

MINUTES of the Court of Verderers held on Wednesday 19th October 2016 at 9.00 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 B Dowsett Forestry Commission Appointed Verderer
Mr J Greenwood Elected Verderer
Mr E Heron National Park Appointed Verderer
Miss D Macnair MBE Senior Elected Verderer
Mr G M H Mills DEFRA Appointed Verderer
Mr A H Pasmore Elected Verderer
Mr D Readhead Elected Verderer
Mrs D Westerhoff Natural England Appointed Verderer

IN ATTENDANCE: Miss Sue Westwood Clerk to the Verderers
Mr Jonathan Gerrelli Head Agister

APOLOGIES None

IN COMMITTEE in the Library

2016/8881 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on 21st September were approved and signed.

2016/8882 DECLARATIONS OF INTEREST RESUME

The Official Verderer, and Elected Verderers Mr Deakin, Mr Greenwood and Mr Readhead all declared an interest in the New Forest Higher Level Stewardship Scheme, the Verderers Grazing Scheme, and the new Basic Payment Scheme. Mr Pasmore declared an interest in the new Basic Payment Scheme.

Mr Deakin, Mr Readhead and Mr Greenwood are members of the New Forest Commoners' Defence Association committee. Mr Deakin is also Treasurer.

Mr Dowsett is a Forestry Commission Volunteer Ranger.

Mr Deakin and Mr Readhead are members of the New Forest Stallion Syndicate.

Mr Greenwood is employed part-time by Cadland Estate and therefore has an interest in the Stallion Grazing. Mr Greenwood also has a stallion of his own.

Mr Deakin and Mr Readhead are Directors of the New Forest Livestock Society.

Mr Hallam Mills declared an interest in HLS Schemes as his Estate is in Higher Level Stewardship. The Estate is also involved in the Better Boundaries Project, run by the New Forest Land Advice Service with support from Natural England. Mr Mills is also a Patron of the New Forest Trust.

Mrs Westerhoff is a tenant of the Forestry Commission.

Cllr Heron declared his membership of Hampshire County Council, New Forest District Council and the New Forest National Park Authority. He will declare any additional interests that may arise during the course of the meeting at the item.

2016/8883 CONDITION OF STOCK – REPORT BY THE HEAD AGISTER RESUME

The weather has been kind so far this autumn and the condition of stock is very good. Plenty of food remains as winter approaches.

The drifts have been going relatively well and the ponies which have been caught are generally in excellent condition. On Stoney Cross drift it was noted that the mares that came in with foals all looked really good.

Cattle are also looking very well. They are beginning to go home now.

2016/8884 RECREATIONAL ACTIVITIES AND THE DRIFTS DISCHARGE

The Head Agister confirmed that no problems arose as a result of this year's cycling events including the Wiggle.

Mr Dowsett was thanked for his assistance in respect of monitoring cycling events to ensure clashes were avoided.

Mr Dowsett told the Court that Mrs Jayne Albery at the Forestry Commission is in contact with UK Cycling to express concern about the metal stakes they used to erect signs for their event and to advise them that wooden stakes only are to be used in future because metal stakes are considered to be an unacceptable hazard to livestock.

The Head Agister said that the organisers of the Marathon had contacted him in respect of the crossing of the Avon Water at Wootton. The temporary bridge they used to cross the river was installed and removed on the same day and caused no problems.

2016/8885 REPORT ON ANIMALS REMOVED FROM THE FOREST RESUME

This very useful report had been circulated prior to the Court.

2016/8886 STOCK DEATHS - OTHER THAN ROAD TRAFFIC ACCIDENTS RESUME

This very useful report had been circulated prior to the Court.

2016/8887 REPORT ON MARKING FEES RECEIVED TO DATE AND RESUME
COMPARISON WITH PREVIOUS YEAR

	<u>2016</u>	<u>2015</u>
Forest Ponies	4698	4662
Forest Cattle	4038	3135
Forest Donkeys	110	107
Forest Pigs	80	240
Forest Sheep	0	0
Total Forest Stock	8926	8144
Common Ponies	691	709
Common Cattle	1222	1108
Common Donkeys	92	93
Common Pigs	100	33
Common Sheep	293	232
Total Common Stock	2398	2175

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Ponies, Cattle & Donkeys on the Forest	8846	7904
Ponies, Cattle & Donkeys on the Commons	2005	1910
Total Ponies, Cattle & Donkeys	10851	9814
Total Stock – Forest & Commons	11324	10319

The Head Agister left the meeting.

2016/8888 ANNOUNCEMENTS AND DECISIONS

RESUME

The Announcements and Decisions were approved.

OPEN COURT – 10.15 a.m.

IN ATTENDANCE: Mr Bruce Rothnie, Deputy Surveyor

APOLOGIES: Mr Paul Grugeon, Land Agent (New Forest)

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER

2016/8889 HIGHWAY FENCING

Thank you to Brian Ingram for again drawing the Court's attention last month to the poor state of the fence at the A326/B3054 junction.

Yesterday, the Clerk and I met with Mr Tim Lawton, Head of Highways at Hampshire County Council, and we impressed upon him the importance of safe animal-proof fences.

He has agreed to upgrade the design specification for future new fence building, to standardise on post and rail with wire stock fencing for added security and robustness.

Additionally, he has agreed to improve the standard of repairs as well as their timeliness, and we will be helping with this by offering the services of the Head Agister to explain the importance of stock-proof fencing to Hampshire Highways' contractors.

2016/8890 LATCHMORE BROOK

We had opposing presentments in September, one supporting the Latchmore project, and one opposing. It is important that the Court hears all arguments, and despite having to cut both speakers short, I thank them both for making their views known to us. The planning application will be considered by the National Park Authority planning committee in November.

2016/8891 DIANA WESTERHOFF, VOLUNTEER OF THE YEAR

In my five years as Official Verderer chairing this Court, I have been overwhelmed by how much effort all my fellow Verderers freely put in to maintain and improve our beautiful New Forest. This selfless voluntary generosity of time and energy is seldom recognised, but it is my pleasure today to share with you one such recognition: Natural England has awarded Diana Westerhoff Volunteer of the Year.

Natural England has 2,332 volunteers, so that is an outstanding achievement. You show untiring and indispensable commitment to the New Forest, and your hard work as a Verderer is much appreciated. Well done, Diana, and thank you.

ANIMAL ACCIDENT REPORT

2016/8892 THE ANIMAL ACCIDENT REPORT FOR SEPTEMBER 2016

The Agisters attended 10 accidents in September. This compares with 13 in September last year.

2 Ponies and a cow were killed, 3 ponies and a cow were injured and had to be destroyed, 2 ponies were injured and in 1 instance nothing was found.

6 accidents occurred in the dark, 2 at twilight and 2 in daylight.

4 Accidents were not reported.

None of the motorists involved were local.

THE SPEED CAMERA VAN

No data has been received from the police regarding the number of drivers caught speeding on the unfenced Forest roads in September.

CHANGING CLOCKS

'The clocks go back in a few weeks' time and as usual we would like to remind drivers of the need to take extra care when driving on the unfenced Forest roads.

40 mph is the speed limit which means it is the maximum speed drivers should be travelling at. At night, when it is dark sometimes even 30 mph is too fast. Particularly when vehicles are coming in the opposite direction, it can be very difficult to see a pony on the verge which may, without warning, step out into the road. Alternatively a pony may cross from behind the car which is coming towards you and that will be even more difficult to see.

So please SLOW DOWN at night.'

ANNOUNCEMENT BY THE DEPUTY SURVEYOR

2016/8893 RESTORATION OF THE VERDERERS COURT

I would like to take this opportunity to thank those who have worked hard to complete the restoration of the Verderers Hall, including our specialist heritage building conservation contractors.

I would also like to acknowledge the funding support of the Heritage Lottery Fund that has enabled us to complete a major restoration of the west window, floor and general decoration of the Hall.

Most of the structural work has been completed and a final phase of work to install new interpretation and information about the heritage of the Forest, Commoning and Verderers will follow over the coming months. Once this work is completed the Hall will be opened for the public at certain times and this is an important opportunity for local people and visitors to explore a building and its long association with the governance of the Forest.

2016/8894 SMALL UNMANNED AIRCRAFT (SUAS) OR DRONES

The general use of small unmanned aircraft or drones, as they are more commonly known, has been increasing nationally due to improvements in technology, availability and cost. They can now be used for a varied range of recreational and commercial activities.

I want to remind operators that flying drones over the Crown Lands of the New Forest contravenes the Forestry Commission byelaws. Safeguarding the special qualities of the Forest is important and drones can have a range of impacts.

Unfortunately we are receiving reports of ridden horses being spooked by drones and riders being thrown; drones disturbing grazing animals; drones being flown intrusively in busy public areas and over sensitive areas during the bird nesting season.

We also know that many drones carrying cameras and capturing images could infringe data protection laws (i.e. filming people without permission).

We do recognise however that responsible and professional use of drones can be a valuable tool for educational or scientific purposes. We may therefore issue permission for a specific activity which benefits our understanding of the Forest or furthers the education of our communities and visitors. In these cases we will require the operator to meet all the rules of operation set out in the Civil Aviation Authority's Air Navigation Order 2016 and the CAA's code of good practice; have a commercial operator licence and adequate insurance cover.

PRESENTMENTS

2016/8895 FENCING

Presentment by Dr Graham Ferris, Chairman, New Forest Commoners' Defence Association

'The CDA wishes to express its grave concern at the state of the fences, for which Hampshire County Council is responsible, between the Open Forest and the main roads.

Last Saturday night whilst some of you may have been enjoying Strictly Come Dancing, the Head Agister was called out together with several Police units to deal with cows on the A35 at Holmsley.

On Monday I walked the western, Forest side of the fence line in that area, between the so called ten foot gate and Wilverley Post.

I was shocked to find a gate post rotted off at the base, numerous rotted fence and straining posts, staples missing, leaving in some places only one staple to support sagging wire and "bodged" repairs loosely winding broken wires together. But more shocking still was that a good number of these failures had been noted and marked at some time in the past with a dab of blue spray paint.

This is not the only place where livestock have recently gained access through faulty fences onto Forest main roads.

It demonstrates HCC's systemic failure to adequately inspect from the Open Forest side, repair and maintain and sign off work done on these fences.

This is putting at risk not only commoners' livestock, but also the lives of road users, Agisters and volunteer commoners called out to deal with livestock on the road and the emergency services attending.

Putting it right does not involve complex project management or high tech materials – it needs a suitably briefed person in a truck with wooden posts, wire, staples, a hammer, a strainer and a shovel!

We appreciate that the Verderers' Office regularly passes faulty fence reports to HCC. We would ask for the Verderers continued support in seeking an appropriate and transparent protocol from HCC to provide a systematic approach to the care and maintenance of these fences.'

2016/8896 BROADBAND IN BEAULIEU

Presentment by Mr Frederick Norris, Chairman, Beaulieu Parish Council

'My name is Frederick Norris and I am Chairman of Beaulieu Parish Council.

I would like to make a submission to the Court in support of Hampshire County Council and BT Openreach's request for permission to install a Superfast Broad Band Cabinet, known as Beaulieu1, on land at Hatchett Lane Beaulieu. SO42 7WA.

I have been involved for the last three years with the roll out (or should I say the non-roll out) of broadband in my Parish. I have attended several HCC meetings and various cluster group meetings to be told that high speed broad band is only three months away, then to be retold this will not be possible because of the complexity and the special status of the New Forest and the various stakeholders whom may or may not have objected to various proposals. It has become very frustrating for those with businesses or social reasons that require higher broad band speed. Some parts of the Parish of Beaulieu are "not areas" have no broadband, the outlying parts of the manor get .5 megabits a second, Beaulieu High Street achieves 6/7 megabits.

The provision of high speed broadband would bring significant benefits to our community. With more and more transactions being delivered on line, and some government departments only communicating on line, it is essential all rural businesses and households can avail themselves of this facility and not be disadvantaged.

The changes in modern farming methods and reduction in the land working force is leading to the re-utilisation of redundant farm buildings. For this to be successful and to enable new alternative businesses to create employment in rural areas good, efficient, fast communication is essential for the rural office or the rural homemaker to be able to compete globally.

The cabinet which is of particular interest to Beaulieu is Beaulieu1 at Hatchett Gate.

The proposed siting of the cabinet next to the phone box and the street lamp would be the most logical. I understand other options considered were impractical. The cabinet which is 1.4 meters by .65 metre would require a concrete plinth. However if the redundant concrete floor of the bus shelter is removed this is an area of some 5.32 metre that will be returned to grazing. NE have asked for dragons teeth to stop vehicle erosion along the Eastern boundary, interestingly when I came past this spot last night there were two vehicles were parked on this area, I am told this area would return 87m² to Common Grazing.

Beaulieu1 will not cause a loss in pasture but a gain.

My family roots go back 150 years in Beaulieu Village where we have lived and worked. I am fully aware that the Verderers have successfully maintained a guardian role over commoner's rights and the forest landscape. I fully understand that encroachment needs to be checked and resisted. Part of the unique nature of the Forest is due to the browsing animal. I would not want to see this precious place eroded in anyway. Somehow though we need to strike a delicate balance with the needs of modern living. For Beaulieu to remain a vibrant village as described in the National Park Core Strategy we really do have a need for High Speed Broadband.

I therefore respectfully ask the Verderers to permit the installation of Beaulieu 1 in Hatchett Lane.'

2016/8897 SUPERFAST BROADBAND – BROCKENHURST 1
Presentment by Mr Peter Wales, Chairman, Brockenhurst Parish Council

I am representing Brockenhurst Parish Council, on behalf of the Parish, as the Court is considering a submission today for the siting of a Broadband box in our village.

For two and a half years Brockenhurst Parish Council has been fully involved with discussions and pressing for SFBB in the Parish. The residents have lobbied us for this for a number of purposes including working from home and educational use. With increasing pressure to use the internet from many organisations including Government a SFBB service is becoming an essential utility otherwise households could be seriously disadvantaged as the digital revolution continues. We wish to see people and students working efficiently from home enabling businesses to develop and thrive with the benefit of a reduction in commuting.

In Brockenhurst this will now be possible in all but one area – that served from Box 1 in Rhinefield Road. We have worked closely with HCC and BT Open Reach in the other areas of Brockenhurst to overcome the sensitivities of SSSI zones and grassed areas, but in the case of Box 1 this has not yet been possible to obtain an agreed site.

Box 1 itself stands on a grassed area on the edge of a footpath within a SSSI designated zone. In order to allow conversion to SFBB, a fibre enabling box (with a footprint of 800mm x 450mm) is needed within a reasonable distance of the existing box 1. This would be within the SSSI grassed area. One suggestion was to install the box on the tarmac footpath but unfortunately this would restrict the footpath to a width less than that required for disabled and other access. In these circumstances we feel that there is a good case for mounting the new box on the grass area on the edge of the footpath. This would take up 0.65 square metre of grass and would be more than compensated for in additional grass area being offered by HCC.

As a Parish Council we fully appreciate that it is necessary to balance the needs of modern living against the protection of this unique environment. We always try to protect Commoners Rights and support the institutions which have protected the New Forest landscape for many years. Whilst we do not wish to see unnecessary structures or equipment we feel that the compromise suggested certainly will do this. We therefore ask that the Verderers agree so that the families (which include some commoners) can benefit from an efficient internet service.

2016/8898 PONDHEAD SSSI WETLAND RESTORATION PROPOSALS
Presentment by Mrs Sally Hayward, Matley Cottage, Beaulieu Road, Lyndhurst

1. 'As the Verderers well know, determination of the Pondhead application was delayed whilst the applicant's flood risk consultant produced survey data and a detailed design to replace the 175m flood storage with a short link from the farm field drain into the main Lyndhurst flow, immediately adjacent to private property.
2. The flood risk consultant's plan formed the basis of the NPA's decision to grant planning permission for the works and was the subject of a specific condition requiring full compliance with the detail the flood risk consultant had provided.
3. The planning permission also specified that the works should be done in two phases. Phase 1 was to create a new link and block the existing flood storage with a "temporary dam" until it was clear and the new link worked.
4. However, when the Phase 1 works were completed last month 3 of the 4 planning permission conditions were ignored.

- I. The location and length of the new link was completely different

- II. The depth and profile of the new link importantly did not include a "drop"
- III. The "temporary dam" is 25m long
- IV. The new drain was not "*top-dressed with retained vegetation*" rather the ecology in the old drain had the new drain's spoil dumped on top of it.
- V. There was no archaeological "watching brief" during the excavation and the digger and tracked dumper went straight over the Medieval deer park earth works which were supposed to be protected!

The applicant's own flood risk, ecological and archaeological advice was literally bulldozed.

5. What has been done on site bears little resemblance to what was only permitted subject to observing those details!
6. The Verderers are an HLS partner; it is incumbent on you to ensure that what is proposed in your name is what is constructed on site. Unless the public can rely on what has been committed in your name, trust in the probity of these HLS projects is eroded.
7. Further, non-compliance with a planning condition is a serious matter. It is a transgression of public law with which a body such as the Verderers ought never to be associated.
8. Therefore I would like to ask the Court to define what supervisory process it has in place to ensure that the fabric of the New Forest, for which it is responsible, is not damaged by unauthorised works which have not been signed off by the HLS partners and which is not in compliance with specific conditions of a planning permission.'

2016/8899 PRESENTMENT ANSWERS AND DISCUSSION POINTS (SSSI STREAM RESTORATION PROJECTS)

Presentment by Dr Fiona Macdonald BVMS MRCVS

'Presentment of the 20th July 2016 by Dr Macdonald and the discussion reported in the minute of that meeting.

1. Mr Deakin – flow rates.

I would be very interested to see the comparative flow rates before and after works in general and North Sluffers and Harvest Slade in particular. Could Mr Dowsett please give me that information presuming it has been done?

2. Mrs Westerhoff – random points/before measurements

During my presentment I said that with reference to pH, I quoted the normal Forest Stream pH range and then gave my findings. In fact I have a number of results of temperatures, pH and turbidity which are concerning but was conscious of the time allowed for presentments.

3. Mrs Westerhoff - other areas – lamprey doing well

Could Mrs Westerhoff please be specific as to which locations the lamprey are reported to be doing well and how they were monitored? What were the dates of these observations?

4. Mr Dowsett – pre and post-works monitoring– Sluffers – colonisation with invertebrate and fish numbers rising

Mr Dowsett said that 'monitoring of invertebrates and fish is carried out before restoration works are undertaken and continue for well over a year afterwards'.

Please can Mr Dowsett give more specific details of the monitoring work carried out by the FC, in particular how the fish are monitored – is this by observation, Fyke nets or electro-fishing? Also at what times of year is this being carried out since this will have an influence on the presence or absence of certain fish. How are the fish numbers being monitored at Sluffers and what are the specific results – numbers/species/age or size?

Also water quality parameters – temperature, pH and particulate content/turbidity?

Does the Forestry Commission use the Monitoring advice and planner supplied by the River Restoration Centre? This not for profit organisation is supported by, amongst others, Natural England and the Environment Agency. The person who is the MD of the company Alaska which carries out the majority of the Restoration work on behalf of the Forestry Commission is also a Director of the River Restoration Centre, RRC.

RRC conducted a recent study in association with Jonathan Cox Associates 'New Forest Wetland Restoration Review' (Jonathan Cox, Janes & Aaberg 2015). This study looked at only 8 of the 147 restorations which have taken place. The conclusions include some pertinent recommendations regarding the necessity for extended and quantitative monitoring both before and after works are undertaken, and the results appear far from the successes that the Forestry Commission claims.'

2016/8900 CONCERNING WORKS BOTH PROPOSED AND ALREADY CARRIED OUT AS PART OF THE HLS (SSSI STREAM RESTORATION PROJECTS)

Presentment by Mr Peter Clark retired Civil Engineer and resident of Frogham

This presentment addresses the physical impossibility of the Verderers satisfactorily accomplishing the works proposed to be carried out by their agents on the Latchmore Brook.

The project depends on importing hoggin and other materials to be used to raise the level of the bed of the brook and where necessary to raise the level of adjacent land, and redirect the course of the brook using such materials. There are very strong reasons to advise that this work will fail, with the imported materials being washed away by the very strong flood flows which occur regularly on this stream.

The ground through which the stream flows has been consolidated by a heavy overburden of material which is long since gone. It is extremely densely packed, very strong, and highly resistant to erosion.

In contrast, the proposed cap material cannot be constructed to a strength and density and resistivity sufficient to prevent it from being washed away. This will result in loss of any value the Verderers may have hoped to gain from the expenditure of a great deal of public funds, and will leave behind scars on the fabric of the New Forest which will take hundreds of years to heal.

The reasons why the cap will be too weak are as follows;

Clay in the ground has been consolidated by a high overburden pressure applied over a very long period, in conditions which have allowed pore water to drain out. Reworked clay used as a construction material, as in this application, is a quite different material. It has lost its strength and durability.

Hoggin is a mixture of gravel and fines. It is not graded and it is not a consistent mix and this means that even in ideal conditions it does not lend itself to compaction when it is used in the way specified in this project. The structure will be porous. The fines will be held too loosely and will be washed away.

The problem on these sites is compounded by the variability of the ground underlying the fill - and by the equipment which has been provided to attempt compaction. This is an engineering project. It is highly significant that amongst the fourteen Directors listed for LUC there is not a single qualified engineer.

Within the budgets available there is no way that the problems described can be overcome, and it is my strongest advice to the Verderers that they should not persist with this scheme which is doomed to failure.

2016/8901 SSSI STREAM RESTORATION PROJECTS AND PROPOSALS
Presentment by Mr Brian Tarnoff, Chairman of the New Forest Association's Landscape and Habitats Committee

Mr Tarnoff said that he felt it might be helpful to the Court to hear that the River Restoration Centre has been recording projects since 1994. It has worked on some 2119 projects. Projects include Warwickslade which is considered to be a good example of how stream restoration projects should be undertaken.

Mr Tarnoff suggested that the problems identified by Mrs Macdonald would have come to light during the Restoration Centre's recordings. He mentioned a river restoration project in Cumbria which he considered to have been carried out in a similar landscape as that of the New Forest and he said there are no perceived negative effects resulting from the work.

IN COMMITTEE in the Library

CONSIDERATION OF PRESENTMENTS

2016/8902	FENCING	DISCHARGE
	The Clerk was asked to send Dr Ferris's presentment to Mr Tim Lawton and Mr Andy Harding of Hampshire County Council. Mr Heron was asked to impress the importance of maintaining the fences on the Highway Authority.	Action Clerk
2016/8903	PONDHEAD SSSI WETLAND RESTORATION PROJECT	RESUME
	The Deputy Surveyor confirmed the HLS team at the Forestry Commission is responsible for supervising the works. He undertook to investigate Mrs Hayward's complaints and report back to the Court. Meanwhile, the Verderers will inspect the site.	Action DS Verderers
2016/8904	PRESENTMENT ANSWERS AND DISCUSSION POINTS (SSSI STREAM RESTORATION PROJECTS)	DISCHARGE
	The Deputy Surveyor advised the Court that the Forestry Commission is in receipt of a Freedom of Information request from Dr Macdonald which it is currently considering and will respond to in due course. He commented that surveys are carried out using nationally recognised methods. He added that the Forestry Commission is in touch with the River Restoration Centre.	
2016/8905	LATCHMORE SSSI RESTORATION PROPOSALS	DISCHARGE
	Mr Clark's concerns are noted.	

2016/8906 SSSI STREAM RESTORATION PROJECTS AND PROPOSALS DISCHARGE

Markway River is considered to be an excellent example of a stream restoration project which has been an unqualified success and it was suggested that opponents of such projects inspected that project.

SUBMISSIONS BY THE FORESTRY COMMISSION

2016/8907 BROADBAND CABINET BROCKENHURST 1 DISCHARGE

Unfortunately it was not possible to consider the Brockenhurst 1 Broadband Cabinet in isolation as the same piece of mitigation is proposed for two separate applications. Hampshire County Council has been asked to submit both applications to the November Court, so that the Verderers have the complete picture in one go including more detail on the specification of the footpath at Waters Green. Action DS

2016/8908 BROADBAND CABINET BURLEY (LESTER SQUARE) DISCHARGE

The proposal to site a new broadband cabinet at Lester Square were approved subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing. In addition, it is a condition of the Court's consent that the dragon's teeth that are to be installed to prevent verge parking must be sited along the tarmac road edge. Concreting in the dragon's teeth is not acceptable. The Forestry Commission's specification for dragon's teeth is to be followed. Another plan is requested, showing the line where the dragon's teeth will be sited. Action DS

2016/8909 BROADBAND CABINET BEAULIEU 1 DISCHARGE

The proposal to site a new broadband cabinet on the triangle of Crown Land outside Hatchet Gate on the junction between the B3054 and the B3055 was approved subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing. In addition, it is a condition of the Court's consent that the dragon's teeth must be sited along the edge of the tarmac and a specification must be provided for how the base of the old bus stop, which is to be removed, will be reinstated. If this area is not properly reinstated it could end up being nothing more than a muddy hole. Action DS

Mr Heron undertook to try to obtain a list of the redundant BT boxes in the Forest which are to be removed once the current consultation is complete. It is understood some parishes have expressed a desire that some are retained. The one at East End no longer contains a telephone but it does contain a defibrillator. Action EH

2016/8910 ICE CREAM TRADING AND HORSE DRAWN WAGONS & FORESTRY COMMISSION ACCESSES LICENCES RESUME December

Consideration of the proposals to renew consent for these two activities is being held over to the next Court pending a satisfactory response to the Court's enquiry concerning a property in Tom's Lane where permission for an illegal parking space has been included in a newly issued access licence. Action DS/PG

Mr Deakin commented that he thought the Forestry Commission had agreed to consult the Verderers before issuing any new access licences, in order to avoid any misunderstandings.

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2016/8911 SMOOTH SNAKE SURVEY DISCHARGE

Approval was given for a further year but the condition that the refugia are removed each winter remains. The applicant is invited to come back to the Court with a request to lay down the refugia earlier in the spring if desirable.

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

2016/8912 WOODGREEN CRICKET CLUB LICENCE & SECURITY UNIT DISCHARGE
to the Action List

The Land Agent is in discussion with the Cricket Club and the matter will be transferred to the Action List.

2016/8913 HLS HOLLY MANAGEMENT PLOTS DISCHARGE

Monitoring of the plots will continue as now. The matter is under discussion at OFAC (Open Forest Advisory Committee).

2016/8914 EXCESSIVE TRAFFIC AND ANIMAL ACCIDENTS IN LINWOOD RESUME
December

Clr Heron declared an interest as the area is within his parish.

Hampshire County Council has been invited to submit a design for the road haunches on Broomy Plain which will be completed by the end of November.

2016/8915 VERGE RESTORATION WORKS AT EAST BOLDRE DISCHARGE

This appears to be stuck with the Parish Council.

2016/8916 VERGE RESTORATION AT FRITHAM DISCHARGE

A resolution to the dispute between a resident and the Forestry Commission concerning a newly dug ditch is hopefully being satisfactorily resolved.

Plans for protecting the green outside Fritham Nursing Home will be prepared.

It was agreed that consultation with residents prior to car free ditching works taking place is essential.

2016/8917 BROWNHILL DRIFTWAY DISCHARGE

The Deputy Surveyor was asked to provide details of the works that have been carried out. The Clerk will circulate the paper. Action DS

2016/8918 POSSIBLE BEREAVEMENT CENTRE IN NEW PARK DISCHARGE

The Deputy Surveyor explained that Mark Street, former Land Agent, suggested to the promoters of the proposed centre that Round Copse might be a potential site in New Park. He added he is speaking to Steve Avery at the National Park regarding pre-application advice that may have been given. If there are any further developments, the Deputy Surveyor will come back to the Court. Action DS

- 2016/8919 VERGE PARKING NEAR THE RED SHOOT DISCHARGE
- The Estates Keeper and his assistant have been speaking to the proprietor of the Red Shoot in an effort to resolve the long standing parking issues. The Parish Council is also involved. A sign is to be erected stating that there is no access to the High Corner Inn via Toms Lane.
- Action
FC
- 2016/8920 TURF HILL DISCHARGE
- The Deputy Surveyor confirmed felling will not continue into the little oak wood. Work has now finished.
- A discussion then took place about levelling. Some areas are really corrugated and present a hazard when driving stock. In some places the stumps have been crushed which works well. The Deputy Surveyor agreed to arrange some site visits so that areas of concern can be identified and further work carried out as necessary.
- Action
DS
- 2016/8921 ACCESS LICENCES RESUME
December
- The Court would like the access licences reworded so as not to encourage householders to lay gravel or to re-gravel unnecessarily and to stipulate the permitted width of each access. The present term 'wide access' can mean anything and is unsatisfactory.
- Action
PG/Clerk
- 2016/8922 FORESTRY COMMISSION HOUSING RENT INCREASES RESUME
- Mrs Westerhoff declared an interest in this topic as she occupies a Forestry Commission dwelling, her husband being the Tenant.
- The reported recent dramatic increase in rents for Agisters and commoners who are occupying Forestry Commission owned dwellings and the method of communication has caused significant concern and stress to some occupiers. The Deputy Surveyor agreed a more open discussion is needed and the principle of increases needs to be formulated and published.
- Action
DS
- Cllr Heron felt that a basis of value and an explanation of how the Forestry Commission arrives at the rents should be established.
- It was also agreed that a strategy for and the purpose of the Forestry Commission owning properties should also be published.
- Action
DS
- The Court reminded the Deputy Surveyor that it supported the maintenance of the Forestry Commission Estate during the study undertaken by the Independent Panel on Forestry in which it was stated that the housing stock is maintained for the benefit of forestry and commoning. The Deputy Surveyor was keen to stress that that commitment has not changed.
- The CDA has offered to represent its members in future discussions.

SSSI RESTORATION WORKS

- 2016/8923 REPAIR AND MAINTENANCE LIST RESUME
- The Deputy Surveyor provided an updated list.

2016/8924	SITE VISIT TO DRIVER'S NURSERY AND POUND HILL	RESUME
	<p>It was confirmed that the proposals contained in the paper circulated prior to the meeting accurately reflected what was agreed at the site visit with the exception of Item No. 14 which Mr Pasmore felt was too vague.</p> <p>The Court agreed to Mr Pasmore and the Deputy Surveyor agreeing a more acceptable form of words. The paper will then be updated and a copy provided to the Clerk.</p>	
		Action DS/AHP

ACTION LIST

2016/8925	HOLLY CUTTERS	RESUME
	<p>The Deputy Surveyor was asked to ensure that in the licences issued to the Holly Cutters, it states that they must not drive round barriers or cause damage to the fabric of the Forest. The Deputy Surveyor was asked to report back to the Court in November with details of the wording of the licences.</p>	
		Action DS
2016/8926	BT CABLING	DISCHARGE
	<p>The Court felt the wording of the wayleaves to BT should incorporate a condition that they must not leave cables exposed. The cable at Crockford has still not been buried.</p>	
		Action DS/PG
2016/8927	DIBDEN INCLOSURE CATTLE GRID	DISCHARGE to Action List
	<p>The Deputy Surveyor was asked to make sure that the temporary repair on the side fencing is made good.</p>	

ENCROACHMENTS

2016/8928	SOUTH WEIRS	DISCHARGE to Encroachment List
	<p>It was reported that builders' vehicles are being parked all over the Forest at South Weirs where a house is undergoing refurbishment. The Deputy Surveyor will ask the Estates Keeper and his assistant to investigate.</p>	
2016/8929	ROSARY GARAGE	DISCHARGE
	<p>The meeting between Mr Pasmore and the Land Agent will be arranged.</p>	
		Action Clerk
2016/8930	1 & 2 FOX COTTAGES	DISCHARGE
	<p>A builder's vehicle was seen parked on the access on the 14th October.</p>	
2016/8931	WATERS GREEN	DISCHARGE to Encroachment List
	<p>Action in respect of verge parking at Waters Green was requested.</p>	
2016/8932	BULL HILL HOUSE	DISCHARGE
	<p>Parking on the access track was seen on 14th October.</p>	
2016/8933	NEW ENCROACHMENT AT FRITHAM	DISCHARGE to Encroachment List
	<p>A new tarmacked double entrance was reported opposite the BT telephone box in Fritham.</p>	

ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

- 2016/8934 THE FORD (BROCKENHURST) HCC SIGNAGE PROPOSALS DISCHARGE
- The proposed signage was reluctantly agreed on the condition that the new sign P2 is placed on the existing sign posts. Existing street furniture must be utilised wherever possible. Action Clerk
- 2016/8935 USE OF QUAD BIKES BY COMMONERS FEEDING STOCK ON THE FOREST DISCHARGE
- It was agreed that there are occasions when the use of quad bikes to take feed to feeding areas causes less damage than 4x4s or tractors and should therefore be permitted. Driving in stock with a quad is not permitted under any circumstances.
- Mr Deakin, the Deputy Surveyor and the Clerk will agree a form of words to be incorporated into feeding area letters to commoners wishing to use a quad bike on the Forest. Action RD/DS/Clerk
- 2016/8936 BARBECUES ON THE FOREST DISCHARGE
- Cllr Heron expressed concern at the increase in the use of barbecues on the Forest and suggested a more robust response from Forestry Commission staff is essential to prevent the practice spreading further. At Linwood the use of barbecues on the Open Forest appears to have become the norm.
- The Official Verderer suggested the best way of reporting such issues is via the Forestry Commission's Duty Officer and the Clerk will provide the telephone number to all Verderers. Action Clerk
- The Deputy Surveyor said that FC staff are visiting the area around Linwood to try to deal with the issue.

The Deputy Surveyor left the meeting

ENCROACHMENTS NOT INVOLVING THE FORESTRY COMMISSION

- 2016/8937 ACORNS MINSTEAD RESUME
- The proposal to contribute 50% of the legal costs of pursuing this case were put to the vote and carried by 8 votes. 2 Verderers abstained.
- The Clerk was asked to inform Dr Graham Ferris, Chairman of the CDA. Action Clerk

OTHER MATTERS ARISING

- 2016/8938 HIT & RUN REWARD SCHEME POSTER RESUME
- The Clerk expressed concerns at how the proposed poster would be distributed because the experience of the Animal Accident Reduction Group which tried a similar exercise was that such exercises can be very time consuming and are not wholly successful.
- The Clerk was asked to seek a volunteer to distribute the poster and depending on the response, decide whether or not to proceed. Action Clerk

2016/8939 BASIC PAYMENTS SCHEME (BPS) DISCHARGE

The mapping is still not complete. Mr Greenwood felt the Verderers should remain involved in the mapping process because it is likely to be used for any future schemes and it is therefore essential that it is accurate.

Mr Greenwood agreed to attend meetings when he can and report back to the Court as and when necessary. Action JG

OTHER AGENDA ITEMS

2016/8940 NEW FOREST NATIONAL PARK DRAFT LOCAL PLAN DISCHARGE

The Clerk said copies of the plan are available in the office.

2016/8941 MARKING FEES FOR 2017 DISCHARGE

The last increase in marking fees was in 2012, with current levels as follows:

Forest Ponies, cattle, donkeys	£24
Commons Ponies, donkeys	£12
Commons cattle	£3
Forest sheep	£8
Commons sheep	£4
Forest pigs	£4
Commons pigs	£2

Marking fee receipts and depastured animal numbers are at an all-time high, which could imply that an increase in fees may discourage commoners from turning out so many animals. However as the pursuit of Basic Payments Scheme subsidy is the driving force behind the high animal numbers, and as those payments are much more than 10 times the marking fee for each animal, any increase in marking fee would be so small in comparison that it could not hope to be effective in reducing animal numbers. In fact it would actually penalize those commoners not in receipt of BPS payments.

It was agreed, therefore, that the marking fees should remain unchanged in 2017.

2016/8942 PONDHEAD BRACKEN DISCHARGE

Pondhead Bracken whose DNA re-test unfortunately proved his breeding was not as originally thought, and that he was no longer eligible to be registered as a pure bred New Forest Stallion, sired a number of foals in the period during which he was turned out last Spring.

As a gesture of good will, the New Forest Pony Breeding and Cattle Society has offered to provide free passports for any of his progeny which are registerable as First Cross New Forest ponies.

FINANCIAL MATTERS

2016/8943 FINANCIAL STATEMENT FOR SEPTEMBER 2016 RESUME

The Financial Statement was noted.

ANY OTHER BUSINESS

2016/8944 PONIES BARKING BEECH TREES

DISCHARGE

A complaint of a further pony barking a tree was felt to be unfounded as the tree was dead and on the ground.

2016/8945 HLS SCHEME – PRESS REPORT OF POTENTIAL DUAL FUNDING

RESUME

Mr Pasmore said that he is very concerned about Sir Desmond Swayne's reported allegations in the Lymington Times regarding the HLS and potential Dual Funding, and added that as an MP he should be taken seriously.

The Official Verderer replied that Natural England does not agree that Sir Desmond is correct. Natural England issued a statement to the Lymington Times, quoted in the same article, in which it stated that HLS expenditure is not Dual Funding.

The Official Verderer went on to say that any potential liability is covered by the HLS Partnership Agreement, which states that if a partner is guilty of maladministration in its part of the HLS expenditure, that partner is responsible to pay back the expenditure.

Mr Heron expressed the view that the Verderers individually are exempt from personal liability under the section 22 of the 1877 New Forest Act.

Mr Pasmore suggested that before the HLS commits any more significant expenditure, the Verderers should get legal advice or an audit conducted to say that there is no Dual Funding within the Forestry Commission's part of the HLS expenditure.

Mrs Westerhoff did not agree that HLS funding should be stopped, and suggested that this was simply a way for Mr Pasmore to stop the Latchmore restoration, to which he is opposed.

Mr Deakin said it would be ridiculous on the basis of a newspaper article to bring the whole HLS to a halt, as it is currently doing so much good work in the New Forest.

The Official Verderer said that the Court has no authority to audit the Forestry Commission's expenditure.

Mr Pasmore said that, for example, the Forestry Commission has a statutory obligation under the 1949 Act for scrub clearance. Has the HLS paid for scrub clearance, he asked? The Official Verderer replied that he understood that the HLS was for additional expenditure, over and above what the Forestry Commission traditionally achieved within its core funding budget.

The Official Verderer stated that he has asked the Deputy Surveyor to give his assurance that he is satisfied that none of the FC's HLS expenditure is Dual Funding. He suggested that the Court awaits a response.

Action
DS

Mr Pasmore argued that the Verderers are not aware of what HLS money is spent on what. It became apparent during the discussion that due to three staff changes in the office this year, minutes of HLS board meetings had unfortunately not been circulated to the Verderers, as was the custom previously.

MINUTES of the Court of Verderers held on Wednesday 19th October 2016 in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

The Official Verderer asked the Clerk to ensure that all of this year's board meeting minutes are copied immediately to all Verderers.

Action
Clerk

Mr Heron suggested a letter be sent to Sir Desmond, to ask if his comments are properly reported, and if so, to re-state his allegations in writing to the Court. This was agreed.

2016/8946 STAFF SALARY REVIEW

DISCHARGE

The Clerk left the meeting whilst this topic was discussed.

Mr Deakin's recommendations were approved.

2016/8947 OFFICIAL VERDERER

DISCHARGE

The Official Verderer informed the Court that his second three-year term comes to an end in April 2017. He reminded the Court that when he agreed to serve a second term in 2014, it was on the basis that he would not serve a third term. The Official Verderer said that he has therefore placed the office at the disposal of the Crown, and he intends to make this public with an announcement at the November Open Court.

There was no further business and the meeting closed at 2.24 p.m.

Domini O. May
Official Verderer
16th November 2016