site a memorial seat on the Open Forest was approved. The seat, number 11 on the plan provided which is situated near the Cemetery, will be removed and a new seat sited next to the war memorial. The usual conditions covering works on the Open Forest must apply.

MATTERS ARISING OF CONCERN TO THE FORESTRY COMMISSION

- 2009/4638 POWERS OF THE FOREST KEEPERS RESUME
January
2010
- The Deputy Surveyor has written to the CDA explaining the position and a response is awaited.
- 2009/4639 CYCLING ON THE FOREST/CROWN LANDS CYCLE NETWORK DISCHARGE
- The Deputy Surveyor apologised that due to an oversight, the Forestry Commission omitted to seek the Verderers' consent in 2008 to review consent for the cycle network. The Deputy Surveyor said the Forestry Commission is now seeking consent from the Verderers for the existing network of waymarked cycle routes on gravel tracks on the Crown Lands for a period of three years.
- In the past, an annual consent only has been granted but it was felt that as the cycle network has been in place for 10 years now with no alteration, a three year consent did not seem unreasonable.
- Consent was, therefore, granted for the cycle network as described for a period of three calendar years – i.e. 2010 to 2012 inclusive.
- 2009/4640 STONES & ROCKS OUTSIDE POUND BOTTOM LANDFILL SITE RESUME
- The Clerk said she understood from Mr Pasmore that the stone and rocks have been cleared away and the Court was grateful to the company which operates the site for its co-operation in this respect.
- Unfortunately, however, the litter clearance that is being undertaken on a regular basis only appears to include the verge immediately adjacent to the highway. Ideally the litter collector needs to look within and behind nearby gorse where a significant amount of litter collects. The Clerk will write to ask if the area of clearance could please be extended. The Forestry Commission pointed out that litter that is not cleared up and blows off the verges is causing a nuisance in law.
- 2009/4641 PRE-ERECTED TENTS AND PRE-PREPARED CARAVANS RESUME
January
2010
- Forest Holidays has written confirming that the number of tents and caravans will stay the same. Forest Holidays also states it will be implementing a 14 day movement rule of the pre-erected tents on Roundhill campsite. The reduction from 21 days (which Forest Holidays is confident has been applied) is due to Forest Holidays noting that the ground has been impacted, hence the reduction to 14 days in the hope that such impaction will not be repeated next year.
- At Holmsley the intention is for all tents to go onto concrete rather than grass. In addition the Manager's accommodation static units have now also been permanently removed from both Hollands Wood and Holmsley and there are no plans for them to be replaced.
- The final paragraph of Forest Holidays' letter reads... "I trust that this will assure you of our best intentions and that we are wishing to run the sites in a professional and co-operative manner".
- Mr Frost asked if planning permission has yet been sought for the re-

siting of the facilities blocks at Roundhill to enable the entrances to be off hard-standing and not grass. It is understood Natural England expressed concerns about any more gravel being laid when it met with Forest Holidays to discuss lack of regeneration around the areas where the blocks are currently situated.

With respect to rotating tents and caravans, it was pointed out that it is essential that seasonal units are rotated as well and the ground given an opportunity to recover. Roundhill is more of a problem than some of the other sites.

2009/4642 A31 FENCE

DISCHARGE

Mr Adams reported that he and the Clerk met with representatives of Enterprise Mouchel, the Highways Agency contractors for the A31.

The meeting was called by Enterprise Mouchel primarily to discuss the vegetation clearance that is planned for the road. Clearance works on the central reservation will be carried out this winter with work on the verges programmed to take place in the winter of 2010/2011.

Mr Adams and the Clerk expressed concern that all the vegetation is to be cleared and the fence exposed. Not only will this mean any screening currently provided by vegetation will be lost but the exposed fence will have to be checked carefully to ensure stock does not escape from the Forest. Mr Adams warned Enterprise Mouchel that in places it is likely that the vegetation is all that is holding up the fence.

Enterprise Mouchel advised Mr Adams and the Clerk that the work they will be undertaking has to be carried out by law and all road signs, barriers, fences etc., must have a minimum of one metre around them clear of vegetation. In addition, no large trees can be close to the carriageway unless they are protected with Armco. Gorse must be cleared because it is a fire hazard.

Mr Adams said he hopes that the vegetation clearance may actually encourage Enterprise Mouchel and the Highways Agency to make sure the fence is a lot better than it is now.

2009/4643 RAILWAY COMMUNICATION WORKS

DISCHARGE

A letter has been received from Network Rail setting out why they feel the mast at Brockenhurst (they call it Sway) is essential and why they do not wish to site it in the position suggested by the Court. They listed the disadvantages that would result in setting it back further towards Brockenhurst.

After a further discussion Mr Maton proposed that consent be given for the electricity supply to the mast in the position originally requested by Network Rail. Mr Adams seconded the proposal. One Verderer voted against, two abstained and the remaining six voted in favour.

Consent was, therefore granted, subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

2009/4644 LINWOOD ROAD DISCHARGE

Mr Street reported that work to lift the excess tarmac and re-instate the verges with dragons teeth being placed where appropriate is due to commence in the next week to ten days.

2009/4645 HIGH CORNER INN SIGN DISCHARGE

Mr Street commented that the planning application consultation period has closed. He confirmed that the proposed sign is not in line with the design that is permitted by the Forestry Commission licence. The Clerk advised that as she was aware that the consultation period was coming to the end, she send a letter of objection on the grounds that the sign is too large, not of the agreed design and out of keeping with the traditional character of the Forest.

2009/4646 GYPSIES DISCHARGE

Mr Street advised that the Supreme Court's decision on the wider possession orders and judgements against named individuals may be available by the end of November. At present, each Order that has to be obtained every time travellers stop in a car park costs in the region of £5,000. When there is an itinerant group of travellers moving around the Forest, it becomes extremely expensive to move them on. Mr Street said he will report the outcome of the Supreme Court's deliberations when it is received.

2009/4647 BROWN TOURIST SIGNS DISCHARGE

Mr Montagu apologised that he was unable to attend the meeting arranged by the District Council. However, a report from the Deputy Surveyor has been circulated.

The underlying policy which has served the Forest well for the past 10 years remains unchanged although the policy document will be updated.

Signs on strategic road network are permitted to direct visitors to the nearest village or settlement. Further signage for those business locations which are not immediately apparent from the settlement may also be permitted unless the business fronts the highway. Any other local signage on verges is subject to permission by the landowner. In addition within the perambulation, the consent of the Verderers is required and NFDC will update the information on its website to reflect this. The County is supportive of the policy and it is hoped the National Park Authority may consider applying it to the whole of the National Park area.

2009/4648 BRAMSHAW GOLF CLUB LICENCE DISCHARGE

The Official Verderer reminded the Court of his interest in this matter.

The Deputy Surveyor was asked if he would like to comment. In reply he pointed out that the Court cannot impose conditions on the licence – it can either grant consent to the licence, or refuse it. The Deputy Surveyor invited the Court to re-consider its decision to approve a licence for 10 years only.

Mr Street said that as regards the fencing of the greens, he has checked the conditions of the current licence and confirms that two greens or teas may be fenced at any one time for an unspecified period. There is no time limit and at present the Club is not in breach of the conditions. He added that there is currently an issue of poaching by stock waiting to access a barn close to the course.

The Official Verderer said the matter will be discussed again later in the morning.

SSSI RESTORATION WORKS

2009/4649 HARVESTLADE RESUME
January
2010
The Deputy Surveyor asked for this item to be resumed in January.

2009/4650 WARWICKSLADE DISCHARGE
The Deputy Surveyor confirmed the issue of the tree across the stream has been resolved. The Silver Birch has gone.

ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2009/4651 PRIVILEGE SOWS DISCHARGE

A discussion took place concerning whether the privilege should be granted this year.

There is concern that in past years, some sows have not returned to their holdings at night and problems have occurred when they have accessed private property.

Pigs are currently causing problems in several areas and it was agreed that if a number of sows are granted the privilege in one area there may be problems. However, it is of course unfair to grant the privilege to one commoner whilst refusing another.

The Court decided it would discuss whether to recommend the privilege be granted this year later in the meeting and then advise the Forestry Commission of its views.

The Deputy Surveyor confirmed that whatever decision is made this year, it will not be considered as setting a precedent for the future. He asked that if the Court decides to recommend that the privilege should not be granted, the reasons be made clear and the Forestry Commission will expect the full support of the Court in the event that commoners raise objections.

The High Sheriff left the meeting.

2009/4652 WHITLEY RIDGE CATTLE GRID RESUME
February
2010

Mr Street advised the Court that major work is about to commence on the sewage system serving the properties which are accessed via this grid. As a result work will be required to ensure that heavy plant and machinery can access the area. The work must be completed in the next two or three months. Mr Street said the proposal is to tidy the

track and entrance and sort out the grid at the same time.

Mr Adams warned that the time of year when stock are particularly keen to access private property in order to look for additional food is fast approaching. He expressed concern that any delays in stock proofing the properties will result in animals gaining access.

Mr Street said he will ensure that the contractors Ineos, are fully aware that they must keep the entrance stock proof at all times.

2009/4653 LIMEWOOD – PONDHEAD

RESUME
January
2010

The neighbours of this property, who are commoners, are complaining that the newly refurbished hotel/restaurant has a helicopter pad and the aircraft are causing disturbance to stock. Mr Frost and Mr Maton said they will find out whether this is a planning issue. Mr Street said he has a number of issues he wishes to raise with the proprietors including the sign. He said he will convey the concerns about the helicopters at the same time.

The Deputy Surveyor and Mr Street left the meeting.

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

2009/4654 DRIVE SAFE DAY – DRIVING INSTRUCTORS

RESUME

The Clerk reported that Mr Matthews of the National Park Authority has provided contact details for the driving schools which she will pursue as soon as possible regarding the messages driving instructors are giving their pupils as regards Forest stock.

VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME (CSS)

2009/4655 THE CSS – CURRENT AND FUTURE

RESUME

The levels of payments to commoners will be maintained.

The Official Verderer informed the Court that the sub-committee has met and the following decisions were made:

- Subject to confirmation that the New Forest Management Team will provide practical support to commoners, a grant of £10,000 will be made from the CSS.
- The Scheme will continue to cover any shortfall in the stallion scheme funding,
- The Scheme will continue to fund the purchase of reflective collars.

The purchase of trailers for the Agisters is being deferred until the HLS is up and running because it would be a large expense for the CSS but well within the HLS funding capability. It was agreed the Agisters should be advised.

VERDERERS' HIGHER LEVEL STEWARDSHIP SCHEME (HLS)

2009/4656 MEMORANDUM OF AGREEMENT

RESUME

The draft MOA is nearly ready for signature. It is intended to be a legally binding contract which is the basis of the partnership and must be signed by all partners before the Verderers sign the HLS agreement.

The aim or test of all projects funded by the HLS will be governed by the wording in Clause 1.1 of the Verderers' Policies. This will be the filter for every project which is agreed under the HLS.

The document is being drafted by lawyers and it is due to be signed off early next week.

The Deputy Surveyor will help work out how to draw projects together for the application.

Mr Ian Stone has been employed by the NPA but he is working in the Verderers' Office. The HLS application must be completed by the end of the year and Mr Stone's contract will cover the work required to meet that deadline.

It is intended that the mechanisms of the existing CSS will be adopted by the HLS and will carry on until 2013.

NEW FOREST NATIONAL PARK

2009/4657 MANAGEMENT PLAN

RESUME

The Official Verderer discussed the Verderers' comments on the Management Plan with the Chief Executive and senior officers of the NPA. Nothing more will be done as it is still at the informal consultation stage. The Verderers' concerns at the absence of the Sandford Principle have been made very clear. The Official Verderer will write again to the NPA to express the Court's concern that it is apparently felt not to be necessary to include a fundamental part of the purposes of a National Park into the Management Plan.

It was agreed that if the Verderers are to give their unqualified support of the Plan, they would wish to see the Sandford principle incorporated.

Mr Montagu left the meeting.

2009/4658 RECREATION MANAGEMENT STRATEGY

RESUME

This document is due to be published shortly. It will be circulated to key partners for comment. Mr Steve Trotter of the NPA is seeking informal discussions on the 3rd or 4th December. The Official Verderer will attend and Mrs Thorne and Mr Pasmore also wish to go along. The date and time of the meeting will be confirmed.

OTHER AGENDA ITEMS

2009/4659 THE ATLAS PROJECT RESUME

The Clerk reported that it is likely the budget will be exceeded by £2,500 and the Court approved this overspend.

ITEM RESUMED FROM EARLIER IN THE MEETING

2009/4660 CYCLING ON THE FOREST DISCHARGE

Nothing has changed in the 10 years that the waymarked cycle routes have been in operation.

Mr Maton therefore proposed the Deputy Surveyor's request for approval of the existing waymarked cycle routes for three years be approved. Mr Frost seconded the proposal which was carried unanimously.

2009/4661 PRIVILEGE SOWS DISCHARGE

Further consideration was given to whether the Court should recommend the Forestry Commission grant the privilege for sows to remain on the Forest after the end of the pannage season.

Concern was expressed that there is no food on the Forest now for pigs. In past years there have been problems with certain commoners not adhering to the rules as respects privilege sows. Because of this, the Court decided that for this year only, it would not recommend to the Forestry Commission that the privilege be granted. This will be communicated to the Deputy Surveyor.

MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2009/4662 BRITISH HORSE SOCIETY BREEDS COMMITTEE DISCHARGE

Miss Macnair reported on this committee. The head of BEVA (British Equine Veterinary Association) has reportedly expressed concern at the proposed tax on horses. For various reasons it is felt to be unworkable. DEFRA has subsequently suggested the tax only be levied on those who claim Single Farm Payment or large yards. Single one-horse owners would then be exempt. This, however, is felt to be unfair and equally unworkable. BEVA is asking horse owners and other interested parties to write to their MP's requesting them to oppose the tax.

2009/4663 EXOTIC DISEASES DISCHARGE

A consultation paper is due to be published on West Nile Fever and African Horse Sickness; how these diseases may affect equines in this country and how to manage an outbreak should it occur. The Clerk will advise the Court when the paper is available.

STAFF MATTERS (including the Staff Committee)

2009/4664 AGISTER MIKE LOVELL RESUME

Agister Lovell's broken collar bone is healing well. He has come back to work on light duties only.

TRAINING

2009/4665 HUMANE SLAUGHTER & MANUAL HANDLING RESUME

It was agreed that arrangements for further training will be organised when Agister Lovell is fully fit.

February
2010

HEALTH AND SAFETY AT WORK

2009/4666 HEALTH & SAFETY REVIEW RESUME

The review, whilst virtually complete, has been delayed. It will be completed by the end of the year.

ANY OTHER BUSINESS

2009/4667 THE CHAIRMAN OF THE STAFF COMMITTEE RESUME

The Official Verderer commented that this is Mr Adams' last Court as he has decided not to stand for re-election. Mr Adams was thanked for his considerable contribution towards the running of the Agister team in his capacity as Chairman of the Staff Committee.

Mr Kitcher kindly agreed to take over as Chairman of the Staff Committee.

2009/4668 VERDERERS' REPRESENTATION ON THE CONSULTATIVE DISCHARGE PANEL

As Mr Kitcher has agreed to take over the chairmanship of the Staff Committee, Mrs Thorne agreed to act as the Court's representative on the Consultative Panel, at least for the time being.

2009/4669 ABANDONED ANIMALS RESUME

The Clerk reported that two foals found recently on the Forest abandoned and unidentified were eventually found a new home; however the cost is in excess of £100.00.

Such animals must be advertised for 14 days and reported to the police and costs inevitably ensue. If possible, such animals are sold through the Beaulieu Road Sales. However, depending on the animals and the prevailing market conditions this is not always practical. Efforts are made to find homes but the possibility that such animals may have to be destroyed cannot be ignored.

As it is possible that further animals may be found on the Forest in similar circumstances, the Clerk was asked to raise the issue with the Forestry Commission as it is the landowner with whom ultimate responsibility rests in law.

The Official Verderer withdrew from the meeting and Elected Verderer, Mr John Adams, took the chair for the following and final item to be discussed at this meeting.

MATTER RESUMED FROM EARLIER IN THE MEETING

2009/4670 BRAMSHAW GOLF CLUB LICENCE RENEWAL

RESUME
January
2010

At the request of the Deputy Surveyor, this matter was revisited.

There is concern about a number of specific issues such as frequency of mowing of fairways, signage, sand spread on tees and greens, possible use of sprays and the generally unnatural appearance of the course.

Because of these concerns, the Court would like further information on the core strategy and long term objectives of the course and therefore felt it is important to see, and have an opportunity to comment on the management plan.

It was also decided that Sarah Kelly, the Landscape Officer at the National Park Authority should be asked to undertake a Landscape Assessment of the Course.

For these reasons a decision on this matter will be deferred until January. In the meantime, the Court raised no objection to the Golf Course continuing under an extension of the present licence.

There was no further business and the meeting closed at 1.15 p.m.