

**MINUTES of the Court of Verderers held on Wednesday, 15<sup>th</sup> September 2004 at 9.30 a.m. in the Library, The Queen's House, Lyndhurst.**

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

IN ATTENDANCE: Miss S Westwood Clerk  
Mr J R Gerrelli Head Agister (first three items only)

APOLOGIES: None

**IN COMMITTEE**

The Head Agister was present for the first three items.

2004/1086 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 21<sup>st</sup> July 2004 were approved and signed.

2004/1087 ANNOUNCEMENTS & DECISIONS DISCHARGE

The Announcements and Decisions were approved.

2004/1088 CONDITION OF STOCK RESUME

Report by the Head Agister

The Head Agister said he is very pleased with the condition of stock at the moment. The drifts are going well. A few mares with large foals have lost a little condition which is to be expected. There have been no real problems and mares which are going back have been removed without argument. Commoners are being very co-operative. There are still a few ponies on the Forest with strangles, two have been seen at Holmsley, and it is reportedly affecting some private stable yards. Two ponies at Bramshaw Telegraph are exhibiting symptoms of either flu or strangles. These are being watched by the local Agister. The Vet turned three ponies away from the September Beaulieu Road Sale because he thought they may have a virus. Cattle on the Forest look exceptionally well.

Miss Macnair said she recently took a pony judge from Scotland around the Forest and he commented that the foals are very well grown. He added he could get a lot closer to the Forest foals than he can to the ones in his own fields!

Everyone agreed that the overall quality of the foals is very good and it is considered this is a direct result of the stallion scheme, as well as there being a lot of food on the Forest this year.

The Agisters have counted 721 foals on the Forest this year compared

with 669 last year. Once the drifts are complete a comparison will be done with the numbers recorded in the previous two years. Some areas of the Forest, where a stallion has been, have a lot of foals whilst other areas have very few. Prior to the scheme there was, on average, approximately 900 foals born each year.

The Head Agister left the meeting.

Report by the Chairman of the Staff Committee

Mr Adams said he had little more to add. He reported that he has attended a few drifts and is happy with what he has seen. One or two mares have been removed as was reported by the Head Agister.

Mr Adams agreed that the cattle look exceptionally well this year. He went on to say that one or two riding schools have strangles. The ponies on the Forest are being monitored and unless they are very ill, they are being left alone, in accordance with the veterinary advice received in previous years.

2004/1089 TRAVELLERS AT BLACK HILL DISCHARGE

The travellers which were encamped at Black Hill have now moved on. They are apparently now on the side of the M27. Unfortunately they have left behind a disgusting mess. The National Trust have employed a specialist firm to carry out the clear up as the rubbish left includes needles, tins and glass. The people carrying out the clear up are experienced in this sort of work but they have said even they are appalled at what has been left behind.

2004/1090 DECLARATIONS OF INTEREST RESUME

All the Elected Verderers plus Mrs Thorne formally declared they have an interest in the Countryside Stewardship Scheme.

The Official Verderer declared an interest as someone with licensed premises in the Forest.

As members of the Stallion Syndicate, Mr Gerrelli and Mr Kitcher declared an interest in the items concerning the stallion Obershade Highland Fling as he belongs to the Syndicate.

2004/1091 FINANCIAL STATEMENT RESUME

The Financial Statements for July and August were approved.

2004/1092 BYELAW ENFORCEMENT RESUME

A stallion is at large on Canada Common. The owner has been advised that the horse should be removed from the Forest. At present, however, the owner has refused to remove the horse even though it is clearly jeopardising the Stallion Scheme. Advice as to the best way to proceed is currently being sought.

As respects the cattle at Fritham, the owner is already subject to prosecution for non-payment of marking fees. Advice has been received that this additional matter should be held in abeyance awaiting the outcome of the current proceedings. The advice is in writing.

2004/1093 PROSECUTIONS FOR NON-PAYMENT OF MARKING FEES RESUME

On the subject of the prosecution of certain commoners for non-payment of marking fees, the Official Verderer reported that all the papers have been lodged and the Court is now awaiting a date for the hearing in the Divisional Court.

2004/1094 PANNAGE SEASON DISCHARGE

The Court formally agreed the Pannage dates proposed by the Forestry Commission. The Deputy Surveyor will make the usual Announcement in Open Court.

2004/1095 LYBURN CATTLE GRID RESUME

The Official Verderer reported that after the last Court he duly wrote to the owner of Lyburn Estate advising him that the cattle grid is his responsibility and that it, and the adjacent fencing, is in need of urgent attention. As agreed by the Court a "without prejudice" offer was made to assist with funding the necessary works on a "one-off" basis. Nothing has been heard in response.

The Official Verderer went on to explain that a recent Court case (reported in a National Farmers' Union publication), held a landowner responsible for animals which strayed onto neighbouring land through an unsecured boundary. The Official Verderer said he would try to obtain a transcript of the decision.

2004/1096 ANIMAL ACCIDENTS DISCHARGE

Mr Gerrelli remarked that he believes the number of accidents not reported by the driver responsible is on the increase. He asked if the Hit & Run Reward Scheme is still in operation. It was confirmed that indeed it is and the Clerk asked if the Court wished her to make reference to it when she reads the Animal Accidents. It was agreed this should be done.

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

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

#### **ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER**

2004/1097 STALLION SCHEME

A second meeting with the stallion owners was held in the Verderers' Hall on August 26th at which a revised Stallion Scheme was debated and, following a ballot, was agreed by a significant majority.

The scheme will run for a further three years from 2005 until 2007, and will allow up to 40 selected stallions to run the Forest from February 1<sup>st</sup> until July 31<sup>st</sup> each year. I am delighted that the Forestry Commission has readily agreed to support the funding of the scheme for three more years. I am also very pleased to announce that the New Forest Trust will be providing secure winter grazing from October until May 1<sup>st</sup> each year for up to twenty stallions at New Park. The Trust will subsidise the nominal rent that will be charged for each animal that uses this very welcome new facility.

It is a great credit to the stallion owners that they have once again united in support of this scheme, the success of which has been a key factor in securing continued funding from the Forestry Commission, as well as attracting new and extra support and benefits from other organisations such as the New Forest Trust.

Stallion owners are invited to apply to the office for grazing in New Park.

2004/1098 BYELAWS

The National Trust has now formally consented to the application of the Verderers' Byelaws to all their new Forest properties, and they will be enforced where necessary as elsewhere in the Forest. All those who exercise common rights over National Trust property have been informed in writing of the Trust's decision.

2004/1099 NATIONAL PARK

We are currently in correspondence with the Minister and his officials concerning the mechanism for appointing the six members of the future National Park authority who are to be chosen by the Secretary of State. The recommendation made to the Government by the Countryside Agency was that the advice of the Official Verderer should be sought, and we have written to the Minister asking him to confirm that that recommendation will in fact be formally adopted.

In the meantime we are informed that the process for selecting the six Secretary of State appointees has now begun, and anyone who is interested in becoming a member of the National Park Authority should contact the Countryside Agency for an application pack. The deadline for candidates to apply is October 18<sup>th</sup>.

We shall be meeting the Interim Chief Executive of the Park Authority, Susan Carter, in committee at our October Court.

2004/1100 LIFE 3

In her Presentment in the July Court Mrs Cooper requested that the Court consider using its powers under the byelaws in order to prevent the sort of damage that may cause the return of dangerous boggy areas to the Forest. Having considered her presentment in committee we have concluded that our byelaws do not give us powers to intervene in the way that Mrs Cooper suggested in respect of the LIFE 3 works. We have been monitoring the restoration works and have ensured that we are informed in advance of any proposed works so that proper consultation can take place, including site visits. To date we have been satisfied with this consultation process, however we are very much aware of the grave concerns that are being raised in respect of the restoration works taking place at Highland Water and we will be discussing this in committee today.

2004/1101 COUNTRYSIDE STEWARDSHIP SCHEME

The scheme is now near the end of its first and most challenging year. A huge amount of work and effort has been put in to setting up and creating this vital and simple mechanism for encouraging and financially supporting the continuance of good commoning practice throughout the Forest. We would like to thank all those who have put so much of their time and energy in to making this project a reality, in particular our office staff who have had to cope without the benefit of a full time Scheme Manager.

Mr Colin Draper, who is currently serving as a senior officer in the army, has been appointed as the full time Scheme Manager. He will be taking up his post on September 27<sup>th</sup> once he has formally retired from his present position. A Scheme Manager's office has already been set up in the Queen's House courtesy of the

Forestry Commission, and details of the direct telephone number and e-mail address will be supplied to all those participating in the scheme in due course.

A few contracts have yet to be returned, and I would urge anyone who may not have signed the document to do so immediately. If signed contracts are not received by the closing date of the first year on September 30<sup>th</sup> no payments can be made to that applicant.

## ANIMAL ACCIDENT REPORT

### 2004/1103 ANIMAL ACCIDENT REPORT FOR JULY & AUGUST 2004

Total Accidents for the Period: 22 (25\*) \*2 ponies killed in one accident in July 2003

	Killed		Collar		Injured		Collar		Uninjured		Collar		Not Found	
Ponies	10	(16)	0	(0)	2	(2)	0	(0)	1	(0)	0	(0)	5	(2)
Cattle	2	(2)	N/a	N/a	1	(2)	N/a	N/a	0	(0)	N/a	N/a	1	(1)
Donkeys	0	(0)	0	(0)	0	(0)	0	(0)	0	(0)	0	(0)	0	(0)
Pigs	0	(1)	N/a	N/a	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Sheep	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Totals	12	(19)	0	(0)	3	(4)	0	(0)	1	(0)	0	(0)	6	(3)

TOTAL KILLED & INJURED	15	(23)
Accidents During the Hours of Darkness	10	(6)
Vehicles Involved		
Private Cars / Light Commercials	14	(18)
Motor Cycles	0	(0)
Heavy Vehicles	1	(0)
Bicycles	0	(0)
Number of Local Motorists	12	(12)
Number of Accidents Not Reported	7	(7)
Total Killed and Injured for the Year to date	64	(63)

Number of Deer Killed - (-)

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

The Clerk commented that the number of accidents that are not reported by the motorists involved remain unacceptably high and are apparently increasing. The Press was asked to remind the public of the existence of the Hit and Run Reward Scheme. Up to £1,000 is payable for information leading to a conviction of a driver who is responsible for an accident with a commoners' animal and fails to report it.

## PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

### 2004/1104 PANNAGE SEASON

In accordance with the provisions of Section 7 of the New Forest Act 1964, the Verderers have been consulted with regard to the dates of the pannage season and I hereby notify the Court that the season will commence on Monday 20<sup>th</sup> September 2004 and that it will end on Sunday 21<sup>st</sup> November 2004, both dates inclusive.

May I remind Commoners who hold the right of Common of Mast that:-

1. Pigs turned out must be levant and couchant in and upon the land from which the right is derived.
2. Pigs may not be turned out until they have been inspected by an Agister, effectively ringed, marked and the appropriate fee paid. This must take place

during normal working hours. 48 hours notice must be given and the time and place where the pigs are to be inspected and marked must be agreed.

3. Pigs must be marked before they are put onto the Forest.
4. Pigs may not be turned out into the Inclosures.
5. Breeding sows, that is female pigs in-pig, may be allowed the privilege of remaining on the Open Forest after the end of the pannage season if so authorised in writing by the Deputy Surveyor for the period specified in the consent.
6. Any breeding sow that is granted the specific written consent of exercising the privilege must be inspected, ringed, marked and paid for during the pannage season.
7. Any breeding sow exercising this privilege must return to the holding at night.
8. Apart from the aforementioned privilege of turning out breeding sows with proper authorisation onto the Open Forest beyond the pannage season, no pig will be allowed to remain on the Forest after the end of the season.
9. No period of grace is allowed for the removal of such unauthorised pigs.
10. Any consent granted for the exercise of the privilege is limited to the period following this particular pannage season and cannot be presumed to apply for future years, for which a separate application must be made.
11. Any unmarked animal running on the Forest does so in contravention of the Verderers' Byelaws and the owner is liable to a fine of up to £200.00.
12. Property owners of land adjacent to the Forest are reminded that it is their responsibility to fence out Forest animals from their land.

#### 2004/1105 CONSTRUCTION OF BRIDGES AT LONGSLADE BOTTOM

In order to facilitate safe access for pedestrians, horse-riders, cyclists and commoning stock along the disused railway embankment at Longslade Bottom, the Forestry Commission intends to re-establish a bridge crossing on the sites of the two previously demolished railway bridges.

The bridges will be supported on the existing abutments and central pier. The bridges will be of the design used elsewhere on trackways in the Forest; that is to say, of steel beams overlain with a timber deck. The side elevations will include a timber fascia to disguise the structural steel work.

The necessary planning consents for the works have been obtained, and this Presentment is made for the information of the Court.

#### **PRESENTMENTS**

#### 2004/1106 INTERNATIONAL AUTOJUMBLE AT BEAULIEU Presentment by Mr Mike Cooper – Practising Commoner

Over the past three years to my knowledge, it has become habit for numerous exhibitors to arrive on the Thursday afternoon prior to the event, on the outskirts of the Beaulieu Estate, namely Hilltop. On previous years they proceed to camp out on the side of the road with their campers and vans, light Bar-B-Cues, and generally turn the

side of the road into a campsite. Notwithstanding that this is in breach of the byelaws, it is also extremely dangerous for the motorists negotiating the two unlit junctions, let alone the hazardous situation created for the inquisitive Forest stock, especially as night falls. Other roads leading into Beaulieu have suffered similarly, and many Forest car parks have been compromised. Although the Forestry Commission have been very much more pro-active this year, the situation has not improved. I believe it incumbent on the Beaulieu Estate to provide adequate overnight camping facilities for the exhibitors before and after the event.

I would ask the Verderers to take firm action on this matter, so that we do not see a re-occurrence of these circumstances again, especially as I understand the Forestry Commission staff came up against considerable hostility from some of the Exhibitors when they tried to remedy the situation.

The Beaulieu Estate now holds many functions a year, some bringing a large volume of traffic into the heart of the Forest on narrow unfenced roads. These cause queues and traffic jams in and around the village of Beaulieu, and have quite an impact on the normal residence and commuters going about their everyday business. Surely with so many functions now taking place, there are Environmental and Road Safety issues here, which should be addressed, having regard to the delicate infrastructure of the Forest, and high animal accidents figures.

2004/1107 LIFE 3

Presentment by Mr Bob Cooper

"May I place before you a note to me from a senior officer of the Forestry Commission, not a mere administrator but a properly qualified Forest who inter alia expresses shock that

1. Heavy machinery never before tolerated rolls remorselessly over the Open Forest.
2. The Forest is now a place where unqualified experts know it all, - they are deaf to those who have lived and worked the Forest and who have given to this generation the land which was given to them.
3. The Forest has been infiltrated by those experts with the agendas harmful if not disastrous to the Forest.

His thoughts are echoed by very many Commoners and local residents as English Nature and the Environment Agency by a process of lies, cheating and dissembling advice to a Minister more susceptible to the whims of electoral pollsters than to the wisdom of years of experience, embark upon another adventure in destruction of the Forest. The deceit of English Nature has already destroyed the very beauty of Markway Lawn which is disgraceful as it now stands. Now they turn to Highland Water and through unlawful procedures and untruths seek to "restore" that which the Environment Agency has no legal power to deal with save with the consent of this Court. Sadly two members of the Commoners' Defence Association, one an officer of the local office of English Nature moonlighting in a partnership of dubious value have promoted these lies, and even an outrageous libel admitted to be so by the Environment Agency. If there was ever a fraudulent conspiracy to deprive the Forest of its true heritage there is the example to us all. Dr Rue Ekins, and Richard Collingridge should be deeply ashamed of what they have done. So they rely on the stupidity of the administration of the New Forest Committee to cover their deceit.

Furthermore, as was submitted to the Inspector at the National Park Inquiry the Environment Agency now claims it does not need consent from the Court to do these works. A totalitarian Stalinist solution will be applied. The legal adviser of the

Environment Agency is once again quite wrong. The land owner's consent is required. The land owner has agreed the Verderers' consent is required. I ask the Court to impose conditions on this and any further works. These conditions need careful consideration:-

1. Indemnity – damage could be irreparable
2. In the event of failure, a pledge to restore to the full,
3. Because I don't trust any Government agency, a Bond to ensure compliance. The Government can put up a bond. There is no reason why the Environment Agency should not.

I ask the Court to advise the interim National Park Chief Executive that this Court rules, and that the Commoners will only accept the Court's rule, not that of any self-serving Agency and not that of any toy town National Park Authority.

The unsuspecting public would do well in the meantime to note The Times Report recently that the £100 Million Thams Relief River Project, a showpiece of the Environment Agency, at Maidenhead now requires another £7 million remedial work. It doesn't work, it is dangerous and has resulted in a greater threat of flooding elsewhere. Here in the Forest the Experts and Wonder boys of the Department of Impending Disasters tell us that we must suffer some damage and discomfort for the sake of the future. Some future, some expert!!

I ask the Court to be very strict with the Environment Agency.”

Together with a written copy of this Presentment, Mr Cooper submitted the paper to which he refers at the beginning of his Presentment and a newspaper cutting regarding the Thames relief river project.

2004/1108 INTERNATIONAL AUTOJUMBLE AT BEAULIEU  
Presentment by Mr Clive Maton – Chairman, Denny Parish Council

Mr Maton voiced the Parish Council's concern about the deleterious effects of the AutoJumble on the Forest. He echoed the comments made by Mr Mike Cooper and added that the need for Police and Forestry Commission staff to be on hand until 10 o'clock at night to try to ease the problems caused a strain on already depleted resources.

Mr Maton called for the organisers to give greater thought and consideration to alleviating the difficulties and suggested that perhaps a local field could be utilised as a campsite for visitors, and advertising and signposting could be improved.

2004/1109 HORSEBRIDGE  
Presentment by Mr Clive Maton

Mr Maton thanked the Forestry Commission for the excellent work at Horsebridge. He asked whether the small area omitted could be done as well.

**IN COMMITTEE in the Library**

**PRESENTATION BY MR MARTIN WILTSHIRE, HAMPSHIRE COUNTY COUNCIL**

2004/1110 ROAD SIGNING & BRAMSHAW TELEGRAPH JUNCTION RESUME

Following concerns that some of the more recent road signs proposed and erected by the Highway Authority are out of keeping with the



traditional character of the Forest, Mr Wiltshire had been invited to address the Court on the current and proposed policy on road signing in the Forest.

Mr Wiltshire explained that there are constraints on the type and size of signs which may be used on certain roads. A and B class roads have to have national standard signs.

Special signs exist for minor roads but in recent years the Highway Authority has had difficulty sourcing them. It seems they are now more readily available, however, and the Authority will start using them again. These signs indicate the name of the next village only and are designed to have minimal visual impact.

The Court pointed out that the large reflective signs used on the B roads can prevent motorists from seeing animals standing behind them several accidents have occurred as a result. Mr Wiltshire said it is possible to angle the signs so that they are less likely to dazzle drivers. It was also pointed out that the large square signs can conceal a vehicle from a horse-riders view. Mr Wiltshire explained that if the incorrect type of sign is used on a B class road and there is an accident, the Highway Authority may be held liable.

After further discussion Mr Wiltshire said he thought that the current large signs at Bramshaw Telegraph could be replaced with smaller ones. It was suggested the Dartmoor National Park design of sign could be used at Telegraph. The Court, however, felt that logos are not necessary.

The Court also suggested that signs saying "Animals have priority on Forest Roads" would be a good idea. Mr Wiltshire said the County Road Safety team is looking at starting the slogan scheme again.

The Court suggested the Highway Authority should re-submit plans for signing at Telegraph, via the Forestry Commission in the usual way.

The old "Do Not Feed the Ponies" signs were then discussed and it was pointed out that most are in very poor condition. Many are redundant as they are on the verges on the fenced roads. Others are in such bad condition that they are virtually unreadable. It was also felt that the fine needs to be increased. Mr Wiltshire said he will take this up with the Engineers Department and a review of their positioning will be undertaken. The byelaw referred to on the signs is thought to be a New Forest District Council byelaw.

It was suggested that a complete review of signing should be initiated involving Hampshire County Council, the Forestry Commission, Verderers and New Forest Transportation Policy Panel. Mr Ralph Montagu agreed to take ideas from the Court to the local Transportation Panel.

Whilst Mr Wiltshire was present, a further discussion took place about possibly changing the priorities at the junction in order to reduce the speed of traffic. It has been suggested that it is turned into a T junction and the Court asked if these works could be brought forward. Mr Wiltshire said that major works will be required at this location in the future.

## CONSIDERATION OF PRESENTMENTS

2004/1111 INTERNATIONAL AUTOJUMBLE AT BEAULIEU

RESUME

Mr Ralph Montagu declared an interest in this topic.

The Official Verderer asked Mr Montagu if he would like to comment on the Presentment.

Mr Montagu said that he is very much in sympathy with the concerns which have been expressed and is not happy with the impact the event is having on the surrounding area. He added that the problems are not easy to resolve because whatever time the gates are opened for the event, people turn up earlier. He felt that contribution should be made to the cost of managing exhibitors and visitors to the event. Additionally, methods of persuading exhibitors not to come early need to be found.

Mr Frost commented that the Netley Steam Rally opens its fields a week before the actual event. Mr Montagu replied that he felt that this would cause additional problems but consideration would be given to the idea. Planning regulations limit to the number of days the entrance to the autojumble site can be used but an extension may have to be considered.

The Deputy Surveyor said the Forestry Commission had significant issues about the behaviour of some visitors on the Thursday night. A lot of abuse was aimed at Forestry Commission staff. The Police were called because the situation in the area of the public house at Hill Top was becoming dangerous. A letter has been sent to the Agent at Beaulieu seeking a meeting which will also involve the Police. The activities of those arriving early and without invitations were the main problem. Forestry Commission staff safety late at night was definitely compromised and must be addressed. The landlord of the Royal Oak Public House has also been written to.

Mr Montagu said he would do as much as possible to try to resolve the difficulties and will provide a letter which can be passed on to those making the Presentments.

2004/1112 LIFE 3 WORKS

DISCHARGE

The Official Verderer felt that Mr Cooper had made some helpful suggestions and that his concerns were justified. He added that whilst the Court has a duty and power to intervene with the works, it is not obviously entitled to stop works that are underway and for which consent has been given.

Mr Pasmore commented that in his view no-one is entitled to create the amount of damage that unfortunately occurred at Highland Water. It was particularly disturbing that the contractors working on the site who wished to stop because of the damage being caused were told to continue.

Mr Frost said that whilst the inclosure track had been protected by a membrane, the Forest outside was not. At least no damage was caused to the trees and in fact the restoration that has since been carried out is very good.

The Court still felt the site could and should have been better protected.

The Deputy Surveyor went onto say that the Forestry Commission supports the principle of restoring the streams. English Nature reportedly considers the SAC has not been harmed. There are some minor grazing issues at present which it is thought will be resolved. The machines that were specified for use on the site are specifically designed to have low ground pressures, with rubber tracks instead of metal.

With the benefit of hindsight, different decisions could have been taken on the day and lessons have been learned. In future if the weather becomes wet and there is a chance of damage being done, work should stop.

The Environment Agency is due to go back on site to do some tidying up works which will be carried out by hand.

The Court felt it is not necessary to insist on the conditions suggested by Mr Cooper. However, full restoration must be carried out if damage is caused by any LIFE works. DEFRA has stated that the Environment Agency must monitor the works. Miss Macnair commented that there is a lot of concern about the long term impact of the works as it is sometimes impossible to know what the eventual effect will actually be. The Official Verderer will write formally to the Environment Agency expressing the Court's views.

Concern was expressed about the tone of Mr Cooper's Presentments. Members of the Court felt it is important to recognise slander and Presentments containing clearly defamatory comments about individuals should not be heard. In addition, various pages of Mr Cooper's Presentment claim to refer to a note purported to have been written to him by a Senior Officer of the Forestry Commission. However, because the note is on plain paper and is not signed, there is no way of knowing who wrote it and it was agreed that it is extremely difficult to attribute any creditable worth to its content. The Official Verderer said he will give careful thought as to how best to address these issues, and that he would inform Mr Cooper of the Court's concerns in a written response to his Presentment.

2004/1113 LARGE WEEKEND DRIFTS

DISCHARGE

Written Presentment by Mr Richard Manley, Chairman of the New Forest Commoners' Defence Association

The Association supported the idea of commencing certain drifts at 8.00 a.m. The decision to start the Beaulieu Aerodrome Drift at 8.00 a.m. and so avoid incidents with the public was commended. The Court was asked to investigate and implement this practise for other similar drifts. He added that it is the strongly held belief of the Association that the drifts are of primary importance and they should be given precedence over recreational events. Where a sensible compromise can be initiated, such as the 8.00 a.m. start, this would be prudent and indicates that the commoners are being accommodating to other Forest users.

In response it was agreed that in some areas the early starts are a very good idea. They should, however, be arranged at the Agisters' discretion, where it is considered possible, suitable and appropriate.

Early starts are only applicable to weekend drifts. During the working week there is a great danger of the drifts becoming caught up with commuter traffic which would be extremely dangerous.

## **SUBMISSIONS BY THE FORESTRY COMMISSION**

2004/1114 NEW FOREST ALLOTMENTS

DISCHARGE

The Court considered the request for the granting of new 21 year leases. Mr Pasmore felt the rent currently charged for the allotment land is too low and a detailed discussion took place in this respect. The Forestry Commission disagreed and said that rent reviews take place every 3 years. After very careful consideration of this issue the Court approved the Forestry Commission's request. In the case of Sway allotments however, the Court wished to see an improvement in tidiness with the various pieces of plastic and rubbish which is often seen blowing around being removed. Fences and hedges to all allotments must be properly maintained.

2004/1115 RAKES BRAKE BOTTOM

DISCHARGE

The Court ratified the approval given to the Forestry Commission by Mr Pasmore, Mr Kitcher and Mrs Thorne for the replacement footbridge with vented causeway at Rakes Brakes Bottom. The proposals as set out in Mr Simon Weymouth's letter of 14<sup>th</sup> September 2004 are considered acceptable. The only proviso is that the boards need to be chamfered.

2004/1116 CHRISTMAS TREE SALES

DISCHARGE

The Forestry Commission requested approval for a repeat of the Christmas Tree sales event which took place at Ashurst Campsite last year. Approval subject to the same terms and conditions as last year was sought. Commoners' with appropriate activities would also be invited as before. The Commission also asked if it would be necessary to come back to the Court for approval every year if the event continued to prove successful. It was confirmed that there had reportedly been no detrimental effect on other local Christmas Tree vendors.

The Court gave careful consideration to the Commission's request and approved the event for a further year. In response to the Commission's query as to whether permission would need to be sought every year, the Court felt it would like to see one more successful year and would then give further consideration to this request.

2004/1117 ELECTRIC BICYCLES

DISCHARGE

A planning application by operators of these bicycles for a hire facility in the Forest has been declined. The Forestry Commission does not consider the use of these low powered bicycles will constitute a breach of its byelaws.

2004/1118 BRIDGES AT LONGSLADE BOTTOM

RESUME

The Forestry Commission has taken the view that the Verderers consent for the replacement bridges is not strictly required. The Court, however, disagrees.

Mr Pasmore considers the bridges are a recreational development which does, therefore, require Verderers' consent.

The Forestry Commission wishes to wait to see if any objections are raised at the next Open Court as a result of its announcement today. In the meantime, the Official Verderer asked the Deputy Surveyor to set out in writing his reasons why he believes Verderers' consent is not required. He suggested the Memorandum of Understanding should be considered in order to ascertain where such a project would fit.

The Commission declined to confirm whether the cycling organisation, Sustrans, is funding the construction of the bridges.

2004/1119 CYCLE STANDS AT BURLEY

DISCHARGE

After careful consideration, and taking account of the views of local Verderers, Mr Adams and Miss Macnair, the Court refused to approve the application by Hampshire County Council for five cycle stands to be constructed in the centre of Burley Village. It is felt the car park is a more appropriate place to site the stands. It was also questioned why the original request for two stands has been increased to five. The Court maintained its view that the clutter in the village should be reduced.

The Deputy Surveyor asked for the basis of the Court's decision to be explained. In response it was stated that it is the Verderers' view that the cycle stands would be detrimental to the traditional character of the Forest village and it is not far to walk to and from the car park.

2004/1120 BRAMSHAW TO WINDYEATS ROAD RUBBISH

RESUME

Mr Pasmore considered the situation on this road is certainly not improving. The sheer number of lorries is incredible. Great swathes of litter which are being thrown from the vehicles are not cleared regularly enough. The roadside verges are broken up and the vegetation is coated with mud thrown up from passing lorries. The control exercised over the drivers is not good enough. Whilst loads are sheeted on the way in, the vehicles are uncovered on the way out. As a result the vortex created in the empty vehicle draws out any debris that may have stuck to the sides. Lorries should be sheeted whether they are laden or unladen or the drivers should ensure the vehicles are thoroughly cleaned out before they leave the site. Mrs Heron said she would check the law on sheeting vehicles.

The Court felt the Forestry Commission should take further action as the man and bag employed by the dump to pick up rubbish every three days or so is clearly not able to keep on top of the task.

English Nature is reportedly assessing the dump.

2004/1121 ROYAL OAK PUBLIC HOUSE, FRITHAM - MARQUEE

RESUME

The Forestry Commission is designing a scheme to prevent verge parking. The Pub is being encouraged to create a parking area on its own land. It is understood planning permission for the marquee is required.

2004/1122 HIGH CORNER INN - MARQUEE

RESUME

Similar concerns to those expressed about the marquee at the Royal Oak apply to this establishment. Planning permission is already being sought by the High Corner Inn for a marquee and the Court is concerned it may eventually result in a permanent structure. An increase in capacity at the Inn will mean greater volumes of traffic on the adjacent unfenced Forest roads, particularly at night and a corresponding increased risk of animal accidents. Additionally, there will be added light and noise pollution and general pressure on the surrounding Forest. Parking is also inevitably going to become a problem.

The Forestry Commission is writing a letter of objection and Mr Parke will provide the Clerk with a copy. A similar letter will then be sent from the Court.

2004/1123 COPPICE OF LINWOOD – RUBBISH

DISCHARGE

A skip was provided by the Forestry Commission at Coppice of Linwood during July and August and a vast amount of rubbish has been removed. Mr Pasmore said he would like to check again. The matter will be discharged and will only be brought back to the Court if there are further problems.

2004/1124 WOOD SHED AT BARTLEY

RESUME

The roof of the shed has now gone and the local Keeper has been advised by the householder that a replacement shed is to be built in his own grounds. However, the construction remains and the deadline for its removal has now expired. It is now, therefore, a straightforward legal enforcement matter which is proceeding.

2004/1125 BEAULIEU ROAD SEWAGE OUTLET

RESUME

Mr Parke reported that the hotel is still awaiting consent for its proposed works from the Environment Agency. The Court suggested that this state of affairs is unacceptable and that the hotel should be prosecuted for discharging raw sewage onto the Forest. The Forestry Commission will chase up the Environment Agency.

2004/1126 SINGLE FARM PAYMENTS

RESUME

A paper prepared by Mr Pasmore following a recent meeting with DEFRA was circulated. Further information is still awaited. Mr Parke asked for a copy of Mr Pasmore's paper.

2004/1127 ROAD FENCING

RESUME

Hampshire Highways has approved the Forestry Commission's quotation for replacement of a stretch of fence on the A326. The cost is reported to be in the region of £11,000.

Mr Adams and the Head Agister met Mr Gardener from Mott Macdonald's at Picket Post on the A31 to discuss the condition of the fencing on that road.

Mrs Heron commented that a letter has been received by Hampshire Highways from Desmond Swayne MP regarding the condition of the fencing.

2004/1128 THE CROW ACT RESUME

The Deputy Surveyor will bring a paper to the next Court setting out the Forestry Commission's position as respects the Crown Lands and the CROW Act.

2004/1129 TRACK TO BENTLEY POUND DISCHARGE

Forestry Commission local staff have been asked to lay some gravel. The work is in the programme.

2004/1130 PRESENTMENTS BY MR BOB COOPER DISCHARGE

The Deputy Surveyor said he will not be taking action as a result of Mr Cooper's presentments. As already mentioned in Minute No. 2004/1112 the letter to which Mr Cooper referred in his Presentment has not been authenticated and the author's identity has not been provided. The Deputy Surveyor felt that such statements should not be supported in Court. He asked the Official Verderer to make a statement at the next Court telling those present that such Presentments will not be accepted. The Court agreed with this course of action.

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

2004/1131 AHSURST TO LYNDHURST CYCLE ROUTE DISCHARGE

Further details of signage have now been received from Hampshire County Council. Mr Montagu offered to look at the proposals on behalf of the Court. In turn the Court was happy to accept Mr Montagu's recommendations.

2004/1132 LOW FLYING HELICOPTERS RESUME

Mr Pasmore had written to the Deputy Surveyor expressing his extreme concern at the increase in low-flying helicopter activity, particularly in the North of the Forest. He pointed out that the (military) helicopters are using the area on a very regular basis for low-flying practise. The helicopters cause considerable disturbance to commoners' stock and wildlife and disturb the tranquillity of the area. Additionally, they are extremely dangerous to horse-riders and frightening to families, especially those with young children. Mr Pasmore felt that pressure should be brought on the Military to reduce the frequency of low flying practise and perhaps vary the area where it takes place. He also felt it would be useful if some sort of warning system could be instigated. Mr Pasmore added that he considered such activities to be contrary to National Park aims.

In response, the Deputy Surveyor agreed with Mr Pasmore and said that the Forestry Commission is also concerned at the current level of activity. It supports limited use of the Forest. For example, the helicopter pick-ups associated with the survival training exercises which

take place in the south of the Forest are limited to 20 per year. Terms of the licence require stock to be cleared from the area before personnel are set down or picked up. Ad-hoc low flying practise, however, is considered to be another matter. The Deputy Surveyor added that the only thing that can be done is to keep up the pressure on the Military as the Forestry Commission byelaws are not being breached provided that the helicopters do not actually land.

Mr Parke said he will write again to the Military expressing the Forestry Commission's concerns. He promised to let the Clerk have a copy of his letter in order that she can write a similar letter of complaint.

2004/1133 BLUE COLOURED WATER LOCATION POSTS RESUME

Mr Parke reported that the new style water location posts are all over the Forest. They are gradually joining the old style concrete ones. The colour is considered to be very obtrusive. Mr Parke said he will be writing to the Water Board expressing concern that the new markers are out of keeping with the traditional character of the Forest.

2004/1134 CADNAM CRICKET PITCH DISCHARGE

The Court drew the Forestry Commission's attention to the three new wicket covers at this cricket pitch. They are considered to be hideous. Mr Parke said the Forestry Commission is aware of them and that he will accordingly be writing to the Cricket Club.

2004/1135 BRACKEN DISCHARGE

The newly opened part of Milkham Inclosure is covered in bracken which is strangling the heather. The Deputy Surveyor said he will ask Mr Dave Morris to speak with Mrs Thorne to see if some of it can be cleared.

2004/1136 FEEDING OF PONIES BY THE PUBLIC DISCHARGE

Concern was expressed about members of the public hand feeding ponies in the car parks. Few warning notices seem to be evident. The Deputy Surveyor responded by saying he will ask the Rangers to ensure they advise the public of the dangers of feeding ponies.

2004/1137 POSITIONING OF BT DUCT AT EAST BOLDRE DISCHARGE

The Court recently gave approval for BT to lay a duct to the East Boldre Post Office. At the time the Court asked for the duct not to be laid under the adjacent lawn. It was queried whether the Forestry Commission checks to see that such conditions are adhered to. It was confirmed that checks are carried out to ensure works are carried out in accordance with the agreed proposals and that reinstatement is satisfactory.

2004/1138 CYCLISTS FROM HOLLANDS WOOD CAMPSITE DISCHARGE

Concern was expressed that visitors to the Hollands Wood Campsite are cycling straight across the lawn in front of the Balmer Lawn Hotel rather than using the public highway. The Forestry Commission is aware of the problem.

**The Deputy Surveyor and Mr Parke left the meeting**



## **OTHER MATTERS ARISING FROM THE MINUTES OF THE LAST COURT AND PREVIOUS COURTS**

2004/1139 CYCLE ROAD RACES / TRIALS RESUME

Cycle races on the highways within the Forest seem to be increasing. The triangle of roads around Ipley and Beaulieu being a favourite venue. Conflicts with cyclists occurred during the Ipley drift and the Clerk was asked to try to find out who organises the events. Additionally, a letter will be sent to the local Superintendent of Police setting out our concerns and in the interests of public safety whether the dates of drifts can be borne in mind when approval is given for these events.

2004/1140 STALLION SCHEME RESUME

The details of the revised scheme will be considered by the Stallion Committee. Mr Adams will arrange a meeting as soon as possible.

2004/1141 STALLIONS – BROCK BUCKINGHAM & OBERSHADE HIGHLAND FLING RESUME

The requests by the owners of these stallions for full payment under the scheme for their horses which had to be removed from the Forest this summer due to injury were considered.

It was decided that rather than try to agree an all embracing policy, it would be better to consider each case on its merit.

In the case of Brock Buckingham it was agreed that the full premium should be paid.

Full payment will be made to the owner of Obershade Highland Fling if compensation to cover the loss of the payment from the scheme from the motorists who was responsible for his death is not forthcoming.

2004/1142 STALLION SCHEME AND THE NEW FOREST TRUST RESUME

The Official Verderer reported that the New Forest Trust is supporting the scheme financially but will not be involved in its management.

The agreement for the use of the grazing in New Park will be between the Show Society and Verderers only. Further agreements will be drawn up between the Verderers and the stallion owners. It is also important to agree in advance who is responsible for repairs to fencing etc., and supervision of the stallions whilst they are in New Park.

One member of the Court expressed concern that the Verderers were entering into a contract for grazing with the Show Society. However, the remaining members of the Court were not unduly concerned. At the vote, 9 members of the Court approved the proposal to enter into the contract and the 10<sup>th</sup> member abstained.

2004/1143 POUND BOTTOM SITE

DISCHARGE

The Clerk apologised that she had not yet lodged the Court's objection to the latest planning application submitted by the company. The objection will be sent as soon as possible.

2004/1144 NATIONAL PARK SHADOW AUTHORITY

DISCHARGE

Ms Susan Carter will be attending the October Court.

2004/1145 APPOINTMENTS TO THE NATIONAL PARK AUTHORITY

RESUME

Concern was expressed that the new Authority will be lacking in members with detailed local knowledge. The Official Verderer said that he had been informed that the selection process would be carried out in accordance with Nolan recommendations. When the Official Verderer approached Mr John Kilner (DEFRA), he was advised that if he was concerned he should approach the Minister. The Official Verderer duly wrote to the Minister and asked if he intended to accept the Countryside Agency's advice; namely that the Secretary of State should have regard to the New Forest's unique qualities by including the Verderers' interests and expertise in the members she appoints, and that she should seek the advice of the Official Verderer in making such appointments. In his letter, the Official Verderer stressed to the Minister the importance that the Verderers attach to having the opportunity to have direct participation in the appointment process in the way the Agency has suggested. The Agency advice has been widely welcomed throughout the Forest and it was very much hoped and anticipated that the Secretary of State would adopt it. The Minister's response is awaited.

The Court suggested the Official Verderer should also write to the Countryside Agency setting out his concerns and also seeking confirmation that the Verderers' decisions will not be over-ridden.

2004/1146 BUDGETS & THE FIVE YEAR PLAN

RESUME

The budget has been delayed slightly but will shortly be completed.

2004/1147 FALLEN STOCK

RESUME  
December

Mr Michael Seals who is Managing Director of the National Fallen Stock Company has advised the Clerk that he cannot help with subsidising the cost of collecting ponies. The Forestry Commission is also very worried about the likely implications arising out of a possible loss of the present subsidised collection service.

#### **VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME**

2004/1148 VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME (CSS)

RESUME

The Official Verderer said that Mr Colin Draper, who will shortly take up his post as Scheme Manager, will be joining the Court for lunch.

The Clerk reported that approximately 30 commoners have still to return their agreements.

The Advisory Group's first meeting will not take place until October.

DEFRA are happy to delay this meeting so that Mr Draper will be able to attend.

It will be the Verderers' CSS Committee which decides if any payments to commoners should be withheld.

2004/1149 THE STEWARDSHIP SCHEME & COMMON PIGS RESUME

The question as to whether pigs turned out on the commons for which marking fees have not been paid may be entered into the Stewardship Scheme was resumed until October. The Clerk will consult the Scheme papers to see if any reference was made to such pigs when the rules of the Scheme were being devised.

#### **REPORTS FROM EXTERNAL COMMITTEES AND WORKING GROUPS**

2004/1150 NEW FOREST COMMITTEE DISCHARGE

There is serious concern about both the composition of the National Park Authority as well as the boundary which excludes the majority of the land which carries common rights.

A request had been made for a copy of a plan which had reportedly been drawn up showing all the land carrying common rights. The Clerk had been unable to locate a copy and it was suggested that Jo-Jo Page may have produced it. Enquiry therefore needs to be made in that direction.

2004/1151 THE WATER BASIN FORUM DISCHARGE

Discussion took place at the Forum about the fencing that will be left in place when certain inclosures are thrown open. Some of the fencing is required to assist with drifting stock both on a normal day to day management basis as well as in times of emergency such as an outbreak of disease. The Forum was concerned that such fencing should only be left if it is really needed. It is understood this matter is already in hand. Mr Adams has been closely involved in this as a result of his attendance at Foot & Mouth Disease Meetings.

2004/1152 FOREST DESIGN PLAN FORUM DISCHARGE

Mr Pasmore confirmed he is willing to continue representing the Court on this Forum.

#### **STAFF MATTERS (including the Staff Committee)**

2004/1153 AGISTERS' MILEAGE RESUME

The Official Verderer will look at the request for an increase in the mileage allowance and also how it is paid and make a recommendation at the next Court. There was agreement in principle that a change to the method of payment could be made in order to assist two of the Agisters who are in receipt of Family Credit. At present, the Salary Supplement which is supposed to compensate for the reduced mileage allowance allowed by the Inland Revenue is creating difficulties as respects the amount of Family Credit which is payable. The Inland Revenue consider it to be income rather than expenses.

2004/1154 AGRICULTURAL WAGES BOARD AWARD DISCHARGE

An increase of 5.1% has been announced. The Court agreed all staff should receive the increase, effective 1<sup>st</sup> October 2004.

2004/1155 SCISSORS DISCHARGE

Following a request from the Agisters, it was agreed they should each be reimbursed annually for the cost of one pair of scissors suitable for tail cutting.

### HEALTH AND SAFETY AT WORK

2004/1156 HEALTH & SAFETY TRAINING & ADVICE SHEETS RESUME

The Chairman of the Staff Committee reported that he is updating the training sheet on driving stock. The Agisters will be given the opportunity to comment on the paper. In the meantime a copy of the paper was distributed to all Verderers with the request that comments be given to Mr Adams by Friday.

2004/1157 POLICE ATTENDANCE AT DRIFTS RESUME

The Court agreed that if the police are required to attend specific drifts in order to ensure the health and safety of all those participating, they should be requested to attend. It is likely that in order to ensure attendance, they will require payment. The Court approved the expenditure and Mr Adams was asked to ascertain the likely cost.

2004/1158 ACCIDENTS DISCHARGE

A number of minor accidents have occurred as is usual during the drift season. Everything possible has been done to prevent serious accident. In accordance with Health & Safety at Work legislation, all accidents are recorded in the Accident Book which is kept in a prominent place in the Office.

### ANY OTHER BUSINESS

2004/1159 FENCE AT BAGNUM (KINGSTON GREAT COMMON) RESUME

Mr Adams is to speak to Amanda Craig at English Nature to ascertain the current position.

2004/1160 NEW FOREST TRANSPORT STRATEGY DISCHARGE

The Official Verderer confirmed he has read the strategy. He found a number of references to the safety of commoners' animals, including planned actions designed to reduce accidents.

2004/1161 AUDITED ACCOUNTS RESUME

The Audited Accounts were considered and approved.

The Gridding Fund was discussed. It was agreed advice should be taken from the Auditors as to whether it can now be closed.

The Court agreed HLB AV Audit plc who currently audit the Court's accounts should be invited to audit the Scheme accounts. An fee estimate will be obtained by the Official Verderer.

There being no further business, the meeting closed at 2.15 p.m.