

MINUTES of the Court of Verderers held on Wednesday 21st November 2018 at 9.30 a.m. in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

PRESENT:	Lord Manners	Official Verderer
	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	Mr A B Dowsett	Forestry Commission Appointed Verderer
	Cllr Edward Heron	National Park Appointed Verderer
	Mr J Greenwood	Elected Verderer
	Miss D Macnair MBE	Senior Elected Verderer
	Mr G M H Mills DL	DEFRA Appointed Verderer
	Mr A H Pasmore	Elected Verderer
	Mr D Readhead	Elected Verderer
	Mrs D Westerhoff	Natural England Appointed Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister

IN COMMITTEE in the Library

2018/10129 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on Wednesday, 17th October were approved and signed.

2018/10130 DECLARATIONS OF INTEREST RESUME
October
2019

Declarations of interest can be found on the Verderers' website – www.verderers.org.uk. The Declarations of Interest will be reviewed in October 2019.

2018/10131 CONDITION OF STOCK RESUME

The Head Agister told the Court that until today, the weather has been kind. However, today it is cold and wet – the worst type of weather for the animals and it has been the worst week of the early winter so far.

Stock is looking fairly good although some cattle are giving cause for concern. As the acorn crop has been light this year, some commoners have left their animals out longer than normal. That, combined with the poor harvest and resultant high fodder prices, means cattle have been left out longer this autumn.

The ponies are still faring reasonably well although a few are beginning to lose condition. The dry summer resulted in less food on the Forest this autumn. The Agisters have organised a few pony catching days where foals were missed on the drifts.

A microchipping day has been organised for this coming Saturday, in time for the December sale. Passports will be issued by the NFPB&CS before the sale, for those animals which have been microchipped. It is hoped that the problems resulting from the recent change in legislation regarding microchipping and passports can be resolved soon and in time for the first sale next spring.

The Head Agister is confident that stock will still be looking satisfactory when the Welfare Tour takes place on the 7th December.

2018/10132 INCIDENT AT ASHURST BETWEEN A MEMBER OF THE PUBLIC AND A HERD OF LEGALLY DEPASTURED CATTLE RESUME

Another incident has occurred where a dog walker has been reported injured by a cow. The suggestion that the incident took place on an approved feeding area is incorrect. The nearest feeding area is some distance from the location of the incident which was on open ground adjacent to the Wessex Institute. The Clerk is endeavouring to obtain further information.

Action
Clerk

2018/10133 CONTROL OF DOGS RESUME

Cllr Heron expressed the view that the increase in conflicts between the public and Forest stock is related to the number of cattle turned out on the Forest and the fact that according to an updated survey, a high percentage of people who walk on the Forest have dogs, some of which are not under proper control.

The number of people enjoying the Forest on a day visitor basis is now in the region of 15.5 million. Many of those live locally to the Forest.

Cllr Heron feels that additional signage is required; the Official Verderer said he has asked the Forestry Commission to consider how its signage, designed to educate the public about the Forest livestock, can be improved. It is felt that the present signs about stock are lost amongst the numerous other signs on car park public information points (PIPs).

2018/10134 REPORT ON MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2018</u>	<u>2017</u>
Forest Ponies	4894	4723
Forest Cattle	4778	5025
Forest Donkeys	124	108
Forest Pigs	263	114
Forest Sheep	0	0
Total Forest Stock	10059	9979
Common Ponies	766	814
Common Cattle	1731	1307
Common Donkeys	124	124
Common Pigs	105	57
Common Sheep	213	244
Total Common Stock	2923	2546
Ponies, Cattle & Donkeys on the Forest	9796	9865
Ponies, Cattle & Donkeys on the Commons	2621	2246
Total Ponies, Cattle & Donkeys	12417	12110
Total Stock – Forest & Commons	12998	12525

2018/10135 ANNOUNCEMENTS & DECISIONS RESUME

The Announcements and Decisions were approved.

OPEN COURT – 10.00 a.m.

IN ATTENDANCE: Mr Bruce Rothnie, Deputy Surveyor
Mr Paul Grugeon, Land Agent (New Forest)

The Head Agister opened the Court with the usual proclamation.

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER

2018/10136 VERDERERS' ELECTION

In the event no candidates put their names forward for election other than those two elected Verderers whose term of office was due to expire, namely Miss Dionis Macnair and Mr David Readhead. In those circumstances I am pleased to announce that they are each reappointed for a further six year term.

2018/10137 AVERAGE SPEED CAMERAS ON ROGER PENNY WAY

Earlier this year I wrote to Hampshire's Police and Crime Commissioner suggesting the installation of average speed cameras on Roger Penny way.

I have now received a response to that letter.

The response was reasonably encouraging but made it clear that there are, as you would expect, budgetary constraints and road safety priorities that focus on actions that reduce the number of people killed or seriously injured. Installing average speed cameras is also technically challenging, particularly in the Forest where a 4G mobile signal is rare. The matter is now in the hands of the Hampshire Constabulary to decide upon and I will be following the matter up with them.

2018/10138 ENCROACHMENTS

In March I announced the formation of a working party to bring together a number of the Forest organisations so that we can work together to tackle the issue of unlawful encroachments.

The working party has now met on two occasions. There has been a useful exchange of information and experiences. I am due to meet shortly with the Head of Planning at The New Forest National Park to discuss how the planning authority can assist where the encroachment is, as may often be the case, a breach of planning law.

I am optimistic that our efforts will mean that encroachments are tackled in a more timely and effective way.

ANIMAL ACCIDENT REPORT

2018/10139 THE ANIMAL ACCIDENT REPORT FOR OCTOBER 2018

The Agisters attended 19 accidents in October. This compares with 17 accidents in the same period last year.

1 pony, 2 pigs, 1 donkey and 2 sheep were killed. 4 ponies and 2 cows were injured and destroyed. 1 pony and 1 cow were injured, 1 pony escaped injury and 4 animals reported to have been involved in accidents could not be found.

6 accidents occurred in daylight, 3 at twilight and 10 in the dark.

5 motorists were known to be local.

3 accidents were not reported by the driver involved.

The total number of commoners' animals killed and injured to the end of October 2018 is 72 compared with 56 in the same period last year.

PRESENTMENTS

2018/10140 NATIONAL GRID'S PROPOSALS FOR UNDERGROUNDING THE HIGH VOLTAGE POWER LINES IN THE NORTH OF THE FOREST
Presentment by Mr Peter Gear, resident of Hale and member of the Protect Hale Purlieu Movement

'Good morning. My name is Peter Gear, resident of the village of Hale and member of the Protect Hale Purlieu Movement. I am making a further presentment to you today on the subject of National Grid's Visual Impact Provision project across Hale Purlieu.

Further to my presentment in September, I wish to make you aware of the response of the Royal Society for the Protection of Birds to National Grid's proposals. After representations, RSPB have sent a letter to National Grid giving detail about the extensive damage that will be caused to the habitat for birds during construction and beyond.

Concerns raised include the restoration process, the effect of using concrete in the construction, the heat generated by the cables and the life span of the cables.

However, their main objection centres around the fact that Natural England has advised National Grid that the plans need to go down the IROPI route (Imperative Reasons of Overriding Public Interest) to overrule normal planning laws. This is a complex legal argument and not appropriate to be voiced now. However, I will leave a copy of their correspondence with the Clerk for you to read in detail later.

However, I shall take the opportunity to read out the last sentence of their communication to National Grid "We would be happy to discuss these concerns in more detail and any solutions that you might have but with so many areas of uncertainty we could not at the moment do anything other than strongly object to this proposal". Dr Richard Black RSPB.

We now have one major organisation bold enough to come out against the undergrounding of the cables on the Purlieu. I hope that the Verderers will follow suit and similarly reject NG's plans.

I look forward to your response at the January open court.'

2018/10141 NATIONAL GRID'S PROPOSALS FOR UNDERGROUNDING THE HIGH VOLTAGE POWER LINES IN THE NORTH OF THE FOREST
Presentment by Ms Gaby Lucas, Chair of Hale Parish Council

'Good morning, my name is Gaby Lucas and I'm speaking to you on as Chairman of Hale Parish Council about the National Grid proposal to underground 3 kilometres of 400KV cables across Hale Purlieu.

Hale Purlieu is a very special and protected SSSI and Ramsar site. When the site was first considered by the VIP National Stakeholder Group in 2015, an option to tunnel the cables under Hale Purlieu was briefly considered and dismissed seemingly solely for reasons of cost. However, the route for trenching has changed and is now 20% longer than the original route which could still be tunnelled.

All maintenance and future cable replacement can be carried out within the tunnel with no need for further disturbance or excavation of Hale Purlieu. Also because the tunnels are so deep any effects on the surface, from heat dissipation, are negated.

National Grid is currently out to tender for 4 other tunnelling sites in the UK, amounting to around 40 kilometres – as opposed to the line across Hale Purlieu of about 2-3 km.

The current proposal is to dig trenches and install fences across Hale Purlieu, amounting to some 25 hectares or 60 acres of lost grazing over a period of at least two years. Commoners are very concerned about the welfare and safety of their livestock. There would also be disturbance to wildlife habitats, nest sites and hydrology of the area and the loss of trees and bushes. On top of that the disturbance and disruption to many Hale residents will be daily and will last for at least two years.

Most of this disturbance and loss could be avoided by tunnelling instead of trenching.

Hale Parish Council has written to National Grid to call for the option to tunnel to be reconsidered and we ask the Verderers to support us in this request.'

2018/10142 ANIMAL ACCIDENT/EMERGENCY CARDS

Presentment by Miss Nicola Denness, practising young commoner

'Good Morning. My name is Nicola Denness. I am a practising young commoner with my family the Harrisons, who have been practising commoners for many years.

I have become very concerned in the number of animal accidents and hit and runs. I have had a foal, yearling and 2 sheep involved in these circumstances. I have noticed the New Forest Animal Hotline cards have very useful information, however would it be possible to change/ remove the wording regarding reporting the animal within 24hrs, which is not appropriate for animals welfare so could this not be changed to report an animal accident immediately, as many of these accidents are leaving animals suffering in pain with internal injuries, broken legs and causing unnecessary suffering and leaving them in a distressing state. These animals could be left to suffer as long as 24hrs.

Also, on the animal hotline card, it states 'if you feed animals, they may stay by the road and be killed.' Could it say Do NOT feed the animals! There used to be signs prohibiting of feeding the animals with a fine, so why can't these signs be reinstated and enforced.

I will leave these thoughts with you, and thank you for listening.'

2018/10143 FUNGI

Presentment by Mr Brian Tarnoff Chair, Habitat and Landscape Committee, Friends of the New Forest (New Forest Association)

'Although an ongoing problem, the taking of *Hericium erinaceus*, Bearded Tooth, a protected rare species fungus, has made it into the news. Once again, we urge the Forestry Commission to treat this crime seriously, and to include both local police and the National Wildlife Crime Unit.

The Wildlife and Countryside Act 1981 makes it an offence to pick any rare (schedule 8 red data list species) wild plant including fungi. The Crown Prosecution Service Guidance lists very strong penalties, including up to £5k fine per item, six months jailtime, and forfeiture of vehicles used in the act or to transport goods. This applies in any location, for any purpose, whether for personal or commercial use. The guidance also clearly states that anyone in the constabulary has standard stop and search powers over anyone they have reasonable cause to suspect of this offence.

The same section of the Wildlife and Countryside Act also makes it illegal to "uproot" any wild plant without authorisation, and the Forestry Commission have asked people not to pick fungi from the Crown Lands they manage. Another section of the act provides extra protection for land designated as Sites of Special Scientific Interest (SSSI). This makes it an offence on SSSI land to "intentionally or recklessly destroy or damage any of the flora, fauna, or geological or physiographical features by reason of which land is of special interest". The New Forest has one of the few SSSI designations that lists its fungi population as one of its special interest features.

The Forestry Commission byelaws make it an offence to do anything to a plant (dig up, remove, cut, injure or remove seeds), and also lists as prohibited for removal "soil, turf, leaf mould, moss, peat, gravel, slag, sands or minerals". Confusion is caused because fungi were originally within the definition of "plant". A possible loophole was created when fungi were reclassified. The Wildlife and Countryside Act and other primary legislation solve this with a codicil that defines their legal use of "plant" as inclusive of "fungi and algae". This ought to apply to FC Byelaws.

So technically, picking fungi on the New Forest SSSI without authorisation, is illegal, but under two less enforced portions of legislation, as well as the spirit of FC Byelaws. BUT Picking fungi from the wild for any commercial purpose (Theft Act 1968), OR picking rare species for any purpose anywhere are both illegal and realistically arrestable, prosecutable offences. [As it happens, all foraging is illegal under the CROW 2000 Act, but as the New Forest was created as access land prior to the Act it is exempted.]

The Wild Mushroom Picker's Code of Conduct 1998 developed by English Nature with the Forestry Commission, the National Trust, the Woodland Trust, the Association of British Fungus Groups and the British Mycological Society deems culinary forage as inappropriate on SSSI and/or National Nature Reserves. The New Forest is both.

But putting aside the law and guidance, it is simply wrong. The New Forest Site of Special Scientific Interest has further legal designations as a Special Area of Conservation, a Special Protection Area, a National Nature Reserve and a National Park. These are the highest levels of Conservation protection. FC fungi policy on the New Forest SSSI is actively supported by these conservation charities: the Wildlife Trusts, National Trust, Buglife, Plantlife, the British Mycological Society, Association of British Fungus Groups, Hampshire Fungus Recording Group and ourselves, some calling for an outright ban (BMS et.al.).

You may ask what Buglife are doing on this list, according to one of their ecologists at least 600 invertebrate species, although likely more than a 1000 in the New Forest are dependent on fungi as an egg laying site. Anyone harvesting fungi here are taking away a proportion of future generations of those species. That's one key element of the place of fungi in the ecosystem. It is a basic principle of conservation that we protect all elements of a habitat under threat. Currently thousands of UK species are crashing, this Forest is under siege, the last stand.

We urge the Forestry Commission to actively seek prosecution of those taking protected species, highlighting the severe penalties, to involve local and National Wildlife Crime officers. Consider re-establishing Forest Keepers in the Special Constabulary (as are the Keepers in Epping Forest; and perhaps the Verderers ought to discuss, as was mooted at the time of the 1949 Act, the notion of attesting Agisters similarly), which would grant them powers of arrest, search and seizure. Use camera traps, or perhaps chemical tagging to provide evidence to convict.

We hope the Verderers, in your many advisory capacities, including your intent in the declaration to manage the Forest as a National Nature Reserve, will also urge the same.'

2018/10144 PRESENTMENT BY A YOUNG COMMONER

Presentment by Mrs Mary Gray, practising commoner from Bramshaw

Referring to Miss Denness's presentment about the animal accident/emergency cards, Mrs Gray remarked how nice it is to hear a Presentment made by a young commoner.

2018/10145 SPEED ENFORCEMENT ON THE B3078 – ROGER PENNY WAY

Presentment by Mrs Mary Gray, practising commoner from Bramshaw

Mrs Gray acknowledged that installation of average speed cameras on the B3078 is being considered. She said she appreciates that progress is slow, but hopes that they will be in place by next winter.

2018/10146 PRESENTATION OF THE LIFE ROSEBOWL 2018

'Pure Bred New Forest Pony mares which run on the Forest are inspected during the summer and assessed individually by three New Forest Pony Breed Society Panel judges. The mares are scored on conformation, breed type and movement at walk and trot. The pass mark is 70%. If they achieve this mark, they are graded and awarded points which are entered into the Society's Elite Scheme.

The Elite Scheme was established to help breeders, owners and potential owners interested in New Forest ponies to discover the consistently successful bloodlines in the breed. The aim is to highlight not only the achievement of individual ponies, but to link these to their sires and dams and/or progeny. The New Forest was the first UK native breed society to devise and implement a scheme such as this and its aims are to show the qualities of our ponies in as many different disciplines as possible, thus enhancing our steadily growing reputation for good quality, useful ponies capable of success in a diverse range of equestrian disciplines.

This year the top mare is, Foxhills Top Lady, a 9 year old bay mare, by Brookshill Brumby, out of Foxhills Total Eclipse. Foxhills Top Lady is a graded mare, cup and premium winner in the Forest Fed competition. She was bred by Mrs Patricia Dunning and is owned by Nicky Stephens.

We are very pleased that Nicky is here today and Mr Deakin will present her with the Rosebowl'.

The Rosebowl was presented.

2018/10147 PRESENTATION OF THE ROWL KITCHER CUP 2018

'In 2007, we resurrected the annual award of the Rowl Kitcher Cup which was kindly donated some years ago by Mr Rowl Kitcher's family. The Cup is awarded each year to the owner of the highest scoring 2 or 3 year old colt at the stallion inspections held in the spring and to qualify for the cup the colt has to be selected for inclusion in the Verderers' Stallion Scheme.

This year I am very pleased to announce that the Rowl Kitcher Cup has been won by Knavesash Polaris who was the highest scoring young colt presented to the Verderers this year, for selection as a potential stallion for the Forest.

Knavesash Polaris is owned by Kate Robb from Thorney Hill and she is here today to receive the Rowl Kitcher cup which will be presented by Elected Verderer and Chairman of the Verderers' Stallion Sub-Committee, Mr Richard Deakin'.

Unfortunately, Ms Kate Robb was unable to attend Court for the presentation.

The Head Agister closed the Court

IN COMMITTEE in the Library

IN ATTENDANCE: Mr Bruce Rothnie, Deputy Surveyor of the New Forest
Mr Paul Grugeon, Land Agent (New Forest)

CONSIDERATION OF PRESENTMENTS

2018/10148 NATIONAL GRID'S PROPOSALS FOR UNDERGROUNDING THE HIGH VOLTAGE POWER LINES IN THE NORTH OF THE FOREST RESUME

It was agreed that the Court should not change its stance as previously stated. It will wait to see the final proposals before making a decision.

A request will be made for details of what is meant by 'tunnelling'.

The Official Verderer will send a copy of the Presentments received to National Grid with a request for comments on the concerns raised. Action
OV

2018/10149 ANIMAL ACCIDENT/EMERGENCY CARDS RESUME

The Clerk was asked to investigate the possibility of adding 'to avoid suffering' to the cards, in order to encourage motorists involved in road traffic accidents with commoners' animals to report accidents quickly. The suggestion of adding 'do not feed the animals' will also be considered but space for additional text is limited. Action
Clerk

2018/10150 FUNGI DISCHARGE

The Deputy Surveyor explained the difficulties faced by Forestry Commission staff when trying to protect fungi. Cameras have been deployed at some known sites. Some commercial picking has been identified and the evidence collected is being scrutinised to see whether a successful prosecution might be achievable.

Forestry Commission staff no longer hold special constable status. Training Keepers and Agisters to become special constables would be a formidable undertaking and placing staff in situations where their personal safety could be at risk needs to be taken extremely seriously. Cllr Heron pointed out that things are very different now and even if staff were given the status of special constables, it is no longer considered safe for staff out on their own to approach certain individuals.

DE-MINIMIS CONSENTS – ITEMS APPROVED AND TO BE RECORDED

2018/10151 NEW WATER MAIN, RUFUS LODGE, BROOK (not FC land) DISCHARGE

2018/10152 BROADBAND CABINET TO THE SIDE OF BRIARWOOD COTTAGE, LYMINGTON ROAD, EAST END DISCHARGE

2018/10153 UNDERGROUND ELECTRICITY SUPPLY TO 166 WOODLANDS ROAD, ASHURST (not FC land) DISCHARGE

2018/10154 BURLEY MANHOLE REPAIRS (WATER COMPANY) DISCHARGE

NEW SUBMISSIONS AND OTHER MATTERS RAISED BY THE FORESTRY COMMISSION

2018/10155 SSE REPLACEMENT POLES – BANK / ALUM GREEN / HOLIDAYS HILL RESUME

SSE has given assurance that during the work to replace the poles, the integrity of the A35 road fence will be strictly maintained. Gates used for access will be kept secure at all times. A discussion took place regarding whether at least some of the line can be laid underground. Mr Grugeon will go back to SSE and report at the next Court.

Action
PG

The Official Verderer said that during a recent discussion with a local SSE manager, he was advised that SSE has a limited budget for undergrounding electricity lines and it has been suggested that careful consideration should be taken as to when to ask for such works. SSE has invited the Court to prepare a 'shopping list' of lines that it would like to see buried. Members of the Court were asked to let the Clerk know of any lines where they feel undergrounding would greatly enhance the landscape.

Action
All

It was suggested that the New Forest Association should be approached with a view to considering whether there are opportunities to bid for financial support for undergrounding.

Action
OV/Clerk

MATTERS ARISING FROM MINUTES OF PREVIOUS COURTS OF CONCERN TO THE FORESTRY COMMISSION

2018/10156 LOCAL PLAN RESUME

The Official Verderer reported that he is working on the letter. He will make a draft available for consideration at the December Court.

Action
OV

2018/10157 GATEWAY SIGNAGE RESUME

The Official Verderer wrote to Hampshire County Council and the Chief Executive of the National Park Authority. HCC has acknowledged receipt of the letter and a more detailed response is awaited.

January
2019

2018/10158 CONFLICTS BETWEEN LIVESTOCK AND THE PUBLIC RESUME

A detailed discussion took place on the difficult subject of whether it is feasible, in some areas, to separate physically stock from the public at certain times. It is recognised that the conservation designations which apply to the Forest make fencing difficult. In addition, the impact of restricting the right of access by stock has to be considered very carefully.

Mr Deakin reminded the Court of the Agisters' concerns about increasing conflict between stock and the public.

Cllr Heron felt that the issues surrounding people and stock is not sufficiently in the public consciousness. Not enough people are aware of the dangers of getting too close to stock whether with or without dogs and that needs to be addressed.

Mrs Westerhoff suggested the Court should consider setting up a small working group to discuss what it would like the Recreation Management Strategy to achieve.

Suggestions for actions that could be taken in the shorter term include:-

- Fencing Deerleap Car Park on the edge of the gravel area as this would have minimal impact on the SAC and grazing and would hopefully be acceptable to Natural England.
- Improved signage, particularly in car parks; reducing general signage, and offering appropriate warnings. The signs need greater prominence than at present.
- Engage with the New Forest Dog Owners' Group in order to try to improve education of private dog owners and commercial dog walkers.
- Draw up a code of conduct for everyone who walks on the Forest. Mr Mills suggested people could be offered badges to show they support and are adhering to the code.
- Find ways to encourage people to walk in inclosures, making it clear that people do have a choice and can walk where they are less likely to encounter livestock.

The Court is keen that in the longer term, serious consideration is given to relocating campsites off the Open Forest. New Park was suggested as one very suitable location and also possibly inclosures where campsites are in close proximity.

Action
All incl FC

2018/10159 EAST BOLDRE VILLAGE HALL – PROPOSED SHOP

RESUME

The Official Verderer, Mr Dowsett and Mr Deakin met the Village Hall Committee. 1000 sq.ft of retail space is envisaged, similar to that at Woodgreen Village Shop. It is proposed that the goods for sale should be displayed on mobile racking that can be moved in order to make space for normal village hall events. Office space, meeting rooms and other facilities are also planned.

Concern was expressed, however, about the increased intensity of use of the building which is on the Open Forest, together with the associated increase in vehicle movements on and off the site on a daily basis.

The Deputy Surveyor said the Forestry Commission's solicitors are still considering the legal position.

Action
DS

2018/10160 PROPOSED RESTRICTED BYWAY – BISTERNE COMMON BOUNDARY WITH THE FOREST AT DUR HILL TO BURLEY

RESUME

Mr Grugeon reported that he has emailed Hampshire County Council's Rights of Way team expressing concern about the proposed restricted byway across the Crown Lands. He has been told that due to the backlog of applications for rights of way designations, HCC is unlikely to be able to consider this application for several years. It was, however, agreed that the Forestry Commission's formal objection should be lodged now.

Action
PG

Mr Pasmore asked on what basis is it possible to argue a prescriptive right over Crown Land. This will be investigated by the Deputy Surveyor and the Land Agent and a response provided.

Action
DS/PG

Mr Pasmore added that the Sandford Way was effectively destroyed by the construction of the railway. Silversands Bridge was moved west and therefore any way that might have existed in the past, is no longer.

It was also questioned how designating a new right of way fits with the Habitats Directive and conservation designations. This is another question which in time will require consideration.

2018/10161 MEDIA TRAINING RESUME

Now the drift season has finished, the Official Verderer will take this forward. Action OV

2018/10162 FAWLEY WATERSIDE DEVELOPMENT RESUME

The meeting with Fawley Waterside has been arranged for Tuesday 27th November.

2018/10163 NEW FOREST GOLF CLUB & BRAMSHAW FOREST GOLF COURSE – MANAGEMENT PLANS RESUME

Concerns have been raised in connection with the list of chemicals included in the current management plans and permitted to be used on the Open Forest. The Management Plans cannot be signed off until this aspect is resolved.

The Court suggested an independent agronomist should be appointed at the sports clubs' expense, to act for the Forestry Commission, taking into account the Verderers' interests. Action PG

Mr Grugeon will write to the clubs and advise that the use of all chemicals is prohibited until such time as they can come forward with an acceptable list. Action PG

In addition to the above, the Court felt that the Natural England Site Management Statement for the Burley Cricket Club is too loose. This needs to be addressed. Action PG

SSSI RESTORATION WORKS

2018/10164 REPAIR AND MAINTENANCE LIST RESUME

There are currently no issues on the SSSI Repair and Maintenance List

2018/10165 DEADMAN CROSSING DISCHARGE

Mr Greenwood commented that some damage has been caused where stones which had been stored nearby were lifted. Action DS

ENCROACHMENTS INVOLVING THE FORESTRY COMMISSION

2018/10166 ENCROACHMENT LIST RESUME

There are currently no encroachments involving the Forestry Commission. An encroachment in Pages Lane which was original believed to be on Forestry Commission land, but subsequently proved not to be, is being abated following action from the New Forest Commoners' Defence Association. The fence is being put back into the correct position.

ACTION LIST

2018/10167 ACTION LIST

RESUME

An updated Action List was provided.

ANY OTHER BUSINESS INVOLVING THE FORESTRY COMMISSION

2018/10168 NEW FOREST GOLF CLUB, LYNDHURST – TEMPORARY FENCING OF TEES DISCHARGE

Due to the amount of damage by stock which is currently being experienced on the newly levelled 9th and 15th tees, the Club has requested permission to erect temporary fencing around the tees until late February. The Court approved this request providing the fencing is constructed of wooden posts and plain wire and maintained in a safe and stock proof condition.

Action
PG

2018/10169 DAMAGE TO TOMS LANE

DISCHARGE

A commoner has written to both the Official Verderer and the Deputy Surveyor complaining about damage caused by construction traffic accessing one of the properties in Toms Lane.

It is thought the letter may be a belated response to correspondence sent to all commoners back in the summer concerning poaching by cattle.

2018/10170 FORESTRY COMMISSION PROPERTIES

DISCHARGE

Mr Deakin asked the Forestry Commission for an update on the method of selecting tenants for Forestry Commission properties. He reminded the Court that Illingworth recommended that FC properties should be offered first to staff required for operational reasons and then to practising commoners. Illingworth also recommended that the Verderers should be involved in the selection process.

Mr Grugeon advised the Court that in discussions with the CDA, he confirmed that if there is no staff take up, commoners are invited to apply. He added that one staff member who has applied is also a commoner. There remains, however, some concern that the Forestry Commission's interpretation of 'operational reasons' is rather loose.

2018/10171 AFRICAN SWINE FEVER

DISCHARGE

The Deputy Surveyor advised the Court that there is an outbreak of African Swine Fever in Belgium and Defra has expressed concerns about the wild boar in the Forest of Dean. The Clerk confirmed she has been made aware of the outbreak and is in consultation with the Animal and Plant Health Agency.

2018/10172 FORESTRY COMMISSION ECOLOGIST

DISCHARGE

The Deputy Surveyor advised that Miss Sarah Oakley is leaving the Forest after Christmas to take up a position in Scotland. A replacement is likely to be recruited. However, with the HLS Scheme due to end in February 2020, the vacancy may not be easy to fill as for the time being it will be a short term role.

2018/10173 A31 CATTLE GRID AT CASTLE MALWOOD LODGE RESUME

The Clerk reported that the cattle grid on the road leading from Minstead to the A31 at Castle Malwood Lodge is not stock proof. The pit under the grid has been filled with concrete to a level just below the bars. Unfortunately, at present the contractor for Highways England is disputing the Verderers' advice that the grid is no longer stock proof. The Clerk asked for support in asking Highways England and the Department of Transport to undertake the remedial work required to ensure the grid is properly constructed. The Court agreed a letter should be sent to the most senior person at Highways England with a copy to the relevant MP. Cllr Heron requested a copy as well.

Action
OV

2018/10174 A31 RUFUS STONE GAP DISCHARGE

Cllr Heron advised the Court that a proposal to close the gap across the A31 at the Rufus Stone junction is likely to come forward. The closure is for safety reasons.

The Deputy Surveyor and the Forestry Commission's Land Agent left the meeting.

MATTERS ARISING (NOT INVOLVING THE FORESTRY COMMISSION)

2018/10175 CORRESPONDENCE WITH THE POLICE & CRIME COMMISSIONER (PCC) RE AVERAGE SPEED CAMERAS ON THE B3078 ROGER PENNY WAY RESUME

The Official Verderer said he has received a response to his letter to the PCC. The Official Verderer will now write to the Chief Constable to ask that every effort be made to provide the analytical/back room support needed for Average Speed Cameras to be installed on the B3078.

Action
OV

2018/10176 VISIT BY JULIAN GLOVER, WRITER AND LEADER OF THE REVIEW OF NATIONAL PARKS RESUME

The Official verderer reported on Julian Glover's recent visit. He said that Mr Glover has a very good understanding of National Parks. He asked that the CDA and Verderers submit their views to him. The Official Verderer will comment on a number of key points, namely The Sandford Principle and recreation, conservation and other designations, the role of commoning in the management of the New Forest and the effects of the Basic Payment Scheme.

Action
OV

2018/10177 REVIEW OF THE VERDERERS' BYELAWS RESUME

The Official Verderer told the Court that Counsel's fee for advising on the possibility of a new byelaw will be £2,500. The Court approved this expenditure.

Action
OV

HIGHER LEVEL STEWARDSHIP SCHEME

2018/10178 THE FUTURE OF THE HLS SCHEME DISCHARGE

HLS schemes ending in 2019, which meet certain criteria, may be rolled over for a further 4 years. It is hoped the same may apply to schemes ending in 2020.

The Verderers' HLS Scheme is likely to have an underspend. The Official Verderer said that the Board is happy to receive suggestions for worthwhile projects.

2018/10179 VERDERERS' GRAZING SCHEME DISCHARGE

The amendments to the scheme were announced in September's Court.

MATTERS ARISING FROM EXTERNAL COMMITTEES & WORKING GROUPS

2018/10180 ENCROACHMENTS WORKING GROUP DISCHARGE

The Working Group has now met twice and its work is continuing. It was felt the Verderers' logo should not appear on documents produced by the Encroachments Working Group. However, the Verderers strongly support efforts to deal with encroachments and the Official Verderer has therefore suggested a form of words for use in correspondence. These will make it clear that efforts to tackle encroachments have the support of the Verderers. Other key Forest organisations may do likewise. This was agreed.

2018/10181 ACCESS TRACK TO THE KEEPER'S COTTAGE AT CHURCH PLACE, ASHURST RESUME

The local keeper has asked for a gate to keep stock out of the narrow part of the track leading to his cottage from Ashurst Hospital. There is a continual procession of walkers on most days and cattle sometimes congregate on the track, creating a potential hazard. Before the Cricket Pitch was thrown open, the area was free of commoners' stock.

The Clerk reported that in addition to the potential problems which might result from cattle and people being in a confined space, there is also a problem with adjacent land owners failing to properly maintain their boundary fences. Prior to the former Cricket Pitch being opened to stock, the land owners only had to keep their animals in; they did not need to fence in order to keep Forest stock out. Commoners' animals have been injured as a result of being caught in substandard fencing.

A discussion took place regarding whether it is sensible to add a gate or whether the whole length of the track should be fenced. Some members of the Court opposed the latter suggestion but it was felt the gate probably wouldn't be kept shut and so it was questioned whether it is really necessary. The matter requires further discussion/consideration.

Action
FC

2018/10182 RURAL PAYMENTS AGENCY – COMMON LAND STAKEHOLDERS GROUP DISCHARGE

Mr Greenwood reported that the re-mapping has yet to be completed. It is expected it will be finished by the end of the month. It is likely to affect the New Forest HLS because of the way vegetation is being mapped. As a result the eligible area may change. Mr Greenwood will report progress.

Action
JG

FINANCIAL MATTERS

2018/10183 FINANCIAL STATEMENTS FOR OCTOBER 2018 DISCHARGE

The Financial Statement was noted.

STAFF MATTERS / HEALTH & SAFETY

2018/10184 AGISTERS' HORSE EXPENSES RESUME

The Clerk has written a further letter to HMRC and a response is awaited.

2018/10185 AGISTERS' MILEAGE DISCHARGE

This issue has now been resolved.

2018/10186 FIRST AID TRAINING DISCHARGE

Refresher first aid training will be arranged for all staff.

Action
Clerk

ANY OTHER BUSINESS

2018/10187 LINFORD BOTTOM SCRUB CLEARANCE DISCHARGE

Mrs Westerhoff attended a recent meeting at which the Parish Council representatives were also present. Significant areas of scrub clearance have been agreed. The necessary felling licence for larger trees will be obtained.

2018/10188 HYDE COMMON – HEDGE RESTORATION DISCHARGE

Mrs Westerhoff said she advised that the methods of working on Crown Land should also be applied to proposals on the added areas, including at Hyde Common.

2018/10189 FOREST DESIGN PLAN – CONSULTATIVE PANEL DISCHARGE

Parish Councillor Mr Harry Oram is waiting for a response from the Verderers on the Forest Design Plan. Mrs Westerhoff will arrange for this to be provided.

Action
DW

2018/10190 NEW FOREST PONY SALES DISCHARGE

Miss Macnair said that she understands the Beaulieu Road Sales are now running at a loss due to the low number of ponies being auctioned. She reminded the Court that the New Forest Pony is on the Rare Breeds Survival Trust Watch List. This is because the number of mares under 10 years of age which are producing foals is very low. Miss Macnair called for more stallions to be turned out. The Court, however, feels that it is wrong to breed foals that no-one wants.

Mr Deakin did not agree that the Sales have lost money this year because they have some financial support from the HLS but that cannot continue indefinitely.

Mr Readhead reported an added problem is that Defra has recently changed the rules regarding ponies going through the sales. Everything must now be microchipped and have a passport before going to the sale.

The system whereby foals went through the sale and were microchipped before leaving the sale yard with temporary identification papers being issued at the time is no longer permitted, even though it has worked well. If that system cannot be reinstated, the sales may well no longer be financially viable for the Auctioneers.

In addition, following recent new legislation, all equines must be microchipped before 2022, although the Forest and certain other recognised areas of common land such as Dartmoor and Exmoor have retained their derogations for their semi-feral herds.

It was agreed the Livestock Society should invite Defra to visit the Forest in order that the problems can be discussed and hopefully an acceptable solution agreed.

Action
DR

There was no further business and the meeting closed at 13:30 hrs

Juan Manned
19/11/2018