

MINUTES of the Court of Verderers held on Wednesday, 15th October at 9.30 a.m. in the Library, The Queen's House, Lyndhurst.

PRESENT: Mr O Crosthwaite Eyre Official Verderer
Mr J Adams Elected Verderer & Chairman of the Staff Committee
Mr P Frost Countryside Agency Appointed Verderer
Mr A Gerrelli Elected Verderer
Mrs K Heron Appointed Hampshire County Council Verderer
Mr J F Kitcher Elected Verderer
Miss D Macnair Elected Verderer
The Hon R Montagu Appointed Forestry Commission Verderer
Mr A H Pasmore Elected Verderer
Mrs P Thorne Appointed DEFRA Verderer

IN ATTENDANCE: Miss S Westwood Clerk
Mr B Ingram Head Agister (first three items only)

APOLOGIES: None

IN COMMITTEE

The Head Agister was present for the first three items.

2003/441 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 17th September 2003 were approved subject to minor amendment and signed.

2003/442 ANNOUNCEMENTS & DECISIONS DISCHARGE

The Announcements and Decisions were approved.

2003/443 CONDITION OF STOCK RESUME

The Head Agister commented that throughout the Forest, stock looks very well at the moment. Very few ponies have been removed from the drifts. One or two drifts have had to be changed because there are a few cases of strangles. Wilverley and Markway are affected at present. The cases at East Boldre seem to have cleared up. The foals appear to have improved in the past few months.

The Head Agister then produced two photographs of children playing with Shetland ponies on Ashurst campsite. In one picture, a child is sitting on the ground with the Shetland foal's head in his lap. The Head Agister asked the Forestry Commission to make a greater effort to stop campers from touching the ponies.

Mr Adams, Chairman of the Staff Committee, agreed with the Head Agister's assessment of the condition of stock and added that the Forest desperately needs some rain. He thought that the death of two ponies at Linford may be the result of them eating acorns. Not many pigs are out because it is too dry.

2003/444 STRANGLES RESUME

The strangles outbreaks appear to be fairly isolated with only a few animals affected. Most of the ponies with strangles seem to be recovering without major problems.

2003/445	WORMING	DISCHARGE
	<p>The Clerk reported that little progress is being made with the wormer study. Unfortunately the manufacturers of Equest, which it was hoped might eventually be used on the Forest, are not being terribly helpful. Mr Ralph Ellis, the Verderers' retained Veterinary Surgeon has tried without success to obtain data about the toxicity of the product.</p> <p>The Court felt that regrettably the study is unlikely to progress much further and it was agreed to drop the subject from the Agenda for the time being. The Clerk was asked to raise it again only if there is anything to report. It is hoped the Countryside Stewardship Scheme can be used to encourage commoners to worm their stock in an appropriate way.</p>	
2003/446	DECLARATIONS OF INTEREST	RESUME
	<p>There were no declarations of interest in respect of any item on the Agenda.</p>	
2003/447	FINANCIAL STATEMENT	RESUME
	<p>The financial statement for September was approved.</p>	
2003/448	VERDERERS' BUDGET FOR 2004/2005	RESUME
	<p>The Budget has been accepted by the Forestry Commission but it has been suggested that a 5 year plan should be drawn up by early next year. The Official Verderer asked for volunteers to help with the drafting.</p>	
2003/449	BYELAW ENFORCEMENT	RESUME
	<p>The Official Verderer reported that there are no new problems. No notices for breaches of the byelaws have been served since the last Court.</p>	
2003/450	COURT DATES FOR 2004	DISCHARGE
	<p>The proposed dates for meetings in 2004 were approved.</p>	
2003/451	NON-PAYMENT OF MARKING FEES	RESUME
	<p>The hearing date in respect of the Appeal against District Judge Babbington-Browne's decision has been set for the same day as the December Court – 17th December 2003. It was agreed that the Court will therefore sit on Thursday, 18th December instead.</p> <p>The Official Verderer advised the Court that if a conference is to be held with Counsel in advance of the hearing, there will be an additional cost of £2,000. Members of the Court agreed that unless Counsel felt it was important to meet earlier, the conference will take place as planned on the day of the hearing.</p>	

2003/452 VERDERERS' COURT MINUTE BOOKS

DISCHARGE

The Clerk reported that the New Forest Museum in Lyndhurst is having a room constructed to British Library standard. It will be fire-proof and temperature and humidity controlled. There will be space for the old Minute books to be stored rather more securely than they are at present and the Museum is happy to take them. As the books will remain local and accessible to anyone wishing to inspect them, it was agreed they should be moved to the new room as soon as possible. The Court expressed its gratitude to the Museum for offering to keep them there.

2003/453 MR BOB COOPER'S RUBBISH PIT – MINSTEAD MANOR

RESUME

It was reported that Mr Cooper now has a pit into which he is depositing various items of rubbish. Some is considered to be hazardous to stock. English Nature is minded to take Mr Cooper to task over the rubbish and seeks the Verderers' support on animal welfare grounds. The Court agreed and English Nature will be asked to present their case.

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

IN ATTENDANCE: Mr Will Parke Area Land Agent (New Forest)
APOLOGIES: Mr Mike Seddon Deputy Surveyor of the New Forest

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER

2003/454 BYELAWS

As announced at the last Court, a new set of Verderers' Byelaws have been formally passed, and in accordance with Section 25 of the 1877 New Forest Act (as amended by Section 9(5) New Forest Act 1949) notices were placed in the local newspapers stating our intention to apply in one month's time to the Minister at the Department for Environment, Food and Rural Affairs for confirmation of the Byelaws.

A month will have passed by the end of this week, and we shall therefore be submitting the byelaws to the Minister for his confirmation no earlier than Monday 20th October.

2003/455 PONY PASSPORTS

As you are no doubt aware, the law requires all ponies in England to have a Horse Passport from 30th November 2003 onwards.

A special derogation has been granted to the Verderers to set up and administer our own list of ponies that are kept within the New Forest Heritage Area boundary and are owned by those who have rights of pasture over the Crown Land and added areas, and are known by the Verderers to be practising commoners.

Recording a pony on the Verderers list is an alternative to obtaining a horse passport but to comply with the law you must have applied for either a horse passport or to include your pony on our list by 31st December this year.

We will shortly be sending a copy of the rules and an application form to all commoners who have paid marking fees this year. They will also shortly be available from our website – address www.verderers.org.uk.

2003/456 SMILER OF SHEEPWASH

We have now been advised that no Police proceedings will be taken in respect of this accident.

2003/457 MANAGEMENT TRAINING

These exercises usually involve non-intrusive activities for which quite specific permissions are given. However, in the case of the exercise to which Mr Cooper referred at the last Court, it is clear the participants over-stepped the mark. The Keeper went on site and the damaging activity ceased immediately.

2003/458 NEW PARK CAMPSITE

We have received an assurance from the Forestry Commission that the problems emanating from New Park will be resolved as swiftly as possible.

2003/459 CAMPING & CARAVANNING ON THE OPEN FOREST

The Forestry Commission is aware of the problem of illegal camping on the Forest. The problem was exacerbated by the extremely good summer which we have just enjoyed which resulted in the official campsites being full on many weekends. The Keepers have been asked to keep up the pressure on illegal campers. Byelaw notices are occasionally issued, to persistent offenders.

2003/460 NEW AGISTER

Interviews have taken place, and we will be confirming who the new Agister is at the next Court along with details of any changes to the Agisters' Areas.

2003/461 HEAD AGISTER

As we all know Brian Ingram is due to retire at the end of this month, and today is sadly the last Court that he will be attending as Head Agister. Brian has been an Agister for no less than forty-four years, which is an incredible achievement.

During those decades he has been out in all weathers, at all times, in all places covering many thousands of miles in the saddle, behind the wheel and on foot throughout the Forest, serving the commoning community. The knowledge and experience that he has gathered of this beautiful but challenging place is immeasurable. His years as Head Agister in particular have earned him the respect and affection of those who know him and have worked with him.

This therefore, is the Court's last opportunity to publicly thank our Head Agister and to pay tribute to him for the dedication and service that he has given both to the Verderers and several generations of commoners.

Brian, we extend to you our sincerest gratitude for all that you have done, and we wish you a long, happy and very well deserved retirement.

A party has been arranged at The Royal Oak at Fritham on Friday 31st October at which we, your family, friends and colleagues intend to give you a fitting send off.

ANIMAL ACCIDENT REPORT

2003/462 ANIMAL ACCIDENT REPORT FOR SEPTEMBER 2003

Total Accidents for the Period: 18 (13)

	Killed		Collar		Injured		Collar		Uninjured		Collar		Not Found	
Ponies	8	(10)	0	(1)	0	(1)	0	(0)	0	(0)	0	(0)	5	(1)
Cattle	1	(1)	N/a	N/a	3	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Donkeys	0	(0)	0	(0)	0	(0)	0	(0)	0	(0)	0	(0)	0	(0)
Pigs	1	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Sheep	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Totals	10	(11)	0	(1)	3	(1)	0	(0)	0	(0)	0	(0)	5	(1)

TOTAL KILLED & INJURED	13	(12)
Accidents During the Hours of Darkness	13	(9)
Vehicles Involved		
Private Cars / Light Commercials	10	(6)
Motor Cycles	0	(1)
Heavy Vehicles	0	(1)
Bicycles	0	(0)
Number of Local Motorists	7	(2)
Number of Accidents Not Reported	8	(5)
Total Killed and Injured for the Year to date	76	(73)
Number of Deer Killed	-	(-)

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

PRESENTMENTS BY THE FORESTRY COMMISSION'S AREA LAND AGENT ON BEHALF OF THE DEPUTY SURVEYOR OF THE NEW FOREST

2003/463 CYCLING ON THE CROWN LANDS OF THE NEW FOREST

For a number of years the Verderers have given their consent to a continuation of the cycle routes on the Crown lands on an annual basis.

In recent months, the Verderers and other parties have been considering a proposed strategic cycle network for the Forest. This strategic network is being promoted by a partnership of bodies let by New Forest District Council and Hampshire County Council and including the Forestry Commission. The strategic network especially aspires to link the Crown lands cycle routes with on-road routes, settlements and the public transport network. This is a clear policy within the New Forest Transportation Strategy.

It is expected that it will be some months yet before the outcome of the Strategic Network consultation is known and the Network is agreed.

The Forestry Commission therefore wishes to seek the Verderers' approval for the continuation of the existing Crown lands cycle routes for a further year, while the district wide strategic network is developed further.

The Forestry Commission continues to monitor the use of its cycle routes. We will also continue to deploy our Keepers, Rangers and Volunteers to tackle those cycling off the agreed routes.

The Official Verderer said that the Forestry Commission's Presentment would be considered after the next Open Court when Presentments from the public have been heard.

PRESENTMENTS

2003/464 CONTINUING DISTURBANCE AT NEW PARK
Presentment by Mr Mike Eccles on behalf of the New Forest Commoners' Defence Association

"As you are aware, the Association made a Presentment regarding the above last month. Whilst it is now apparent that the persons involved have moved on to pastures new – the problems that they have caused over the last month have not. We are appalled at their behaviour and irresponsible actions. Our major concern is now that we will have a repeat incident in the near future.

We therefore ask that the Court request that the Forestry Commission put together a strategy and plan that can be instantly implemented should these undesirable elements return to the area in the future as it seems apparent that this disruption is now written into their calendar.

The Association finds the present state of affairs totally unacceptable and as such ask the Verderers to make the strongest representation to ensure that this inappropriate and undesirable situation is controlled in the future and keeps the Association informed of the details in writing".

2003/465 VERDERERS' ELECTION
Presentment by Mr Mike Eccles on behalf of the New Forest Commoners' Defence Association

To enable election candidates to deliver their speeches, the Association wishes to inform the Court that it intends to hold a meeting of prospective candidates to the forthcoming Election on Friday, 14th November 2003 at Minstead Village Hall. The meeting is open to all candidates and those on the Verderers' electoral roll.

2003/466 THE HEAD AGISTER
Presentment by Mr Mike Eccles on behalf of the New Forest Commoners' Defence Association

The Association would like to take this opportunity to publicly thank Mr Brian Ingram, Head Agister of the New Forest, as he is due to retire later this month. He has served the Forest and all its communities unflinching for more than four decades and has acted as the Association's president for many years. He will be missed by many and we wish him all the best in his retirement.

We would like to welcome his successor Mr Jonathan Gerrelli and wish him well for the future.

2003/467 CAMPING
Presentment by Capt T E Moore MRCVS

I should like to reinforce the Presentment made by Mike Eccles on behalf of the CDA at the September Court. The Court should know that both the complaints on overnight parking in what were originally called Day Visitor Sites and on the fouling of the Forest adjacent to the campsite in New Park go back to at least 1996. Initially, the latter was brought to the attention of the then Deputy Surveyor, Arthur Barlow, verbally at the time that the Queen's Bower bridge was converted from a cart bridge to a pedestrian crossing, and I have complained on several occasions in various places since, without success. This has gone on long enough and I ask the Court to suggest to Forestry Commission that it insists that its tenant takes positive and complete steps to prevent a recurrence in 2004 failing which his campsite would be shut down forthwith. What is happening each summer is quite unacceptable.

The Court may not be aware that regular rave parties occur further down Waters Copse in the summer. These result in all sorts of debris being left behind. Apart from polythene of various types, glass bottles are a favourite since they explode well in their bonfires. This debris is a hazard to stock and the parties themselves a nuisance to those living locally. Would the Court ask Forestry Commission to liaise with the police to try and stop these parties happening next summer.

As regards the overnight stay of caravans and caravanets in DVS throughout the Forest this was a subject I raised in writing with the then Deputy Surveyor in October 1996. I had reported these illegal stays quite regularly myself without any positive results being forthcoming, though I do remember a conversation with the present Deputy Surveyor, when in the Forest on his previous tour, relating to an extremely large caravanet apparently using the Picket, or Foulford View, car park on a regular basis for prolonged daylight camping and overnight stays. Forestry Commission should be asked by the Court to sharpen up its responses to reports that it receives.

2003/468 BRIAN INGRAM
Presentment by Capt Tim Moore MRCVS

Tim Moore thanked Brian for all his help during his time as Chairman of the Commoners' Defence Association. He added that in particular Brian helped to ensure the condition standard of the ponies improved and that commoners fitted reflective collars to their ponies. He said he was a very good President and he hoped he would have a good retirement which he remarked may not be as easy as Brian might think!

2003/469 GREENHILL COPSE
Presentment by Mr Pink – Commoner and Tenant of Green Hill Copse at Canterton, Brook

"On Wednesday 21st May 2003 I made a Presentment to the Verderers Court concerning criminal damage, regarding the cutting and wrecking of replacement stock proof fencing, surrounding our copse which amounted to thousands of pounds of damage. Which had itself only been completed, during April of this year.

At the time of my last Presentment, there had been three attacks on the new fencing during April and May. After my presentation in May, the Forestry Commission agreed to a special fund for repair work of the wrecked and damaged fencing which has since been undergoing a high standard of ongoing repair work. Regrettably, I find myself here at the Verderers Court yet again due to further wrecking and criminal damage of the copses fencing and repair work on September 25th. Whilst welcoming the statement from the Official Verderer during my May Presentment that "I could be assured that the Verderers Court utterly condemns the actions of those who had cut the fence", this statement was completely undermined by the Senior Elected Verderer, Mr Pasmore's article written in his column "New Forest Notes" in the Lymington Times, one week later and entitled "Greenhill Copse and the Commoners' Rights".

I am accusing Mr Pasmore of using his position as Senior Elected Verderer and monthly columnist of Lymington Times column, New Forest Notes, in order to incite further criminal damage. Whilst his article briefly paid lip service to condemning acts of criminal damage, in concentrated the bulk of its argument on defending the rights of commoners to cut fences at Greenhill Copse even though the evidence for doing so is extremely flimsy and unreliable. Please bear in mind that the above criminal damage was not done openly or sensitively, as required. Whilst each incident was a crude and violent act of vandalism, carried out when there would be no-one to witness it".

At this point the Official Verderer intervened saying that Mr Pink's comments were not appropriate in the Court and that he was not prepared to allow him to continue. The Official Verderer added that it is undoubtedly an unhappy situation. However, the

Court may be used for voicing opinions and on occasion for "letting off steam" but persons making Presentments must be careful what they say, particularly when mentioning individuals.

Mr Pink accepted the Official Verderer's comment and asked if he may continue leaving out any further personal remarks. This was agreed.

Mr Pink continued.... "I am appealing to the commoning community at large, not to accept the sort of lawless vandalism/criminal damage that we have recently experienced at Greenhill Copse and whilst I know there are grounds of the cutting of fences, in the case of Greenhill Copse this certainly is not the case and the manner in which it was undertaken is surely unacceptable to the commoning community. A financial reward will be paid to the person or persons giving information leading to the arrest and conviction of anybody found guilty of the above criminal damage.

DEFRA has now been sent an indepth case history of the grants paid and the criminal damage experienced at Greenhill Copse. Whilst a knock on effect of the above is at least one grant in the Brook area has been suspended due to the damage experienced at Greenhill Copse.

P C Bedford of Fordingbridge Police Station tells us that he has been informed by the Commoners' Defence Association that Greenhill Copse is a very complicated matter which is being looked into by their solicitors. If this is so, I urge them to contact myself and sort this matter out with great urgency.

Lastly I would like to take this opportunity to correct the Minutes of the Court of Verderers held on Wednesday 21st May 2003 Number 2003/222 which reads:-

Mr Pink explained the ecological importance of the copse which has recently been fenced in order to protect it whilst rejuvenation works take place.

Sir, this should read re-fenced and not fenced".

2003/470 UNLAWFUL ACCESSES
Presentment by Mr Bob Cooper, Minstead Manor Commoner

"Minstead commoners have recently had to deal with an ever increasing problem of unlawful access ways across common land. Incomers, and some local residents seem to think that the establishment of hardstanding access to their properties can be established without permission.

I understand that in the case of Crown lands, the Forestry Commission has taken the view that the formation of an access without any hardstanding is unimpeachable and that in several local cases this has been done to the prejudice of common rights.

That is not the legal position and never has been. It is the act of breaking out an access which gives rise to the need to acquire permission and I urge the Court to impress upon the Commission the requirement of a way leave or acknowledgement from whomsoever creates such an entrance to private properties, whether for agricultural or other use.

It is useless to rely on the Town Planners to supervise and regulate such phenomena ; they have neither the local knowledge nor acumen to deal with the problem and in any event continue to exhibit a sad lack of wisdom about the practice of commoning and its customs and law. It is not a matter of interpretation of the New Forest acts either, but one of Common Law".

2003/471 GREENHILL COPSE
Presentment by Mr Bob Cooper, Minstead Manor Commoner

Mr Cooper said Greenhill Copse is part of Canterton Manor. He believed the commoners could cut the fence if they genuinely have rights over the land.

The Official Verderer responded by saying that the Court condemns any act of criminal damage and that if persons believe their actions are lawful, they should act openly, not in secret.

2003/472 HEATHER ENCROACHMENT ON FOREST LAWNS
Presentment by Peter Sweet, Commoner

"A while back in 2001 or 2002 I made a Presentment before this Court to complain how the lawns in the Forest, especially those at Longslade and Wilverley, were being destroyed by the intrusion of heather and ling. You said you would discuss this with the Forestry Commission to see if this could be halted. Nothing seems to have happened and it is far worse today.

Many years ago the old Lady Manners, the mother of the present Lord Manners, told us that she remembered riding across lawns from Burley to Brockenhurst. And more recently, Mrs Anne Millar, the ex-master of the Buckhounds told me she remembered well, as a girl living in Burley in the 1930's, doing the same, going over to the Meets in the Brockenhurst area.

It is well known that treating some areas with lime would stop this but I understand English Nature will not permit this. Can I ask you to suggest that the Forestry Commission should open some of the marlpits, and we all know there is one close to Longslade, and treat a trial area with this substance. English Nature surely cannot object to this as marl has been used on the Forest for centuries and it might stop this invasion of heather before it is too late".

2003/473 GOLF
Presentment by Peter Sweet, Commoner

"During my lifetime and more, over the last 120 years or so, golf and its courses have become part of the cultural heritage of the Forest. With the arrival of the railway in the mid-nineteen century bringing with it Kenchington's intellectual commoners with their modern sports like cricket and golf which both quickly became on the Forest and the Open Forest part and parcel of our way of life.

No one strongly objected, both were ideal new leisure activities in the Forest, quiet, hardly disturbing the grazing of our animals, nor interfering with conservation.

I remember well when I was at school in the Forest in the 1920's the five old golf courses of those days were well established. Your predecessors, Oliver, set up the first course on the Open Forest at Bramshaw in 1880, the oldest course in the Forest and in fact in the county of Hampshire too. The next was the New Forest Golf Club at Lyndhurst, set up in 1888 on the Boltons Bench side of the A35 until it moved the following year to its present location. These two were followed a few years later by Barton, then in the Forest in every sense of the word in 1897, Burley in 1905 and Brockenhurst in 1915 during the First World War.

Not only do these five, together with those set up more recently since the Second World War give suitable quiet Forest leisure activity to hundreds of people around here, and to many visitors, but as each also employs between 20 and 30 people they make a considerable benefit to the social/economic state of the area.

Though in the past the Forestry Commission has had conservation problems with the New Forest Golf Club, they are now satisfied with the new owner, Mr Macdonald, and his plans for the future, as are English Nature.

I cannot see what objections the Verderers can have to a 25 year lease to the Club to enable it to fulfil its plans. They have just given the Commoning fraternity a 25 year lease for the Sale Ring to fulfil its functions. In both cases it's the funding that counts and a 25 year lease enables this.

As I have already said, golf has become part of the cultural heritage of the Forest and I ask most sincerely that the Court re-consider their decision in this matter and agree to the Forestry Commission granting a 25 year lease".

2003/474 BRIAN INGRAM
Presentment by Mr John Burry

"It is quite a novelty standing on this box and you are an intimidating lot!"

Brian has served under 8 Official Verderers and it appears the Head Agister has a longer expectation of office than Official Verderers do.

Thank you for everything Brian. You have kept 8 Official Verderers under your thumb! Thanks on behalf of everyone in the Forest".

2003/475 BEAULIEU RIVER
Presentment by Mr C J Aldhous

I wish to bring to the attention of the Verderers, concerns regarding the state of the river between Ipley and Northgate.

While accepting that some parts of the Forest may have been over drained in the past 40 years, the river between Ipley and Northgate is not a minor stream, but a part of the Beaulieu River.

This area is most valued by local families. Not those who use the New Forest District as a dormitory, but families where at least 3 generations can be seen together in the Forest.

These people value the New Forest for the beauty of its landscape, and to see the river blocked by rubbish is a cause of concern and distress.

From my perception of English forests, I believe it is very unlikely that in past centuries trees and timber which could be used a fuel would be left to block such a watercourse.

I ask the Verderers to support those who are calling for the timber and rubbish blocking this stretch of river to be removed and for the river to be restored to its former condition".

2003/476 GREENHILL COPSE

The Official Verderer said that he did not want what had been said earlier to be misinterpreted. He added that those who believe they are right should speak to Mr Pink and not do what they have done.

IN COMMITTEE in the Library

CONSIDERATION OF PRESENTMENTS

2003/477 NEW PARK DISCHARGE

The Forestry Commission advised the Court that all camping has been banned in New Park except for official groups with approval.

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

2003/478 VERDERERS' ELECTION DISCHARGE

Mr Pasmore suggested that as at the last Election, all candidates should be able to obtain a set of labels from the Verderers' office to assist them in canvassing the support of the electorate. A charge will be made for the labels. The Clerk confirmed that this can be arranged.

2003/479 CAMPING DISCHARGE

The Forestry Commission confirmed that it is aware of the parties in Waters Copse and the issues surrounding the campsite in New Park. It accepts that responses to the problems need sharpening up and the Court was asked to be heartened by the knowledge that the Forestry Commission is doing all it can to resolve the issues.

2003/480 GREENHILL COPSE DISCHARGE

Mr Pink is simply using the Verderers' Court as a forum in which to air his feelings. It was agreed that the Minutes that have been formally agreed cannot be altered, but it is noted that there is evidence of an old fence.

2003/481 UNLAWFUL ACCESSES DISCHARGE

Mr Cooper's comments were noted. Mr Parke remarked that common law is not statute. He added that the Forestry Commission is empowered by the New Forest Acts to grant permission for accesses without requiring the consent of the Verderers. Mr Parke said this is the case even in instances where gravel is laid. If a new access prejudices the rights of the commoners, the commoners are entitled to pursue the Forestry Commission.

In reply to a request to clarify the Commission's position on accesses Mr Parke said that field gates for use by commoners' stock or farm access are often historic, having been there for generations.

Until the 1970's gravelled accesses to private properties were granted annual licences. More recently permissions have been granted for 60 years with a simple document being drawn up stipulating relevant conditions. Existing accesses which come to the attention of the Forestry Commission are charged for at the rate of £500.00 for the 60 years.

In the case of accesses to new properties or when plots are sub-divided then English Nature and the Planning Authority have to give

approval as well. In these cases the fact that the Forest is an SSSI has also to be considered.

In cases where the perambulation is breached, the Verderers' Court becomes involved. Mr Parke confirmed that the recent one at Norley Wood has been refused by the Forestry Commission.

Mr Parke also confirmed that the Forestry Commission has given permission for the new gate which has appeared at High Corner which provides vehicular access.

The Verderers receive compensation for loss of grazing in respect of gravelled accesses.

2003/482 HEATHER ENCROACHMENT ON FOREST LAWNS DISCHARGE

The Elected Verderers stressed the value of Forest lawns for grazing. Stock does rely on grass and have grazed the reseeded areas since the War. The reseeded areas are, however, returning to what they were and grassland is being lost. There is an added concern that streamside lawns are also disappearing because of encroachment by scrub.

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

2003/483 GOLF DISCHARGE

The Official Verderer said that the Court has made its decision as respects the New Forest Golf Club. Until such time as the Forestry Commission approaches the Court again, the matter is closed.

2003/484 BEAULIEU RIVER DISCHARGE

The Court agreed that the length of Beaulieu River between Ipley and Northgate is badly blocked. A quantity of scum has accumulated on the river.

English Nature has stated that this is the most important riverine woodland in Western Europe. The Elected Verderers, however, believe that the river has thrived because it has been kept clear. The days of the Forestry Commission clearing out dams are however gone! There is a strong view that Drapers Copse has died because there is too much water. Trees won't live in very wet conditions and all that will be left is a lot of old scrub. Unfortunately, debris dams are seen by certain conservationists to be good, although it is hoped there may be some compromises to be reached on individual stretches of stream. If anyone asks for debris dams to be removed the answer is No!

SUBMISSIONS BY THE FORESTRY COMMISSION

2003/485 FRITHAM RADIO MAST DISCHARGE

A request by Airwaves for a new radio mast at Fritham to improve communications for the Police and Fire and Rescue services was approved subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc. It was noted that the new mast is to be 25 metres high as against the current one which is 30 metres high. The approval is, however, subject also to the proviso, which has been stipulated by the Forestry Commission and is agreed by the Verderers, that any mobile phone use of this mast or any of the apparatus for public use is not acceptable.

2003/486 HATCHET POND – REMOVAL OF CRASSULA (INVASIVE WEED) DISCHARGE

English Nature and the Environment Agency are keen to commence work on the removal of an invasive weed known as Crassula from Hatchet and Little Hatchet ponds as well as the small pond that is situated between the roads in the same vicinity.

It is proposed that the weed will be removed by hand and mechanical means whilst the water level is low. All the material which is removed will be taken to the old Hawkhill Sawmill Site in Hawkhill Inclosure where it will be tipped onto a concrete hardstanding and left to rot down.

It is possible that English Nature and the Environment Agency might wish to apply chemicals in the area next year but this will be subject to approval being obtained.

The Court approved the work subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

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

2003/487 DIBDEN INCLOSURE CAR PARKING RESUME

Mr Parke said at present he has nothing further to report.

2003/488 COPPICE OF LINWOOD RUBBISH RESUME
January
2004

Mr Parke reported that a skip is on site and the rubbish is being cleared. The tenant has apparently obtained a garage site at Ower where his garage and taxis business will be relocated within the next 2 months.

2003/489 BEAULIEU ROAD SEWAGE OUTLET RESUME

During the dry weather nothing has been seen coming down the pipe. Mr Parke said he did not know why this should be and that he would find out. The Environment Agency is pressing the Hotel to upgrade its system. Mr Parke said he will check the pipe again after it has rained.

2003/490 LIFE 3

DISCHARGE

It was agreed there has been a breakdown of communication in respect of LIFE 3. This in no way reflects on Mr Kitcher who is the Verderers' representative on the Water Basin Forum or Mr Peter Frost who also attends. In future the Verderers' Office will receive copies of all agenda's and minutes in respect of meetings of the Forum. The papers will then be available for inspection by any member of the Court.

Matters of interest to commoners and the Court and details of proposals requiring Verderers' approval will be brought to the attention of the Court.

Concern was expressed, however, that the final phase of the LIFE project proposals seem to involve considerable "bog blocking" works for which no information has so far been forthcoming. The Forestry Commission promised that detailed plans will be issued.

The Presentation by the LIFE partners to the Court was considered to be very useful. The Water Basin Forum is the place where interested and concerned parties should gather together. Two Verderers sit on the Forum and they will report back to the Court matters of concern. It was agreed that Elected Verderers will attend site meetings when they are held in their areas of the Forest.

2003/491 BRAMSHAW TELEGRAPH ROAD SIGNING

RESUME

Mr Parke has spoken to the Highway Authority explaining the Verderers' concerns at the proposed new road signs at Bramshaw Telegraph. It is interesting that Highways consider the road to be a "fast B road" which it was commented it shouldn't be given that it is an unfenced road where animals graze and is subject to a 40 mph speed limit! The Highway Authority has promised to provide details of its signing policy.

2003/492 FORESTRY COMMISSION CAMPSITES

RESUME

A recent meeting on the campsite proposals was cancelled. Mr Pasmore and Mr Kitcher would have attended. The Deputy Surveyor will be asked when the meeting is to be rescheduled. The Verderers' observations on the Scoping Document will be forwarded to the Deputy Surveyor.

2003/493 LITTLE HAYES

RESUME

Mr Frost confirmed he has spoken to Mr Chris Elliot at the Planning Office who has advised that the garage requires planning permission. Mr Elliot has offered to come to the Court to discuss planning issues. Mr Parke remarked that in the past the Forestry Commission was advised of planning applications likely to affect the Forest. This however no longer happens although the Council is happy to consult with the Forestry Commission when requested. It was felt that the property owner who is seeking to build the garage should approach the Planners first. The Clerk confirmed she has written to the Parish Council and its reply is awaited.

2003/494 ORIENTEERING RESUME

In the absence of the Deputy Surveyor, this matter will be resumed at the next meeting.

2003/495 PICKET POST JUNCTION FENCING RESUME

The Highway Authority has written to the Little Chef asking them to review their fenceline and make necessary repairs.

The Land Registry at Weymouth has confirmed to Mr Parke that there are three separate areas of land and two land owners. The fence round the Filling Station is not too bad. The Little Chef apparently leases its premises from a company in Birmingham who which Mr Parke has written.

As an interim measure the Forestry Commission has erected a fence parallel but not touching the old fence from the Cattle Grid to the Cricket Pavilion. This should prevent stock from gaining access to the A31 at least at that point.

The Court thanked the Forestry Commission for its help in trying to resolve this problem and particularly for erecting a temporary fence to ensure the safety of commoners' stock.

2003/496 GALVANISED TIN SHEETS ON THE FOREST AND COMMONS RESUME

The Clerk wrote to the National Trust and Hampshire County Council and responses are awaited. Mr Martin Noble should be finishing his report within the next 10 days.

OTHER MATTERS OF CONCERN TO THE FORESTRY COMMISSION

2003/497 DRIFTWAY BETWEEN BROCKISHILL INCLOSURE AND THE A337 RESUME

The Court's attention was drawn by the Commoners' Defence Association to the driftway at Brockishill Inclosure alongside the A337 which has been closed off by rails for some considerable time. The rails were originally erected by the Forestry Commission because a pony had become stuck in a dangerously eroded ditch which crosses the driftway.

A proposal was considered whereby the fencing will be moved to enclose a rather smaller area than is currently the case. However, there remains the problem of how to deal with the small area immediately surrounding the ditch. The cost of restructuring the ditch banks to make the area safe is considered to be excessive considering the relatively small advantage that would be gained. However, there was concern at the prospect of permanently enclosing even this small piece of Open Forest without some sort of compensation.

Members of the Court (Mr Frost, Mr Gerrelli, Mr Kitcher and Mr Pasmore) will look at the problem and bring their recommendations to the next meeting.

2003/498 BRITTONS COTTAGES DISCHARGE

The parking issue has not yet been resolved. The Forestry Commission confirmed that at present the residents enjoy a free parking area but a £500 charge for an access licence has been applied. English Nature and the New Forest District Council as well as the Verderers' Court have an interest. The matter will be resumed at a later date when further progress has hopefully been achieved.

2003/499 BEECHWOOD ROAD LOG STORE RESUME
December
2003

Mr Parke advised the Court that he has still not succeeded in securing the removal of the illegal log store. The matter has now been referred to the Forestry Commission's lawyers.

2003/500 NEW PARK POUND RESUME

Mr Parke explained the Forestry Commission is unwilling to agree a site for a new pound until plans for New Park are further forward. He suggested the Agisters might give consideration to finding an alternative site.

Mr Parke left the meeting

OTHER MATTERS ARISING FROM THE MINUTES OF PREVIOUS COURTS

2003/501 NON PAYMENT OF MARKING FEES RESUME

The date of the London Hearing has been moved to Wednesday 17th December. The Verderers' Court Committee which would have met that day will be moved to the following day – Thursday 18th.

Queen's Counsel is being asked if he thinks a conference in advance of the Hearing is necessary or whether the current plan of meeting on the day or the day before will be sufficient. If a conference is arranged at an earlier date the cost will be and extra £2,000 plus VAT.

Moore & Blatch Solicitors have put their advice in writing. They support Counsel.

The Official Verderer was given leeway by the Court to agree a conference earlier than currently planned if he felt it is necessary.

2003/502 REVIEW OF THE VERDERERS' BYELAWS RESUME

There is nothing more to report at present except to say that to date no comments or objections have been received in respect of the proposed new byelaws.

2003/503 LAND AT IBSLEY / ANNUAL DONATION RESUME

Mr Adams, Mrs Heron and Mr Pasmore met the Quarry Manager and looked around the land at Ibsley.

A number of problems were identified. Firstly, the land is some distance (10 miles) from the nearest Agister. This would mean that considerable cost would be incurred in the Agister checking stock on the land on a daily basis. Daily checks are considered to be essential

especially as animals that are put on the land may well be in poor condition and in any event daily checking on stock in fields is essential to good husbandry.

There is very little grass on the site at present. Whilst Tarmac would be prepared to do initial fencing, the Verderers would have to maintain it thereafter which should not be a problem, given that the land is apparently available rent free!

The Staff Committee has discussed the suggestion of the Verderers' having a piece of land on which to impound stock. The Agisters are of the opinion that it is not practical especially if animals are in poor condition, injured or sick in which case they need close supervision.

The Court agreed that the Agisters, and in particular Jonathan Gerrelli, should be approached to find out if they are prepared to carry on with the current system of keeping stock removed from the Forest provided they are reimbursed for the cost of keep.

2003/504 PONY PASSPORTS RESUME

Letters inviting commoners to enter their ponies on the Verderers' List, together with the rules and a sample form are to be sent out next week.

2003/505 BEAULIEU ROAD HOTEL RESUME

Mr John Twentyman of Woolley & Wallis, Chartered Surveyors, has agreed to represent the Verderers in negotiations with the Hotel. A meeting has been arranged with Mr Twentyman which will be attended by the Official Verderer and Mr Pasmore.

2003/506 AGRI-ENVIRONMENT / STEWARDSHIP SCHEME RESUME

The Official Verderer reported that he had attended a useful and hopeful meeting with the DEFRA team in charge of the application. A few items need to be clarified – mainly legal and policy matters. The team appeared to be generally supportive of the application and it is possible a decision may be made before Christmas.

2003/507 STALLION SCHEME – FOAL COUNT RESUME
December
2003

The foal count indicates there are approximately 669 foals on the Forest this year. This is thought to be considerably less than before the scheme was implemented. The Clerk will arrange for an analysis to be undertaken. The Stallion Scheme was intended to halve the number of foals and it is thought it has achieved that aim.

2003/508 NEW FOREST ASSOCIATION – POLICY ON RECREATION DISCHARGE

The Court was happy to support this policy and the Official Verderer will write to the Association accordingly.

REPORTS FROM OUTSIDE BODIES

2003/509 NEW FOREST COMMITTEE RESUME

The Committee is setting up a Working Party to agree an action plan designed to put into effect the actions defined in the Strategy for the New Forest. The Verderers have been asked to appoint a representative to the Working Party. Miss Macnair indicated that she might be prepared to take on this task and the Official Verderer said he would write to her with details of what is required.

STAFF MATTERS (including the Staff Committee)

2003/510 NEW AGISTER RESUME

Following interviews a job offer has been made.

2003/511 JOB EVALUATIONS RESUME

There is no further news at present.

HEALTH AND SAFETY AT WORK

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

ANY OTHER BUSINESS

2003/512 DEFRA CONSULTATION DOCUMENT ON COMMON LAND DISCHARGE

The Official Verderer and Mr Pasmore have considered this document. The Official Verderer has also consulted with the New Forest Committee Officer. A response from the Court is being formulated and a copy of the document is available in the Verderers' Office.

2003/513 SYNGENTA SHARES DISCHARGE

The Official Verderer advised the Court that following official notice that trading of this company's shares is to cease and the company apparently wound up, the stocks have been sold. The sum of £676.87p was realised from the sale which has been put into the general fund. There may be a modest tax liability which will be accounted for at the end of the financial year. No-one disagreed with this course of action.

2003/514 REPLIES TO PRESENTMENTS RESUME

The Official Verderer reported that he has again received a request for personal responses to those who make Presentments. The Clerk expressed concern that the office does not have a great deal of time to devote to writing individual letters and pointed out that the Court's responses to Presentments are always available by way of the Announcements and Decisions. It was agreed that the Official Verderer would discuss the day's Presentments with the Clerk.

2003/515 THE STALLION SCHEME

RESUME

Mr Adams and the Clerk met recently to discuss the rules of the scheme. The New Forest Pony Breeding and Cattle Society are to be approached to see if it is willing to adopt the Verderers method of scoring stallions for selection and licensing. Mr Adams also said that he intends to arrange a meeting of the Stallion Sub-Committee in the near future.

2003/516 DEER

DISCHARGE

It was remarked that deer numbers appear to have increased, particularly in the South of England, including the New Forest. The Forestry Commission apparently takes the view that the overall numbers have not in fact increased but with the demise of the Buckhounds the Forest's deer are less shy and are therefore seen by more people. The Commission has a strategy for managing the deer population for the benefit of the species. It was remarked that Foxes appear to be on the increase as well – and they are still hunted!

There being no further business, the meeting closed at 1.00 p.m.