

MINUTES of the Court of Verderers held on Wednesday 16th November 2011 at 9.30 a.m. in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

PRESENT:	Mr Dominic May	Official Verderer
	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	Mr A Gerrelli	Elected Verderer
	Miss D Macnair MBE	Elected Verderer
	Mr C Maton	National Park Appointed Verderer
	Mr A H Pasmore	Elected Verderer (joined meeting during 2011/5639)
	Mr D Readhead	Co-opted Elected Verderer
	Mrs P Thorne	DEFRA Appointed Verderer
	Mrs D Westerhoff	Natural England Appointed Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister – for minutes 2011/5705 - 5710
APOLOGIES:	The Hon R Montagu	Forestry Commission Appointed Verderer

IN COMMITTEE in the Library

2011/5756	MINUTES OF THE LAST MEETING	RESUME
	The Minutes of the Court held on Wednesday, 19 th October 2011 were approved.	
2011/5757	DECLARATIONS OF INTEREST	RESUME
	The Official Verderer, the Elected Verderers, including Mr Readhead, and Mrs Thorne all declared an interest in the Higher Level Stewardship Scheme.	
	Mr Gerrelli declared an interest in matters concerning campsites.	
	The Official Verderer declared an interest in the possible land exchange at Coxhill, Boldre.	
2011/5758	CONDITION OF STOCK	RESUME
	The Head Agister reported that he is currently very pleased with the condition of the ponies on the Forest. The weather has been kind and there is plenty of grass. Overall, conditions are very good.	
	The Agisters have arranged several days where they have been out clearing up one or two animals that were missed on the drifts. An old mare on Wilverley which had been reported by a member of the public was removed. Her loss of condition was put down to her age and possible liver disease.	
	Cattle have done very well on the Forest this year. With the present high cattle prices there were concerns that numbers may diminish but there is no sign of that happening. Mature cows are in short supply and commoners have realised if they sell stock they may have problems replacing those animals. Two commoners are cutting down on their cattle numbers but they are doing so for purely personal reasons.	
	One or two ponies have died from suspected acorn poisoning but there do not appear to be any serious problems although it was pointed out that the effects of acorn poisoning often doesn't show until the new year.	

2011/5759 THE PANNAGE SEASON DISCHARGE

An extension to the pannage season is not thought to be necessary.

2011/5760 AGISTER ROBERT MATON RESUME

Agister Maton is now on light duties. He is helping by looking at reported problems, calling for assistance when necessary.

The Head Agister left the meeting

2011/5761 WELFARE TOUR RESUME
Action
All

The Welfare Tour is on the 13th December. Members of the Court were asked to be sure to let the Clerk's Assistant know whether or not they are attending.

2011/5762 BYELAW ENFORCEMENT RESUME

No new breaches of the Verderers' Byelaws have been identified at this time.

2011/5763 ANNOUNCEMENTS AND DECISIONS RESUME

The Announcements and Decisions were approved.

2011/5764 MARKING FEES DISCHARGE

The CDA is understood to be unhappy that it was not consulted about the increase in marking fees. It was felt, however, that the level of marking fees has to be a matter for the Court alone to decide.

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

IN ATTENDANCE: Mr Mark Street, Area Land Agent (New Forest)
Mr Kevin Penfold, Acting Deputy Surveyor of the New Forest

ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER

2011/5765 MARKING FEES, COUNTRYSIDE STEWARDSHIP SCHEME & VERDERERS GRAZING SCHEME

My predecessor as Official Verderer, Mr Oliver Crosthwaite Eyre, announced this time last year that the 25% spending cut at the Forestry Commission would mean that their annual administrative grant to the Verderers would have to be cut by a similar amount. This year 2011 we have had the first reduction of 7% in our administrative grant, and in each of the next three years 2012, 2013 and 2014 we will suffer a further 6% cut each year.

We are still determined to maintain the breadth of service provided by our Agisters and our Verderers' Clerk. Our only other substantial income is from Marking Fees so the Verderers have to look to this to make up the shortfall. The Verderers have therefore decided to increase the Marking Fees for 2012 as follows:

Ponies & Donkeys on the Forest up £2.00 to £24.00
Ponies & Donkeys on the Commons up £1.00 to £12.00
Cattle on the Forest up £2.00 to £24.00
Cattle on the Commons £3.00 being 1/8 of the Forest marking fee

Sheep on the Forest up £1.00 to £8.00
Sheep on the Commons up 50p to £4.00
Pigs on the Forest unchanged at £4.00
Pigs on the Commons unchanged at £2.00

Please remember that under our Byelaws the deadline for payment of all marking fees for continuously depastured animals is 31st March. Those marking fees due for continuously depastured animals that are not paid by 31st March 2012 will not be eligible for inclusion in the Verderers Grazing Scheme.

The previous desire of the Verderers was to match the increase in Marking Fees with a pound for pound increase in the payment made to those who participate in the Countryside Stewardship Scheme. I am sorry to say that we are no longer able to do this because we must change the rules of the scheme to meet the EU regulation that we cannot pay per head of stock.

A new Verderers Grazing Scheme proposal has been drafted by our Review Group, and will be discussed in committee by the Verderers later today. If accepted by the Verderers, it will then be submitted to Natural England Commons Unit for their approval. We are unsure of the length of time this approval will take, but I hope to have news for you in the New Year, either in January or February.

While on the subject of the Countryside Stewardship Scheme, I am pleased to announce one small piece of good news today: we have managed to resolve the cash flow problem, and consequently there will be one payment this year, not split into half now and half in April 2012 as I had feared. We hope to be making the payments to those in the scheme before Christmas.

ANIMAL ACCIDENT REPORT

2011/5766 ROAD TRAFFIC ACCIDENT REPORT FOR OCTOBER 2011

The Agisters attended 18 accidents, compared with 19 in the same period last year.

2 ponies, 2 pigs, 1 donkey, and 1 cow were killed.

2 pigs, 1 cow and 1 donkey were injured.

13 accidents occurred during the hours of darkness.

14 involved private cars or light commercials.

1 involved an HGV and 1 involved a motorbike. The motorcyclist suffered injuries to his face and arm and was taken to hospital. Naturally we wish him a speedy recovery.

2 accidents were not reported (hit and run).

9 accidents involved local motorists.

The total killed and injured for the year to date is 77 compared with 70 for the same period last year.

PRESENTMENTS BY THE ACTING DEPUTY SURVEYOR OF THE NEW FOREST

None

PRESENTMENTS

2011/5767 GRIT BINS

Presentment by Mr Richard Bastow

'I am Richard Bastow The Highway Manager for The New Forest, with Hampshire County Highways.

I am here today to seek the Court's agreement in principle to allow the siting of grit bins within the Perambulation of the New Forest.

The bins are to provide a valuable service to the travelling public and make an important contribution to highway safety during periods of ice and snow. Generally they will only be placed at know problem sites and on roads that are not on the regular salted network which incidentally only accounts for one quarter of the total network. Without them, it is without doubt, that some parts of the network could be unusable during severe weather, as has been demonstrated during the previous three winters

It is acknowledged that many of the bins are actually in place although some 30 were removed in the summer in response to concerns about their impact and that they had been placed without consent being sought. The County Council apologises for this situation but now wishes to seek an agreement in principle to permit the siting of the bins.

An early decision is respectfully sought in order to allow the removed bins to be replaced and all bins on open forest areas within The Perambulation to be at agreed sites as soon as possible . The core winter season begins on 1 December and a number of the removed bins are at key locations.

In making the application the County Council recognises the following:

- The Forest area is a SSSI and must be protected from damage
- Grazing must be protected
- The number of bins must be kept to a minimum, consistent with maintaining highway safety, in order to minimise clutter and visual intrusion

The County Council will put in place the following measures to address the above and other concerns:

- Use revised siting guidelines, recognising environmental and land ownership considerations
- Will consult on all bin locations, within The Perambulation of The New Forest, with the appropriate representative of The Verderers' Court and the relevant Landowner
- The request will be made to the Verderers' Court via the representative of the landowner in the case of Forestry Commission owned land
- Bins will be sited in as far as is possible to minimise visual intrusion and on highway land or areas of gravel
- Usage will be monitored and bins not being used will be removed
- The removal of litter deposited in bins will be arranged via New Forest District Council

Thank you.

2011/5768 FOREST HOLIDAYS CAMPSITES

Presentment by Mr Graham Ferris, Chairman of the New Forest Commoners' Defence Association

CDA colleagues and I, at the request of a member, recently inspected the Forest Holiday's camp sites at Roundhills, Hollands Wood and Aldridge Hill, all of which are closed at this time of the year and should have been packed up for the winter.

The state of the Roundhills site is nothing short of scandalous as an abuse of the privilege of using the Open Forest for commercial gain and for the obvious loss of grazing. I will pass to the Clerk, copies of photographs taken last week showing:-

-large green and lurid purple wheelie bins left all over the site.

-discarded wood with protruding nails.

-wooden picnic tables stacked on top of each other with protruding nails.

-areas where pre-erected tents have clearly been left in position for too long, so that the vegetation is unlikely to recover easily and in some cases grass seed has been sown to attempt a rough and ready repair.

-the scar of a trench dug across the Open Forest without adequate reinstatement.

-water filled wheel ruts where vehicles have diverted off the gravel path to avoid a pre-erected tent.

-no sign at the entrance saying the site is closed, with the inevitable consequence that a week or two ago someone had pitched their tent.

We would urge the Court to bring pressure to bear on the Forestry Commission as a responsible partner in Forest Holidays, so that housekeeping standards, especially at Roundhills are improved. We would also suggest that on all sites where loss of vegetation becomes obvious the capacity of the site should be temporarily reduced and the areas of lost grazing should not be reoccupied until the vegetation has completely recovered.

2011/5769 CYCLING

Presentment by Mr Graham Ferris, Chairman of the CDA

Commoners are increasingly concerned about the explosion in cycling, both casual and organised on and off the Open Forest and the apparent unwillingness or inability of the relevant authorities to take much needed action.

Off road cyclists are nowadays encountered far from the established cycling routes at any hour of the day or night. At any time of day this represents a major intrusion into the much vaunted tranquillity of the New Forest and disturbance of Commoners' livestock. Groups of cyclists at night with bright lights, shouting loudly to each other is a level of disturbance that neither Commoners' livestock nor wildlife can be expected to tolerate.

The solution is simple - The Forestry Commission should instruct its Keepers to enforce the Bye-Laws, support them when they do so and take action against persistent offenders, before the situation gets worse and before it is clear that all the Bye Laws can be flouted at will.

The situation on the roads, particularly at weekends when many Commoners carry out their agricultural and Commoning activities is already critical. Organised Road Races, Time Trials, Iron Man Competitions etc. result in huge numbers of cyclists travelling

silently at great speed on narrow country lanes and through villages at great risk to residents, pedestrians, livestock and Commoners both individually and especially on Drifts. The risks of an accident are so great that one of our members has voluntarily decided at great inconvenience and risk to himself, only to move trailers of silage after dark at weekends to avoid risk of accident. But even that will be of no avail if as occurred recently an event ran all through the night.

We understand that organisers of these events, often for commercial gain, must inform the police in advance. (26214 Procedure it is called). Strange then that under a freedom of information enquiry from a local resident, Hampshire Police were unable to furnish even one example of such information for a sample 3 month period last year!

We would urge the police to insist that they are informed in writing with all relevant details. And that they then impose conditions which will regulate and limit these activities so as to minimise the risk to other road users.

The safety of other road users who are intimidated, frightened and often abused is at risk , the roads are effectively obstructed and confrontations leading to a breach of the peace are likely. Surely it is time for firm action.

2011/5770 MARKING FEES

Presentment by Mr Graham Ferris, Chairman of the CDA

Many Commoners will be dismayed and disillusioned by the announced increase in Marking Fees .

Dismayed because market conditions for Commoners' stock are extremely adverse, other costs continue to rise and an increase in the Marking Fees for the second year running is simply a further attack on the viability of Commoning. The loss of a compensatory payment from the VGS will be a further blow to the roughly 75% of Commoners in the Scheme.

Disillusioned because 3 years ago when the Verderers Bye Laws were revised, the ceiling on the Marking Fees was raised significantly. When we objected at the time, we were reassured that it was merely an administrative convenience to avoid any need for Bye Law revision at short notice and that there was absolutely no intention to increase the Marking Fees in other than the direst emergency .We were told that every effort would be made to maintain the policy of keeping the Marking Fees at the same level which had been successfully pursued for 16years!

We understand that the grant from DEFRA via the Forestry Commission is being reduced by 25% over 4 years and we note that the increase in Marking Fees over the two years at 20% is already not too far short of this percentage, especially when last year's withdrawal of the early payment discount is also included. At the time of last year's increase we were also told that the Verderers would be energetically seeking other ways of balancing the books such as cost savings and alternative sources of income, just as Commoners have had to do.

But annual increases in the Marking Fees is not a sustainable solution.

2011/5771 PANNAGE SEASON

Presentment by Mr Graham Ferris, Chairman of the CDA

The Commoners Defence Association asks the Verderers to advise the Forestry Commission that the Pannage Season could be extended to advantage this season.

We suggest that an extension of one month is granted, but only for those pigs that have

not proved to be a nuisance. And we suggest that the Agisters should be given the power to make the decision as to which pigs must be removed at the normal time and which may benefit from the extension

2011/5772 **ILLEGAL FEEDING OF PONIES**
Presentment by Mr Derek Bennett, resident of Sway

'At the October Court the problem was raised of people feeding apples to the ponies. Later that day my wife and I went to Fritham and came across a man who was encouraging his young daughter to feed handfuls of acorns to the ponies. When I pointed out the danger of doing so, and that there were many signs in the Forest saying 'Do Not Feed the Ponies' the man said that he didn't know this.

Could the Verderers use their influence with the Forestry Commission to ask for more signs to be installed? Perhaps they could read 'Do not feed the ponies it could kill them'.

My wife and I have put a message on the BBC Autumnwatch forum asking people not to feed them, and I will give Miss Westwood a copy of the message.'

2011/5773 **PIGS ON THE COMMONS**
Presentment by Miss Sarah Harrison

Miss Harrison said that the current Verderers byelaws have abrogated her common rights because they state that all pigs depastured in the Forest must be rung. Miss Harrison pointed out that ringing young pigs is unacceptable and that means that her sow and piglets cannot go out onto the Common or Forest. Prior to the present byelaws being passed pigs of all ages were allowed out on the Forest and young piglets were not rung. Miss Harrison stressed that she and her family have always depastured their stock in accordance with the Byelaws, her pigs have always been rung as soon as they are old enough and her pigs have never been a nuisance. She went on to suggest that, dependent on their size, piglets should be allowed out unrung.

IN COMMITTEE in the Library

CONSIDERATION OF PRESENTMENTS

2011/5774 **GRIT BINS**

RESUME
Action SW

Mr Richard Bastow was invited to join the meeting to assist the Verderers in their consideration of his presentment.

Reference was made to a meeting held on Friday 11th November at which Mr Bastow and his colleague Mr Tim Lawton were present, together with the Official Verderer, Mrs Pat Thorne, Mr Mark Street (FC Land Agent) and the Clerk. At that meeting a procedure was agreed for the re-siting of grit bins and the Court was asked to give its approval for a way forward.

The following was agreed:-

1. The consent of the landowner, Natural England and the Verderers are all required before the bins are distributed.
2. Mr Bastow said he will contact Natural England as a matter of urgency, regarding the need to obtain consent to site the bins on the New Forest SSSI.

3. The number of bins will be kept to a minimum, consistent with maintaining highway safety whilst minimising clutter and visual intrusion.
4. Bins will not be placed on Priority 1 (P1) gritting routes except that they may be placed on junctions with an untreated road where there is a significant gradient, providing that their use is restricted to the untreated road. They may also be located on P1 routes where there are steep gradients and where application of extra salt is beneficial at times of snowfall.
5. The criteria for bins on non P1 carriageways is that they should be sited where there is a known frost spot, a significant slope, a sharp bends and/or where drainage problems are not easily resolved.
6. The SSSI and the grazing must be protected and where at all possible bins must be sited on gravel or tarmac.
7. Bins should be positioned where they will be as unobtrusive as possible and where there is other infrastructure such as letter boxes, signposts etc., bins will be positioned alongside those.
8. Bins which have to be placed on grass and those which are in the Verderers' opinion visually intrusive and have a detrimental effect on the landscape will be removed at the end of the winter and replaced before the onset of bad weather later in the year. Every effort will be made to keep the number of bins on grass or visually intrusive bins to a minimum.
9. Bins that are found to be full of grit at the end of the winter (and have not recently been refilled) will be removed and not replaced as the lack of use will indicate they are not necessary.
10. Care will be taken to ensure that wherever possible the bins do not cause damage to grazing. Leaching into nearby watercourses must be avoided. Any bins that do result in damage will be removed or re-sited.
11. The removal of litter deposited in bins will be arranged via the New Forest District Council.

It was pointed out that the map that was provided in the earlier meeting was inaccurate. Several bins which are known to be on the Forest and are in unacceptable positions are actually missing from the map. These bins will be looked at as a priority and Mr Bastow undertook to provide a new, accurate map.

There are also a number of yellow grit bins on the Forest which have been in place for many years. The positioning of these will also be looked at.

The question was asked whether the bins could be made in another colour. Mr Bastow said that the standard colour is yellow although the new ones have been produced in the County's corporate blue colour. The bins also carry the County's logo which helps identify any that are found in places where they should not be. Several bins are missing altogether and are presumed to have been stolen.

A further question was how the grit is actually used. Mr Bastow explained that in some cases highway maintenance crews, including those operating gritting lorries or those going about their normal daily duties will spread grit where necessary. This explains the siting of some of the more remote bins - such as the one which was put on the corner at Perrywood Ironshill. Under normal circumstances the Parish Councils will nominate someone to spread grit when necessary and shovels are provided by the County for the purpose.

Mr Bastow assured the Court that Hampshire County Council does not use grit mixed with molasses. He added that members of the Court should not be alarmed if they see gritting vehicles with tanks designed to hold liquids attached. These are brine tanks as there are circumstances where spraying brine onto the roads works better than spreading grit.

The method of agreeing the positioning of the grit bins was also discussed. It was agreed that a representative of the Forestry Commission will undertake site visits with the Highway Engineers in order to agree suitable positions for the bins. The Verderers Clerk was asked to act as the Verderers representative. The agreed sites will then be marked so that the distribution crews place the bins in the correct place. Photographs will be taken once the bins are in situ and the exact position will be marked on a map which will then be copied to Mr Street and the Clerk. Verderers who wish to receive a map will also be provided with a copy.

Mr Bastow will liaise with Mr Street and Clerk in order that sites can be agreed and the distribution of the bins can proceed without further delay.

The County will also be issuing a press statement but it is thought this will be sent out by the Leader of the Council or the Executive Member.

2011/5775 HIGHWAY MAINTENANCE PLAN

RESUME
Action
MSt/SW

Whilst Mr Bastow was present, a short discussion took place on general highway maintenance. A policy covering Highway Maintenance is currently being drafted which, when completed and agreed, will hopefully help to avoid future problems. Mr Pasmore and Mr Montagu have already commented on it and Mr Street is currently considering it. He said he will let the Clerk have his comments shortly. Once these have been included, the Clerk will send the document back to Mr Bastow.

2011/5776 FENCING

DISCHARGE

The subject of fencing repairs was also discussed whilst Mr Bastow was present with concern being expressed at the length of time it takes for some repairs to be completed. Mr Bastow said he and his team are working hard to resolve the problems. He added that the County's contractors 'Amey' now occupy the same office as the Highway Engineers and this has greatly improved communication.

Mr Richard Bastow thanked the Court for its time and left the meeting.

2011/5777 FOREST HOLIDAYS CAMPSITES

RESUME
Action KP

The Court was most concerned at the conditions on Roundhill Campsite which are considered totally unacceptable.

Mr Penfold did not disagree and said he will raise the issues with Forest Holidays via Mr Nick Tucker, the Forestry Commission's Recreation Manager. The Court is concerned that there appears to be no monitoring of the sites during the year or at the end of the year when they close.

The Verderers suggested that perhaps the Keepers should be asked to inspect each campsite when it is closed after the summer season.

Concern was expressed that further damage could result from the re-siting of the toilet blocks and the Forestry Commission was asked to ensure that the work is properly supervised.

2011/5778 CYCLING ON THE FOREST

DISCHARGE

The discussion opened with Mr Deakin reporting that the National Park Authority's Recreation Committee (due to meet next on the 8th December) is pressing for more cycle routes.

The Verderers share the concerns expressed in the CDA's Presentment and wanted to know what the Forestry Commission is going to do to enforce its byelaws and control cycling on the Forest. Serious concern was also expressed that the Keepers appear to have been instructed not to enforce the Forestry Commission's byelaws regarding illegal cycling.

It is accepted that some things are difficult to police and that taking prosecutions is an expensive and time consuming business. Consideration also must of course be given to the payback on the investment. The Verderers feel that the key is to start with the Keepers. The apparent policy of Keepers not enforcing byelaws should be reversed. A decent map is needed as cyclists often claim they don't know they are not allowed to cycle everywhere. The Verderers' opinion is firmly that cycling is out of control and the situation is going to get worse.

Mr Penfold argued that there are gaps in the network which, as it stands, he considers doesn't work. He said that counters are to be put in place to prove his argument. Some routes which lead from A to B are not on the network and he felt that it is reasonable to look again at the network and he argued that most of the gravel tracks are suitable for use by cyclists. He did agree that off track cyclists are a problem.

The Official Verderer commented that a lot of inclosure gravel tracks lead no-where except to a gate leading onto the Open Forest and it would be inappropriate to open those up to cyclists as that would encourage further trespass onto the Open Forest.

Mr Pasmore was very keen that the 'quiet areas' of the Forest should be retained and cycling should not be allowed in those areas. In particular he felt Ashley Walk should not be opened up.

Mr Pasmore then referred to a route between Fritham to Linwood as this is an area where there has always been a lot of trespass by cyclists. Attempts were made to put in a formal cycle route a few years ago but it

was rejected by the Verderers because of its affect on the quiet area.

Another issue raised by the CDA is cyclists riding across the Forest at night. A particular problem has been identified where cyclists leave the Royal Oak at Hilltop and cycle across the Forest to Culverley. A local commoner says he regularly comes across cyclists with bright lights on the Forest at night in that area. They create a lot of noise and disturbance. It was felt the Keepers should be challenging illegal cycling and that they must know that they will receive the support of the Forestry Commission management.

2011/5779 PANNAGE SEASON DISCHARGE

The Court felt that there is no need for an extension to the pannage season this year.

NEW SUBMISSIONS AND OTHER MATTERS RAISED BY THE FORESTRY COMMISSION

2011/5780 SOUTHERN GAS NETWORKS GAS MAIN REPLACEMENT – LUCKY LANE PILLEY DISCHARGE

The proposals submitted via the Forestry Commission by Southern Gas for the replacement of the gas main in Lucky Lane were approved subject to the usual conditions regarding satisfactory reinstatement, safe working conditions, compensation for loss of grazing etc.

MATTERS ARISING OF CONCERN TO THE FORESTRY COMMISSION

2011/5781 HIGHWAY MAINTENANCE RESUME

Mr Street currently has the draft Highway Maintenance Plan document. He will return it to the Clerk as soon as possible with his comments.

Action
MSt/Clerk

2011/5782 EXCHANGE OF LAND AT COXHILL, BOLDRE DISCHARGE

Further enquiries have revealed that the land that the applicant, Mr Reddicliffe, is proposing to give in exchange is outside the perambulation. As such it would not fall under the jurisdiction of the Verderers and is not therefore acceptable. The principle is that any land offered in exchange must be within the perambulation. Mr Street will communicate the Court's decision to Mr Reddicliffe.

Action
MSt

2011/5783 BRAMSHAW GOLF CLUB MANAGEMENT PLAN RESUME

Mr Street said the plan is ready for signing off in November but there is a minor problem with the map that will be attached.

Action
DW/SW

2011/5784 VERGE PARKING DISCHARGE

The Deputy Surveyor explained that the system for dealing with people who park on the verges is still in place. He reported that only 101 stickers have been attached to cars in the last 3 months – approximately one a day. The Court was of the view that given the widespread instances of verge parking, that did not seem to be a lot of stickers and a request was made that some attention is paid to the Hilltop area where Mr Deakin said he sees the same vehicles parked day after day. The Deputy Surveyor said the FC staff prioritise where they spend their time.

2011/5785 CYCLE WAYMARKERS

RESUME

A lengthy discussion took place during which many of the old arguments were aired. The Deputy Surveyor refused to place no cycling signs on the ladder boards of the car parks that have been identified as being places from where there is a lot of illegal cycling. The Official Verderer said that the new signage is considered by the HLS Board as a package and those ladderboard signs are part of it. There is a risk therefore that without those signs the project will not proceed.

The Official Verderer went on to say that his understanding is that Natural England supports the ladderboard signs and also supports better control of cycling. The Official Verderer added that the HLS Board likes things to be agreed unanimously. Mr Street expressed concern that cyclists might damage the signs.

At this point, Mr Clive Maton gave his apologies and left the meeting.

The Verderers are unanimous that leisure cycling on the Open Forest, i.e. off the approved cycle routes is hopelessly out of control and that it seems that the Forestry Commission does not want to address the issue.

The Deputy Surveyor said he feels the Forestry Commission is trying to work positively to obtain the best outcome but the Official Verderer disagreed.

As an impasse had been reached, it was decided that the matter would be discussed later after the Deputy Surveyor and Mr Street had left the meeting.

SSSI RESTORATION WORKS

2011/5786 PINNICK WOOD, BUCKHERD BOTTOM & CROCK HILL

RESUME

Pinnick Wood - A complaint has been received about the state in which the Forestry Commission has left the Pinnick stream restoration project. There is a list of problems including debris dams created by sawn timber which has been left lying around, quantities of gravel on the surface, the bottom of the stream being very unstable and heather bales exposed with loose strings at a crossing.

The stream bed and sides in places are very sippy clay. A horse would most likely go in deep. This is not the formal crossing places which are hard.

A significant amount of sawn logs have been left which have now either been washed into the stream or thrown in by the public, resulting in debris dams.

There are at least seven stacks of Scots pine trunks left lying in various parts of the site.

There is no reason why the wood should not have been taken away. The ground conditions have been dry for months.

Buckherd Bottom – a complaint has been received about this area as well. Again there are loose strings on heather bales and stakes left sticking up.

Both are a hazard to stock and the general public.

Crock Hill – In 2008 the Forestry Commission filled all the drains on the south east side of Hampton Ridge. As a result of this work the track from Crock Hill to the Ridge was ruined and a deep clayhole appeared. A request was made on 30th September 2008 for the hole to be dealt with but after three years nothing has been done. The hole is deep and dangerous and it is plain where riders have been into it.

The Court is keen that any future projects have much clearer and stricter conditions attached in order that these sorts of problems do not continually occur.

The Deputy Surveyor said that he agrees the Forestry Commission needs systems in place for checking/snagging. He said he will investigate the complaints and come back with specific responses.

Action
KP

The Official Verderer said that under the HLS the Forestry Commission will manage its own budget. There is an allocation in the budget for snagging.

2011/5787 LATCHMOOR STREAM RESTORATION PROJECT

RESUME

A site walk has been organised for the 27th November and the Court was keen to hear from the Forestry Commission whether it is meant to be for consultation or information. It is expected that a significant number of people will attend as many people are concerned about the proposed work.

The Deputy Surveyor said that he considers the visit will be more for information than consultation as the Forestry Commission cannot do anything that affects what has been agreed with the Court, Natural England, the CDA and the National Park Authority. At a recent public meeting, after further explanation, the Forestry Commission estimated that 80% of those present went away satisfied that the proposals are acceptable.

The Official Verderer commented that he thinks the Chief Executive of the NPA may not be in favour of the project. He said he hopes she will attend the meeting and gauge the feeling of those present. If as a result the CE is happy, then the project will be approved by the HLS Board, if not, the scheme will have to be re-designed in order to try to address the local objections.

Mrs Westerhoff was concerned that there is a need to get the area into favourable condition as currently it is not.

ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2011/5788 FORESTRY PANEL VISIT

RESUME

The Official Verderer asked if any more information on the forthcoming Forestry Panel visit is available. An interim report is due out by December. As yet it has not been decided which organisation will lead the visit. The Court is very keen to meet the Panel.

Action
KP

Mr Penfold gave his apologies and left the meeting

ENCROACHMENTS OF INTEREST TO THE FORESTRY COMMISSION

- 2011/5789 LAND AT KINGS COPSE RESUME
- Concern was expressed about the alleged encroachment at Kings Copse. The owner of the land has moved a telegraph pole. A new gate has been erected and gravel has been used to fill a ditch. It seems that the intention is to create a double gateway. It was pointed out that if this is a perambulation fence, (and it is believed that it is) any new access needs the consent of the Court. Action MSt
- 2011/5790 ADVERTISING MATERIALS DISCHARGE
- Mr Pasmore was very pleased to report that there have been no advertisements at all at Bramshaw Telegraph for some months. He thanked the Forestry Commission for its efforts in resolving this long standing problem.
- Following several requests to the proprietor of the High Corner Inn to remove the illegal 'A' board advertising sign from the verge at the end of the track, it has now been taken away and Mr Street said it can be collected from the Forestry Commission's workshop at Burley!
- The Waterloo Arms' Land Rover has been seen in Lymington. It is hoped it will remain there.
- 2011/5791 LIST OF ENCROACHMENTS ON CROWN LAND RESUME
- An updated list of encroachments was circulated. Action MSt
- The extent of the area of SSSI taken by the owners of The Beeches at Shappen is now known. Correspondence is continuing but it is expected that a resolution will be reached in the not too distant future.
- The VGS manager will contact the commoner who has encroached on the Forest at Pond Head in an effort to resolve that issue.
- 2011/5792 HOME FARM BARTLEY RESUME
- The Clerk was asked to contact the Court's solicitor with a view to a further letter being sent (by the Official Verderer) to the owner of the property as there is still no sign of any work to abate the encroachment by the agreed deadline of the end of the year. If no effort is made on the part of the property owner to resolve this issue, enforcement action will be commenced in early January. Action SW
- It was confirmed that the Land Advice Service will supervise the restoration.
- 2011/5793 PILOT SCHEME TO PREVENT ENCROACHMENTS DISCHARGE
- Mr Street reported that the Forestry Commission is running a pilot scheme in Burley to try to reduce the incidences of encroachments around the village. As it is believed that some of the problems arise through ignorance, a draft letter for residents has been sent to the Parish Council for comment and support. The letter advises the residents that they cannot gravel entrances, install kerbing, destroy vegetation etc., on the

SSSI without consent. It is hoped a letter drop can be carried out in parts of the village where the most problems seem to occur – such as Bisterne Close and Mill Lawn. Most parishes have a Parish Magazine that is published at least once a year and the Forestry Commission hopes information on the subject can be included in such magazines.

Mr Street left the meeting.

OTHER MATTERS ARISING

2011/5794 LAND AT KINGS COPSE ROAD DISCHARGE
Presentment by Mr Frank Tillyer – September 2011 Court

The Clerk confirmed that most of the statements have been obtained.

The Official Verderer explained that Mr Tillyer has been in touch with the Clerk by telephone to object to the way that his presentment was recorded in the September Court Minutes. He has asked that the presentment be minuted in full and has produced an electronic copy. The Court agreed that this should be done by way of inclusion in these minutes (see below).

Mr Tillyer also wished to draw the Court's attention to his request that a letter be sent to the New Forest District Council. The Court considered this request but declined to agree. It is felt that a considerable amount of time has been expended on this matter already and further correspondence is unnecessary. The Court will not change its view regarding the suitability of Mr Tillyer's land for use as back-up grazing. Additionally, the New Forest National Park Authority has been the contact with regard to this matter and the Court does not feel obliged, nor does it feel it is necessary, to correspond directly with the New Forest District Council.

The Court's views will be communicated, by letter, to Mr Tillyer.

Action
SW

Presentment by Mr Frank Tillyer at the September (2011) Court

'My name is: Frank Tillyer, of Rowdown Cottage, Blackfield, Southampton, Hampshire SO45 1XG

1. I am here today to make a presentment to follow on to my presentment made, in this Court Room on Wednesday 20th July 2011. The issues in contention are the subject of: "New Forest Commoners and Back-up grazing", in relation to land in my ownership at Kings Copse Road, Blackfield. The site reference is BLA2 as identified on the attached plan.
2. All of the relevant detailed correspondence on this subject from, Tuesday 16th August 2011 to Friday 16th September 2011, are attached to this presentment for reference.
3. I now turn to my letter dated 16th September 2011, to Miss Sue Westwood Clerk to the Verderers, **paragraph 9**,

CASE FOR CONSIDERATION

Please refer to the letter dated 16th August 2011, from Mr Dominic May, Official Verderer **paragraph 5**, which states: "The Court is satisfied that the information given to the District Council, via the

National Park Authority is factual, and therefore we will not be retracting the statement that we have made”.

3. 1 In **paragraph 10**, I point out, in the light of further enquiries and investigations as set out in my letter dated 16th September 2011, I would like to **formally** request that the Verderers **reconsider the Court's decision not to retract** the statement they have made.
3. 2 Please refer to my presentment made on Wednesday 20th July 2011, in this Court Room and **paragraph 11** . I again formally request the Verderers (Mr Dominic May) as a matter of **URGENCY**, to consider writing to the New Forest District Council, with a copy to me, informing the Council of the Court's decision, no later than Friday 30th September 2011.
4. If the Court is unwilling or unable to write to the New Forest District Council direct, with a copy of the letter to me, please give the Court's reasons for not doing so.

Thanking you for your time, Frank Tillyer ‘

2011/5795 STALLIONS 2012 RESUME

A response is awaited from the CDA.

2011/5796 ROCKFORD FARM DISCHARGE

The National Trust continues to look for ways in which it might be able to fund the acquisition of part of Rockford Farm. It has been suggested that support from the Landfill Tax may be available. Additionally it was reported that the New Forest Association may be able to contribute and it is hoped that other people/organisations may be able to do so as well. It was agreed that this item should be discharged from the Minutes.

2011/5797 MICROCHIPPING RESUME

An unhelpful response has been received from Defra following the Official Verderer's further letter to the Minister. The Clerk was asked to see if she can canvas support from the Verderers' veterinary advisor and Mrs Thorne and the Clerk will seek advice from Mr Paul Jepson, former Chief Executive of the Horse Trust.

Action
PT/SW

2011/5798 COMMONERS' DWELLING SCHEME DISCHARGE

Mr Oliver Crosthwaite Eyre has been asked by the National Park Authority to remain on the Commoners' Dwelling Scheme Panel. Mrs Westerhoff offered to join the Panel on behalf of the Verderers and this was gratefully accepted. The Clerk will respond to the recent request for references for two applicants by providing factual information only.

HIGHER LEVEL STEWARDSHIP SCHEME

2011/5799 HLS MANAGER DISCHARGE

Mr Chris Caswell leaves on 10th December.

VERDERERS GRAZING SCHEME (VGS)

2011/5800	REVIEW OF THE VERDERERS' GRAZING SCHEME	RESUME
	<p>The review paper was considered at length with several amendments being agreed which will be incorporated by the VGS Manager.</p>	Action OV
	<p>It was agreed that the revised VGS will be aligned with the dates of the HLS. Currently, the Countryside Stewardship Scheme year runs from 1st October to 30th September. In future it will run from 1st March to the end of February, with payments going out in April after the HLS payment is received. In order to bridge the 5 month gap between the two schemes, existing members will receive a further payment in April 2012, calculated as 5/12ths of the payment they receive this autumn.</p>	Action C Draper
	<p>A representative of the Commons Unit is believed to be visiting on the 8th December. This will be confirmed with Natural England.</p>	Action SW

MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2011/5801	OFAC	DISCHARGE
	<p>It was reported that the use of Asulox will be banned from December 2012. It will no longer be available for sale from December this year. This is the spray used to treat bracken.</p> <p>The cut and burn programme has been agreed.</p>	
2011/5802	RECREATION MANAGEMENT COMMITTEE	DISCHARGE
	<p>Mr Deakin reported that the cycling representative has resigned in frustration! A replacement has, however, been found.</p>	
2011/5803	CYCLE WAYMARKERS	RESUME
	<p>Following the earlier discussion in the presence of the Forestry Commission, further consideration was given as to how it might be possible to take this project forward.</p> <p>It was agreed to ask the Forestry Commission to compromise and install half a dozen 'no Forest cycling from this car park' signs on selected car park ladder boards in the tranquil areas by way of a trial.</p>	Action OV

FINANCIAL AND OTHER MONTHLY REPORTS

2011/5804	AUDITED ACCOUNTS	DISCHARGE
	<p>The Audited Accounts were approved.</p>	
2011/5805	FINANCIAL STATEMENT FOR OCTOBER 2011	RESUME
	<p>The Financial Statement for November was approved.</p>	

2011/5806 MARKING FEES RECEIVED TO DATE RESUME

Ponies	4598	Pigs	251
Cattle	2385	Sheep	130
Donkeys	128		
TOTAL	7111	TOTAL ALL ANIMALS	7492

2011/5807 ANIMALS REMOVED IN OCTOBER FROM THE FOREST DUE TO POOR CONDITION RESUME

1 mare

STAFF MATTERS (including the Staff Committee)

2011/5808 THE VERDERERS' OFFICE RESUME

The Official Verderer told the Court that he is concerned that the working environment in the Verderers' Office leaves a lot to be desired. There is very little space particularly when visitors call. If the Official Verderer wishes to meet someone in the office it is often necessary for the Clerk or VGS Manager to vacate their office. Productivity would undoubtedly improve if the office environment could be improved. The option of moving into the next door premises, now vacated by the National Park Authority, will be investigated.

Action
OV

TRAINING

No training is currently taking place or due in the near future.

HEALTH AND SAFETY

There are no health and safety issues at present.

ANY OTHER BUSINESS

2011/5809 PIGS DISCHARGE
Presentment by Miss Sarah Harrison

The Court has sympathy with Miss Harrison as the latest byelaws have altered a traditional practice. However, the National Trust has adopted the byelaws and the Court felt it cannot ignore the byelaw. Miss Harrison did object to the revision before the byelaws were confirmed. All objections were sent to Defra and the reasons for the alteration were explained.

There was no further business and the meeting closed at 16.14 hrs