

MINUTES of the Court of Verderers held on Wednesday 18th October 2017 at 9.30 a.m. in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

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

IN COMMITTEE in the Library

2017/9527 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on 20th September 2017 were approved and signed.

2017/9528 DECLARATIONS OF INTEREST RESUME

The Official Verderer declared an interest in the Verderers' Higher Level Stewardship Agreement as tenants on his Estate benefit from the Verderers Grazing Scheme and his Estate is in Higher Level Stewardship.

Elected Verderers Mr Deakin, Mr Greenwood, Miss Macnair and Mr Readhead declared an interest in the New Forest Higher Level Stewardship Scheme, Verderers Grazing Scheme and Basic Payment Scheme. Mr Pasmore declared an interest in the 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 Deakin and Mr Readhead are Directors of the New Forest Livestock Society. They are also members of the New Forest Stallion Syndicate.

Mr Dowsett is a Forestry Commission Volunteer Ranger.

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.

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.

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. Mrs Westerhoff has been formally appointed to the Board of Trustees of the New Forest Trust.

2017/9529 CONDITION OF STOCK

RESUME

The Head Agister said that stock is looking good. The drifts are almost over and overall the ponies are looking excellent. There are always exceptions such as young ponies and mares with foals. The foals this year are good both in condition and type. There are a lot of acorns this year but there is also lots of grass about at the moment so it is hoped there won't be too many deaths due to acorn poisoning.

Miss Macnair asked whether the Forest stock is affected by sycamore poisoning. The general view is that there are not many sycamores on the Forest and this year there are not many seeds.

2017/9530 THE POLICE & ANIMAL RTAS

RESUME

Cllr Heron pointed out that the Police Control incident reporting system includes codes for different types of crimes and incidents. He suggested the Police should be asked to allocate a code for RTAs involving Commoners' livestock.

Action
HM/EH

2017/9531 REPORT ON MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR

RESUME

	<u>2017</u>	<u>2016</u>
Forest Ponies	4732	4698
Forest Cattle	5025	4038
Forest Donkeys	108	110
Forest Pigs	114	80
Forest Sheep	0	0
Total Forest Stock	9979	8926
Common Ponies	814	691
Common Cattle	1307	1222
Common Donkeys	124	92
Common Pigs	57	100
Common Sheep	244	293
Total Common Stock		2398
Ponies, Cattle & Donkeys on the Forest	9865	8846
Ponies, Cattle & Donkeys on the Commons	2245	2005
Total Ponies, Cattle & Donkeys	12110	10851
Total Stock – Forest & Commons	12525	11324

2017/9532 BYELAW ENFORCEMENT

DISCHARGE

Three ponies are on the Forest which do not carry their owner's brand. However, the owner has made an appointment to go to the Office to apply for a brand. In the meantime the ponies are being removed from the Forest.

2017/9533 COMPLAINTS ABOUT CATTLE AT HALE

DISCHARGE

There have been a number of complaints about cattle behaving aggressively on Hale Purlieu and in the vicinity of Hatchet Green. Most of the complainants were walking dogs although Mr Pasmore said that one was not.

The National Trust, which owns Hale Purlieu is aware of the reports as is the Parish Council which owns Hatchet Green. The National Trust warden has reported an increase in dogs worrying stock and it is thought a few of the cows have been particularly protective of their calves.

The Parish Council has been in touch with the Verderers' Office and the Clerk has offered some advice to go into the Parish newsletter to help people walking in the parish. The Head Agister has visited Hale Primary School to talk to teachers about how to keep the children safe if they are playing on the Green.

Commercial dog walkers who walk groups of dogs and allow them to run free are a concern as are private dog owners who do not keep their dogs under control. In some parts of the country, limits have been imposed on the number of dogs commercial walkers are allowed to take onto common or public land and the Court felt it is something to consider in the Forest. When it comes to considering methods of controlling dogs, it is important to note that there are a lot of responsible dog owners whose animals cause no problems at all.

2017/9534 ANNOUNCEMENTS AND DECISIONS

RESUME

The Announcements were approved.

The Head Agister left the meeting.

OPEN COURT – 10.00 a.m.

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

The Head Agister opened the Court with the usual proclamation.

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER

2017/9535 MEETING WITH THE HAMPSHIRE PCC

I recently met with Michael Lane, Hampshire Police and Crime Commissioner. A senior member of Hampshire Constabulary was also present.

The purpose of the meeting was to discuss police assistance in relation to hit and run accidents involving Forest stock. The Meeting was productive and I am confident that the police will give as much assistance as they can to track down and, where appropriate, prosecute drivers who fail to report such accidents.

The Police and Crime Commissioner has accepted my invitation to attend one of our courts and I look forward to welcoming him here shortly.

2017/9536 GUESTS AT THIS MORNING'S COURT

I would like to welcome several guests to our court today.

Firstly, His Honour Judge Keith Cutler CBE, Recorder of Winchester, Resident Judge of Salisbury and Winchester and the senior judge presiding at Winchester Crown Court. Although our procedures are somewhat different to those that he will be familiar with, I hope he will find our proceedings today of interest.

His Honour is accompanied by the High Sheriff of Hampshire, the honourable Mary Montagu-Scott. The shrievalty dates back to Saxon times and is the oldest secular appointment in the country. It is a royal appointment and is non-political. The High Sheriff ensures the welfare of High Court judges, attends royal visits and support organisations in matters relating to law and order. The appointment is for one year. Mrs Montagu-Scott is discharging her duties with her customary energy and determination.

Also in Court today are

John Walden, Chairman of the Dartmoor Commoners Council and Julia Aglionby who is executive director of the Foundation for Common Land. John is also a trustee of the FCL. John and Julia attended the Pondhead drift yesterday and we are pleased to welcome them to our Court today. They are keen to find out more about the views of the Verderers and commoners with reference to the current Brexit discussions and plans for the New Forest post the current HLS scheme. The FCL has produced a paper on the Future policy options to sustain commons. Julia regularly meets with Government and Defra officials. In addition John is particularly keen to discuss the ways in which we are trying to reduce the number of animal accidents and how we cope with people pressure on the Forest.

I bid all our guests a warm welcome.

2017/9537 FENCING FOREST BOUNDARIES

We would like to remind owners and occupiers of land and property abutting the Open Forest that it is their responsibility to fence against legally depastured stock, including pigs.

Once again, this autumn, we are having problems with pigs escaping from the Forest via private property onto the road at Cadnam. This is dangerous and unfair on the commoners who own the pigs.

If a Forest animal is involved in a road traffic accident as a result of gaining access to the road via private property, it is quite possible that the owner or occupier of the land or property through which the animal escaped would potentially be considered liable for any third party losses. That could include damage to vehicles, injury to motorists or other members of the public as well as losses incurred by the commoner who owns the animal.

Please can we ask everyone whose property abuts the Forest to ensure their fences, gates and cattle grids are fully stock proof. The Verderers Office is always happy to advise on standards of fencing required.

ANIMAL ACCIDENT REPORT

2017/9538 THE ANIMAL ACCIDENT REPORT FOR SEPTEMBER 2017

The Agisters attended 12 accidents in September. This compares with 10 in the same period last year.

3 ponies, 3 cattle and 1 donkey were killed. 1 pony and 1 donkey were injured.

2 accidents occurred in the daylight, 2 at twilight and 8 in the dark.

All the accidents in September were reported.

1 motorist is known to have been local.

The number of animals killed and injured to date is 48, compared with 46 in the same period last year.

ANNOUNCEMENTS & PRESENTMENTS BY THE DEPUTY SURVEYOR

2017/9539 PANNAGE SEASON EXTENSION

Following requests from both the Commoners Defence Association and the Verderers I can announce that I have agreed to an extension of the pannage season this year in response to the quantities of fallen acorns present this autumn.

The pannage season will now close on Sunday 17 December 2017, an extension of 35 days. All pigs must be removed from the Forest by this revised end date.

Breeding sows, that is pigs in pig, may be allowed the privilege of remaining on the Open Forest after the end of the pannage season but only if authorised in writing by the Deputy Surveyor for the period specified in the consent.

PRESENTMENTS

2017/9540 RECREATION – LEGAL MATTERS Presentment by Mr Peter Totty of Hyde

'Official Verderer and members of the Verderers Court. Good morning and thank for this opportunity to speak to you.

My name is Peter Totty and for thirty years I have lived in the New Forest. I own part of one of the Outer Commons at Hyde within the National Park. I am a retired lawyer and also run a small farming business. The two recent presentments of Ian Thew and Alison Bolton admirably set out aspects of the acute problems facing the New Forest. This presentment draws attention to legal matters.

The two hardworking and long serving members of Parliament for the New Forest are being put into an impossible position as legislation of Parliament currently carries little weight in the New Forest and is being widely ignored with the result of a threat to the New Forest's sustainability. In particular the Sandford principle set out in section 5 of the 1949 National Parks Act is routinely disregarded despite its clear terms to the effect that conserving and enhancing natural beauty, wildlife and cultural heritage (which includes commoning) has priority, should there be conflict, over opportunities for the understanding and enjoyment by the public. Examples are:

1. The refusal of the Forestry Commission to enforce its Bye-laws (made under section 46 of the Forestry Act 1967), its present management having decided that it and not Parliament is to decide which laws are to apply in the Park. The result is widespread abuse by cyclists and others of which evidence is readily available. The 2002 Memorandum of Understanding between the Verderers with Forestry Commission should be cancelled on three months' notice and a fresh memorandum negotiated in which the Forestry Commission confirms it will enforce the Bye-laws which Parliament has given it so that the Forest may be protected.
2. Hampshire Police, for whom Hampshire County Council is responsible, have decided not to enforce Road Traffic law, enacted by Parliament for the protection of the public, regarding cycle races and tests of speed within the National Park on public roads. The Police have also withdrawn from the scheme whereby they prosecuted serial parking offenders within the National Park.
3. The New Forest National Park Authority often seems, in contravention of the Sandford principle, to prioritise tourism over ecology.
4. Natural England is not publicly known to have taken any action to comply with its own supervisory duties under s6 of the 1949 Act.

The necessary balance between protection of the unique nature and national and international importance of the New Forest and managing the influx of visitors, has ceased to exist with the result that without drastic changes in attitudes to legislation and law enforcement the justification for continuing with National Park status must now be in question, and this must be a vital interest of the Verderers. The future of commoning, and as a result of the New Forest as we know it, is problematical given current political uncertainties. The risk of mountain bikes everywhere is real.

I understand fully the limited ability of this Court to have direct jurisdiction in more general legal matters but nevertheless, because of its unique status and the closeness of a tipping point when the New Forest permanently loses its international importance for flora and fauna sustained by the commoning system, and becomes just a glorified municipal park and velodrome, I urge this Court to take up these issues vigorously with the two MPs, the National Park Authority, The Forestry Commission, Natural England and Hampshire County Council as the Police authority. The Sandford principle, and other relevant laws, were enacted by Parliament with the intention that they should be enforced, not ignored, and it is of paramount importance that they must be upheld by all available means. These are not NIMBY issues, they are of general importance to this and all future generations. Thank you very much.'

2017/9541

RECREATIONAL HARM

Presentment by Dr Tony Hockley, Practicing Commoner and Chairman of the New Forest Commoners' Defence Association, on behalf of the CDA

'The September court heard several presentments on pressures and abuse of the New Forest. The CDA supports such concerns.

Commoners have long been involved in educational efforts. But education alone will not suffice for companies that see the Forest as a profit opportunity, or for those who care only for their own entertainment.

Enforcement action is a sad necessity. In 2005 the Forestry Commission prosecuted one of the kite-buggy riders using Wilverley Plain¹. That sent a warning to others. Similar resolve is needed on other routine breaches of the byelaws.

I would highlight two current issues that typify the challenges that can only be resolved by the Forestry Commission:

- The Ordnance Survey, another public body, has started to facilitate mountain-bike trespass; allowing subscribers to its online mapping service to upload their routes for others to follow. The Forest is now covered with these unlawful routes.
- On 2nd December the Forest will face its first commercial event in the hours of darkness. It is sponsored by a headtorch company, and hosted by Foxlease. For £30 entrants are offered the thrill of a night-time incursion into Forest. The company says that the racer will have: "a wealth of wildlife to keep your mind occupied".

Both of these are abuses of the Forest that the Forestry Commission could and should stop. It seems that the tranquillity of the Forest is being sold to anyone capable of making money from it whilst we all stand by. Our livestock and this special place deserve much better and we would urge to Court to do whatever it can to make this case.'

¹Verderers Court Minutes January 2006 (Minute No. 2006/2082)

2017/9542

RECREATIONAL PRESSURES

Presentment by Oliver Cook, Chairman, New Forest Young Commoners Committee

'As Young Commoners, we recognise the vital contribution that tourism plays in the local economy and through the very definition of "Commoning" we very much understand the concept of sharing this remarkable area that we are fortunate enough to live and work in with others.

Despite this we too are genuinely concerned by the effect that ever increasing public pressure is having on the Forest's landscape, ecology and traditional practices (particularly commoning). Greater visitor numbers is not something that is going to change, nor should it, however we believe that actions must be taken now to help manage the associated impact.

This is not the responsibility of any one body. We believe that it is the responsibility of all individuals and organisations that have a management role or other interest in the Forest. The commoning community is currently looking into how social media can help educate visitors to the Forest to ensure that they are better informed on how the commoning system works and how they can come and see our livestock without inadvertently putting themselves or our animals in danger. We are here today to call for support from the key Forest Authorities to assist us in our challenge, and we make the following four requests and recommendations:

1. We believe that the quality of the experience for all users should be prioritised over the quantity of visitors that we can get to the Forest. Whereas other National Parks may struggle to attract visitors to support the tourism industry, our problem is how to manage the large volume of visitors that we already receive. Our first request therefore is that there is a shift in policy away from the Forest's Authorities proactively marketing the new Forest as a tourist destination, which includes promoting arranged events/attractions.
2. We echo the CDAs concerns with the increasing number of organised events in the Forest and their impact on commoning activities. The difficulties in trying to navigate the Forest roads with a livestock trailer when there is yet another organised cycle event or being prevented from "drifting" a particular area due to concerns that there is another organised event on or that there are simply too many people, are specific examples of activities which are collectively beginning to reduce the enthusiasm of the next generation of commoners to get involved. Clearly the implications of this do not need to be explained.

We suggest that an effort is made to encourage organised events to take place on private land which is not as environmentally sensitive and where events are not going to provide obstacles to commoning activities.

3. We are very concerned by the lack of understanding that our visitors (from both nearby and afar) have about the New Forest. We feel there needs to be a greater effort to inform and educate people on the "dos and don'ts" of our "working Forest". We urge all Forest authorities to be more proactive in this regard, whether it be at the Forest campsites, car parks or on various social media platforms.
4. The enforcement of the Forestry Commission's byelaws should be a method of last resort, however, we believe that their profile should be raised and their messages promoted. Also, their enforcement must be one of the tools in the toolbox to be deployed in certain circumstances when there is a clear repeated breach due to a lack of respect for the Forest. We believe that there is currently an impression given that there is no will for them to be enforced, surely this is not a healthy impression to give.

Let me be clear, we are not asking to have the Forest to ourselves, we are simply asking for help with mitigating the impacts of a problem, which if not addressed, we believe will see a decline in the enthusiasm of the next generation of commoners to get involved.'

2017/9543 RECREATIONAL PRESSURES
Presentment by Christine Duell, Turf Croft Farm

'Official Verderer and members of the Court, thank you for this opportunity to address our dissatisfactions at the way that the Forest appears to be descending into an uncontrolled situation by the authorities responsible for protecting and maintaining it.

My name is Christine Duell and I live at Turf Croft Farm and have farmed here for the past 35 years. In recent months I have witnessed many infringements of the new Forest by-laws including a 4x4 vehicle being driven across the Open Forest by noisy and aggressive people which not only created an ugly mess but caused erosion to acres of grazing. In the past this type of destruction would have been controlled by admonishment from the area keeper but the number of keepers has been reduced making it virtually impossible for them to monitor the huge amount of misdemeanours taking place. We are told that budgetary constraints are responsible but how can one solitary keeper be expected to confront a gang of fungi pickers that are as organised as the late cockle pickers of Morecombe Bay? And why is it that other departments like the Environment Agency can afford to send their bailiffs in pairs to check fishing licences and make the financial punishment fit the crime of the offenders?

Currently we have a dog walker walking 8 or 10 dogs that are not on leads nor are they under effective control (NFNPA). They are allowed to hunt en masse through the local bog mire.

I have recorded 14 cyclists riding down the hill from Berry Wood to the back of Turf Croft Farm, right through and destroying the curlew and lapwing nests. The curlew have, to my knowledge, been nesting there for at least 35 years, they are no longer there. This is not a cycle path and it is not access for cyclists to ride onto or across the Open Forest.

We have groups of young people by day and by night, presumably orienteering, that leave litter that has to be seen to be believed, it has turned us into the area dustmen and is a great danger to the commoners stock and wild grazing animals. We have seen these animals, both ponies and deer eating foreign material such as sandwiches in a plastic bag and crisp packets.

Verge parking is another issue that needs to be controlled with a substantial financial penalty which would then put offenders into car parks where they should be. Every authority in the country has been forced to implement such measures and in the case of towns it has proven to be a great financial benefit. It is no longer acceptable for the FC to continue to complain "that they have no money" when they have such opportunities to procure it. Commoners, Licencees, the Hunt etc., all contribute financially to the FC coffers.

The Forest byelaws are no longer prominently displayed, in fact I consider that they are concealed, they should be re-sited in car parks and of such a size that they cannot be overlooked by visitors. The New Forest as we have known it is of greater importance than any single landowner such as ourselves or any of the groups that are trying to implement their control over it, often with such a shallow view of how to manage or behave in it.

I request that the Verderers use the authority of this Court to encourage the FC, NFNPA and Natural England to reverse this lack of control which is currently causing erosion at such a rapid pace. Failure to do so will mean that the commoners and the future young commoners and the variety of wildlife that abounds here by day and by night will not have a Forest as it has been in the past and as we know it today.'

2017/9544 FENCES AND PIGS
Presentment by Liz Suter, commoner

'I am here today to raise my acute concern regarding the current poor state of private boundaries that open onto Forest ground. In particular in Bartley and Woodlands. For instance, in the past week on at least two occasions my pigs have got onto the main Southampton Road at Cadnam – a very busy road and a dangerous situation – via ground that I believe is tenanted ground at the Coach and Horses Pub and the adjacent field which is still in the ownership of Enterprise Brewery. There are numerous other properties in the locality whose boundary fences are clearly not stock proof.

I truly believe the lack of adequate boundaries will at some point in the future cause a serious incident but at present I am personally, as a commoner, struggling with the amount of time spent locating and removing said pigs back to Open Forest.

I am at a point where despite being passionate about Forest traditions and seeing a huge need for the acorns to be consumed by pigs thus protecting other livestock – I will not turn out pigs again.

Something needs to be done to raise the profile of this issue and drive home the responsibility of boundary maintenance with regard to land adjacent to Open Forest.

I am asking today for your consideration of this matter and whether anything can now be done on the lines of either education (as in the leaflet re riparian responsibility) or enforcement.'

2017/9545 RECREATIONAL PRESSURES
Presentment by Mr Martin Noble

Mr Noble introduced himself as a former Forestry Commission Head Keeper, a practising commoner for 24 years, a member of the New Forest Study Group since 1986, elected Chair of that Group in 2008 and an active member of the New Forest Badger Group since 1986, Chair since 2006. He added that whilst retired, Mr Noble still lives in the Forest and takes a close interest in Forest affairs. His presentment was as follows:-

'I have come here today to express my concern about the damage and disturbance that is being inflicted on the fauna, flora and the general fabric of the New Forest by huge numbers of visitors who come here each year.

I appreciate that people need somewhere to live and housing space is at a premium in the south of England, but I feel that we have been let down by the planning system which has permitted, and is still permitting, extensive developments around the perambulation of the Forest.

It seems that there is a general presumption among those who manage the Forest that it is essential to provide ever more facilities for these visitors rather than to discourage them. No one seems to think that the idea that "*the Forest is Full*" is something that should be considered.

It appears that the concept of conserving the Forest and its wildlife is being placed second to the provision of entertainment, dressed up as education. I am sure those who manage the Forest are aware that this is in contravention of the latest Ministers Mandate which itself is based on the well-known Sandford Principle.

For those who may be unaware of this, back in 1974 the Lord Sandford produced a set of rules for the management of National Parks in the UK. In this he stated the overall guiding principle as follows:-

"National Park Authorities can do much to reconcile public enjoyment with the preservation of natural beauty by good planning and management and the main emphasis must continue to be on this approach wherever possible. But even so, there will be situations where the two purposes are irreconcilable... Where this happens, priority must be given to the conservation of natural beauty." (Lord Sandford, 1974).

I believe that the stage has been reached in the New Forest where the concept of promoting public enjoyment is taking precedence over the conservation of the Forest and its wildlife.

The Forest is covered by some of the most stringent legislation of anywhere in the land and this is designed to provide it with exceptional protection. Sadly this appears to be ignored by the decision makers and even Natural England appears toothless in respect of enforcing this legislation.

It seems to me that one effective way forward would be to reduce the number of visitors coming to the Forest by providing an alternative, but similar experience, elsewhere in the South of England.

I am aware that the Forestry Commission in particular, working in conjunction with the Dorset and Hampshire County Councils, has made considerable efforts to reduce visitor impact on the Forest by establishing Country Parks such as Moors Valley, Alice Holt Country Park and Queen Elizabeth Country Park. These are effective but they are overshadowed by the publicity afforded to the New Forest in the media with advertising encouraged by the New Forest National Park and the District Council.

I believe that the National Park managers should revisit the Sandford Principle and take a closer look at whether pressure could be taken off the Forest by creating alternative recreational sites outside the Forest, perhaps at places like the Forest of Bere or somewhere in Wiltshire.

Only in this way will we be able to say that we have done our utmost to preserve the Forest for future generations.

Therefore I request that the Verderers use the authority of this Court to urge the National Park Authority, the Forestry Commission and the various other bodies who are responsible for the management of the New Forest, to give greater consideration to the ecological status of the land and the rare and beautiful wildlife that the Forest supports. Thank you.'

2017/9546 HOGGIN ON TRACK TO NORTH HOLLOW
Presentment by Mr Richard Deacon, commoner from Linwood

Mr Deacon wished to bring to the Court's attention, a large quantity of hoggin gravel that has been dumped on the grassy track which runs from North Hollow to Dockens Water.

IN COMMITTEE in the Library

His Honour Judge Keith Cutler CBE in attendance

CONSIDERATION OF PRESENTMENTS

2017/9547 PRIVATE PROPERTY FENCING DISCHARGE

The suggestion that a leaflet be produced explaining the position as respects private property fencing and legally depastured Forest stock was generally felt to be worthy of further consideration.

Mr Grugeon reminded the Court that a leaflet regarding property boundaries has been produced that Mr Sean Marsh distributes when he is out and about dealing with encroachments. Mr Grugeon suggested the leaflet could possibly be amended before it is next reprinted to include an explanation of the liability to fence.

Action
PG

Cllr Heron suggested that additional GIS layers may be available which would help the Clerk to identify property ownership.

Action
EH

As respects pigs finding their way onto the road at Cadnam, Cllr Heron suggested a letter to the Chairman of the company which it is thought owns the land through which the pigs are escaping from the Forest might result in some action.

Action
Clerk

2017/9548 RECREATIONAL PRESSURE DISCHARGE

The opinions expressed in Open Court indicate there is a groundswell of concern.

The Recreation Management Strategy (RMS) consultation should provide information about the type and provision of facilities that people think should be available as well as what enforcement resource is needed and how it can be funded across the Forest.

The Official Verderer asked the Deputy Surveyor whether the Forestry Commission accepts that its byelaws need to be used. The Deputy Surveyor responded by saying the byelaws are there to be used but each incident will require sufficient evidence to justify taking a case to Court.

Updating the byelaws is an extremely involved process and requires parliamentary time which is unlikely to be available at present. Mr Deakin commented that to his knowledge, revising byelaws takes 5 years, however byelaws exist today that allow a stop to be put to overnight camping and other issues such as parking on verges.

Cllr Heron felt that it is important that the Forestry Commission's byelaws are prominently displayed. He added that in a lot of places there are lists of things that are not permitted so as to indicate the acceptable level of behaviour expected from visitors.

The National Park Authority needs to listen to the variety of views which will come out of the RMS consultation. It is important to try to educate and explain the concerns that have been expressed to people who do not understand why there is such concern.

The Deputy Surveyor said that whilst money has been made available from neighbouring local authority areas in Dorset to create new trails in the Forestry Commission's East Dorset woodlands with the aim of directing people away from Dorset heathland sites into more robust woodland habitats, no funds have yet come as a result of development close to the New Forest.

Cllr Heron advised that while Local Plans being prepared by the National Park Authority, New Forest District Council and other Local Planning Authorities neighbouring the Crown Lands had to make provision for the mitigation of adverse effects on the Forest's protected areas, generally through the provision of SANGS 'Suitable Alternative Natural Greenspace', it was likely that planned development would still add additional pressure to the Forest. He advised that there was a limited window to seek provision of financial contributions from proposed development towards mitigating these impacts.

Action
Clerk

At this point His Honour Judge Keith Cutler thanked the Court for the invitation to him to attend and left the meeting.

The Official Verderer went on to say that the presentments heard in Court in September have been sent to the Chairman of the NPA and Mr Nigel Matthews. Today's presentments will also be forwarded to them.

The Official Verderer said that the NPA is currently analysing the data that has been received during the consultation. Detailed analysis will be prepared prior to a second phase of consultation on detailed actions next year.

Action
OV

Mr Pasmore referred to the recent National Parks Conference and he congratulated the Deputy Surveyor on what he considers was an excellent presentation.

Action
OV/Clerk

The Official Verderer said that he will need to respond to the presentments in November. He will draft an announcement and circulate it for comment.

Mr Mills suggested the Court should convene to discuss the issues – symptoms, causes, mechanisms for redress and resources. The Court felt this is a good suggestion and the Official Verderer and the Clerk will consider whether a meeting after the November Court is feasible or whether an alternative date should be set. Meanwhile, the Clerk will circulate the full paper which the Court submitted in response to the RMS consultation.

2017/9549 COMMERCIAL EVENT IN THE HOURS OF DARKNESS

DISCHARGE

The Deputy Surveyor explained that this event only came to light because one of the Forestry Commission staff became aware that it was being publicised online. It is a running event, not cycling.

Attempts were made to persuade the organisers to move the event to private land off the Forest but because it had already been arranged for Foxlease to host the event, that was not feasible. It has, however, been

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possible to alter the route that will be taken by the runners so that the majority is in inclosures rather than on Open Forest.

The organisers of the event have been told that it will not be permitted again and the Deputy Surveyor was able to give the Court an assurance that it won't.

Organisers who wish to run events in the Forest are encouraged to contact the Forestry Commission at the planning stage so that location, timing and conditions of operation can be discussed – this may include moving the event off the Forest.

Cllr Heron said unfortunately people have the perception that they can use the Forest for commercial events. He added that landowner consent is required anywhere else and the same applies in the Forest. The Official Verderer asked him to take this up with the NPA.

Action
EH

SUBMISSIONS AND OTHER MATTERS RAISED BY THE FORESTRY COMMISSION

2017/9550 DE-MINIMIS SUBMISSIONS DISCHARGE

The Clerk advised the Court that using the recently agreed de-minimis system, consents have been given in respect of the following:-

DM0009 Chalford House, Stoney Cross - New water main and replacement new meter. No additional meter boxes/chambers.

DM0010 SGN Gas pipeline inspection Ower to Sopley.

DM0011 BT Openreach 2 x excavations to find broken cable to Limewood.

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

2017/9551 RAILWAY EMBANKMENT AT LATCHMOOR RESUME

A further meeting is required to decide upon a suitable location for the fence. The Forestry Commission has agreed to undertake the work once the location is agreed. The Deputy Surveyor agreed to ask Mr Dave Morris to arrange a convenient date for the meeting.

Action
DR, RD, JG,
R Maton
D Morris
(FC)

The Clerk asked whether future liability has been considered.

2017/9552 LAND AT ASHURST (LYNDHURST ROAD) STATION RESUME

The Clerk said no progress has been made on this. The Crown Estate Agent having been busy dealing with the Ashurst Hospital Site.

2017/9553 ASHURST HOSPITAL RESUME

The legal position regarding the reverter in the original lease is being investigated.

2017/9554 QUEEN BOWER / POUNDHILL (WARWICKSLADE CUTTING) DISCHARGE

The Deputy Surveyor said the Forestry Commission is of the opinion that the system is functioning well and so no further work is planned.

Mr Pasmore said he will undertake more surveys but he is waiting for some equipment from the National Park Authority.

2017/9555 SETTHORNS CAMPSITE CARAVAN STORAGE DISCHARGE

The Deputy Surveyor said he has investigated the alleged storage of caravans on Setthorns Campsite. He said that the practise of storing a small number of caravans over winter on gravel pitches has been going on for some years. He is happy with the current use which represents approximately 20% of the total number of pitches and which he believes has not intensified.

There are two stored caravans on the Open Forest section of the campsite and these will be removed.

Cllr Heron asked if it constitutes a change of use if caravans are not occupied. Mr Readhead said that his contact at Camping in the Forest, Mr Goodyear believes there is an agreement with the Forestry Commission which permits a certain level of storage. The Deputy Surveyor concurred but is still trying to track down a copy of the agreement.

The Court was concerned at the potential for intensification and felt that allowing caravans to be stored is setting an unwelcome precedent.

2017/9556 NEW FOREST SHOW DISCHARGE

The Deputy Surveyor said that Zoe Cox, FC Community Manager, is in touch with Justine Bayley, the Assistant Clerk, regarding the 2018 Show stand. Mr Dowsett felt that having Sean Marsh, the FC's Estate Officer, on the Verderers' stand is mutually beneficial. Mr Deakin agreed and expressed the opinion that the arrangement should be repeated next year. The suggestion that the FC stand and the Verderers' stand should be adjacent was felt unanimously to be a good idea.

SSSI RESTORATION WORKS

2017/9557 SSSI REPAIR & MAINTENANCE WORKS RECORDING SHEET RESUME

The content of the sheet was noted.

2017/9558 COWLEYS HEATH DISCHARGE

Mr Readhead repeated his earlier request that the culverts that pass under the road be cleared out. The one nearest Ipers Bridge is blocked and the road floods after any significant rain. Mrs Westerhoff said the issue was raised at the recent OFAC meeting and it was agreed some work either side of the road will be undertaken by the Forestry Commission. Mr Readhead said it is important the work is done promptly, before the onset of winter. Mr Deakin added the culvert needs to be properly rodded out but that is the responsibility of Hampshire County Council. The Clerk said a request has already been submitted but the response was that the Forestry Commission needs to do its work first. A further request to Hampshire County Council will be made.

Action
Clerk

2017/9559 PONDHEAD DISCHARGE

Mr Readhead and Mr Greenwood inspected the works that have been carried out following a request from a local resident concerned about flooding. They found the outlet from the nearby farm is 5' deep in silt and is very dangerous to stock. The problem is made worse by some of the works that have been carried out on the Forest including a temporary crossing which was established to aid access. The Forestry Commission was asked to carry out the necessary remedial works as a matter of urgency. The Deputy Surveyor said he will obtain an update from Nick Wardlaw, the HLS Contract Manager at the FC.

Action
DS (NW)

2017/9560 NORTH HOLLOW DISCHARGE

The Forestry Commission was asked to explain why gravel has been brought in at this location.

Action
DS

2017/9561 SHIRLEY HOLMS MIRE RESTORATION PROPOSALS DISCHARGE

The proposals were approved.

It was requested that submissions for approval which are produced following site meetings could be prepared and circulated more promptly.

Action
DS

ACTION LIST

2017/9562 ACTION LIST RESUME

An updated action list was provided.

ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2017/9563 HOLMSLEY PASSAGE RESUME

Details of the process for closing the road have been received from Hampshire Council.

Cllr Heron suggested that in the first instance, the Clerk should contact Burley Parish Council to seek its views.

Action
Clerk

Cllr Heron also suggested that an annual meeting might be helpful between the Official Verderer and Mr Stuart Jarvis who is HCC's Director of Economy, Transport and Environment.

Action
OV

2017/9564 CROWDERS, FRITHAM DISCHARGE

Mr Grugeon reported that Mr Sean Marsh and Mrs Jayne Albery, from the FC's verge protection / encroachments team visited the householder who has agreed not to park on the Open Forest and to only use the layby opposite when necessary to reverse a large vehicle into the property's driveway. Minimal work to protect a nearby Oak Tree will be undertaken.

2017/9565 GODSHILL CRICKET CLUB LICENCE RESUME
January

Mr Grugeon reported that Club's licence has expired. He asked for the Court's agreement to the licence being renewed based on the new licence that is being drawn up for the Woodgreen Cricket Club. He will bring the Heads of Terms to the January 2018 Court for approval.

Action
PG

2017/9566 BROOMY PLAIN ROAD PROJECT RESUME

An update was requested by the Deputy Surveyor who is concerned that a lot of work is being undertaken by his staff but there appears to be some doubt as to whether the project will be taken forward.

Cllr Heron undertook to seek details from Hampshire County Council regarding the latest position. Action
EH

The Deputy Surveyor and the Land Agent left the meeting.

ENCROACHMENTS NOT INVOLVING THE FORESTRY COMMISSION

2017/9567 FENCE IN ALPINE ROAD DISCHARGE

Mr Greenwood expressed concern at a fence which has been erected in Alpine Road, Woodlands which he feels is an encroachment on the grazing. Mr Pasmore said this road is part of a small estate constructed in the 1930's on what was private property. As such, it is out with the Verderers jurisdiction. It was questioned whether the land is likely to be SSSI. If so, it should be reported to Natural England. The matter will be passed to the New Forest Commoners' Defence Association to pursue. Action
JG

2017/9568 ACORNS, MINSTEAD DISCHARGE

The agreement appears to be holding and the process continues.

OTHER MATTERS ARISING

2017/9569 INVITATION TO MS CAROLINE NOKES, MP FOR ROMSEY DISCHARGE

The Official Verderer reported that an invitation to meet with the Verderers has been sent. Action
OV

2017/9570 INVITATION TO SIR DESMOND SWAYNE MP DISCHARGE

The Official Verderer reported that a response to the invitation to meet the Verderers has been received from Sir Desmond Swayne. A mutually convenient date is being arranged. Action
OV

2017/9571 JOHN GLEN, MP FOR SALISBURY & SOUTH WILTSHIRE DISCHARGE

An invitation to meet members of the Court will be extended to John Glen. Action
OV/Clerk

2017/9572 BUDGET/FIVE YEAR PLAN DISCHARGE

The budget / five year plan was considered. It was felt the income in respect of marking fees should be reduced in 2021/2022 as the effects of losing BPS and HLS will by then be having an impact. Other than that amendment, the budget / five year plan was approved. Action
OV/Clerk

Cllr Heron tendered his apologies and left the meeting

2017/9573 NATIONAL PARK AUTHORITY LEADERSHIP GROUP DISCHARGE

The Court felt it is not necessary for a representative to attend this NFNPA group which appears to discuss similar subjects to other groups on which the Court already has representation. However, the Clerk was asked to request the minutes of meetings be forwarded to her.

Action
Clerk

2017/9574 REMOVAL OF STUMPS & FURROWS IN THROWN OPEN INCLOSURES RESUME

There has been a suggestion that the focus should be on newer areas that are being cleared, however that implies that areas cleared in the past should be left and this is felt by the Court to be unacceptable from a stock management point of view.

It was pointed out that Natural England becomes resistant to clearance once vegetation starts to establish in cleared plantations. A way around that problem might be to create drift ways within those areas. To this end it was agreed a survey of some of the areas cleared in the past would be useful. In the first instance a list needs to be compiled. The Official Verderer will in any event, continue to press via the HLS for prompt action in the newer areas.

Action
OV

HIGHER LEVEL STEWARDSHIP SCHEME

2017/9575 HLS UPDATE DISCHARGE

The Minutes of the meeting of the HLS Board on the on 4th October 2017 had been circulated.

VERDERERS GRAZING SCHEME (VGS)

2017/9576 SMALL GRANTS SCHEME PROCEDURE DISCHARGE

This is work in progress and it was agreed to discharge this item from these minutes.

MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2017/9577 FAWLEY / WATERSIDE DEVELOPMENT RESUME

Mr Mills reported on the last meeting of the New Forest Access Forum where the proposed Fawley / Waterside development was discussed. The development will result in some 1500 homes being built. It is considered debateable whether the proposals to mitigate the effect of the development on the Forest will be adequate. The Clerk was asked to circulate details of the proposals which will be discussed in detail at the next Court.

Action
Clerk

2017/9578 OPEN FOREST ADVISORY COMMITTEE (OFAC) DISCHARGE

Site visits for new work on lawns were discussed. The Official Verderer asked to be provided with the dates. The Clerk will ask Lucy Andrews at the Forestry Commission to provide the details which will be circulated to all members of the Court.

Action
Clerk

2017/9579 NEW FOREST (WATER) CATCHMENT DISCHARGE

Mrs Westerhoff reported that the water quality in the New Forest is regarded as the best in the country. The latest report has been circulated.

2017/9580 POUNDHILL & FLETCHERS THORNS INCLOSURES (FOREST DESIGN PLAN) RESUME

Mr Deakin reported on the site visit which the Agisters were unable to attend as it was held on the day of the Ober drift.

The area is fairly heavily wooded and is earmarked for future harvesting operations. Some of the fences are in a terrible condition and badly need replacement or repair. Taking the fences down will create animal management issues. Discussions are taking place about how to fund the fencing if it is not required by the Forestry Commission.

OV/RD/DS

2017/9581 NEW FOREST ACCESS FORUM DISCHARGE

Mr Mills reported that New Forest Access Forum discussed the Recreation Management Strategy, and as a consequence was considering the effect of Fawley Waterside on the Forest, notably how this large potential development could be integrated into the commoning and equestrian activities of that corner.

STAFF MATTERS

2017/9582 SALARY REVIEW DISCHARGE

The Court confirmed it is happy to accept the recommendations of the Remuneration Committee which will meet later today.

FINANCIAL MATTERS

2017/9583 FINANCIAL STATEMENT FOR SEPTEMBER DISCHARGE

The Financial Statement was noted.

ANY OTHER BUSINESS

2017/9584 RUBBISH SACKS LEFT ON OPEN FOREST DISCHARGE

Further reports have been received of household waste and recycling sacks being left on the Open Forest outside properties where they are accessible to stock. The Clerk confirmed the office is in touch with New Forest District Council which is trying to educate residents and also to ensure that its collection teams do not stock pile rubbish and recycling sacks where stock can get at them. The collection vehicles must pick up sacks from inside private property as they go along.

2017/9585 SOUND SYSTEM/MICROPHONE IN THE VERDERERS' HALL DISCHARGE

The sound system is still not working adequately. People sitting in the audience cannot hear presentments as the microphone switches itself off. The Clerk advised that the office is in touch with the Forestry Commission to try to resolve the problems.

Action
Clerk/FC

MINUTES of the Court of Verderers held on Wednesday 18th October 2017 in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

2017/9586 NEW COURT PHOTOGRAPH DISCHARGE

It was agreed new photographs of the Court are needed, both in the Hall and in Committee.

It was agreed December is the best meeting for a photographer to attend as there is no Open Court on that day. Action Clerk

2017/9587 MARKING FEES FOR 2018 DISCHARGE

After some discussion Mr Deakin proposed that marking fees should remain unchanged in 2018. This was seconded by Mr Readhead and the motion carried unanimously. Action OV

2017/9588 NPA CONFERENCE DISCHARGE

Mr Pasmore commented that the Deputy Surveyor made a very good presentation at the recent conference. He wondered whether a copy of the power point presentation could be made available.

There was no further business and the meeting closed at 1.40 p.m.

John Munnell
15 November 2017