

**MINUTES of the Court of Verderers held on Wednesday 20<sup>th</sup> September 2006 at 9.30 a.m. in the Library, The Queen's House, Lyndhurst.**

|                |   |   |
|----------------|---|---|
| PRESENT:       | Mr O Crosthwaite Eyre<br>Mr J Adams<br>Mr P Frost<br>Mr A Gerrelli<br>Cllr Mrs K Heron<br>Mr J F Kitcher<br>Miss D Macnair<br>The Hon R Montagu<br>Mr A H Pasmore<br>Mrs P Thorne | Official Verderer<br>Elected Verderer & Chairman of the Staff Committee<br>Countryside Agency Appointed Verderer<br>Elected Verderer<br>Hampshire County Council Appointed Verderer<br>Elected Verderer<br>Forestry Commission Appointed Verderer<br>Elected Verderer<br>Elected Verderer<br>DEFRA Appointed Verderer |
| IN ATTENDANCE: | Miss S Westwood<br>Mr J R Gerrelli  |   |
| APOLOGIES:     | None  |   |

**IN COMMITTEE**

The Head Agister was present for the first two items.

2006/2476 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 19<sup>th</sup> July 2006 were approved.

2006/2477 CONDITION OF STOCK RESUME

The Head Agister reported that the drifts are now in full swing. There have been some very successful drifts, particularly in the south of the Forest. On the whole the ponies look well, especially mares without foals. Some mares with foals do not look as well as they might and it is hoped that most owners will take the foals off their mares. There have been no problems with owners not wanting to take ponies in where necessary. The dry weather has contributed to some mares and foals not looking as well as in previous years.

Mr Pasmore remarked that he has seen several Grade 4 mares in the north of the Forest and asked about the situation with strangles. In reply, the Head Agister said there are cases of strangles again at Woodgreen as well as Howen Bottom and Eyeworth where some ponies are quite bad. There are other odd cases at Telegraph and Long Cross and a few other places as well. Some drifts have had to be cancelled as a result.

Mr Pasmore commented on two ponies which he has seen close to the road which he felt let us down.

Mr Kitcher commented that some foals don't look as good as they might and he suggested this may be due to the mares having less milk as a result of the dry summer. He added that in some areas the ponies are looking very good but in others they are not. Mr Pasmore agreed.

The Head Agister left the Meeting.

Report by Mr J Adams, Chairman of the Staff Committee

Mr Adams said he did not have much to add. He said mares which are not in a good enough condition are being removed.

Mr Adams then went on to explain that it is very difficult to know what to do with ponies with strangles. The Vets say leave them alone. Mr Adams reported that he has spoken at length with the Verderers' Vet, Mr Ralph Ellis and it is clearly a difficult situation. If the drifts are not held there may be more disturbance if individual commoners go out to catch their own animals. One or two ponies have been put down because they were particularly sick and it was agreed that is the correct course of action. The Vets say this year the virus is somewhat different and it is thought it may be mutating. Any ponies which are found to be well below the standard will be removed although some owners will undoubtedly be unhappy.

The lack of grass and abundance of acorns is expected to result in some real problems as the autumn progresses.

Mr Pasmore felt the condition of stock has deteriorated quite markedly in the last 3 or 4 weeks and Miss Macnair suggested some animals may be suffering from a form of internal strangles.

As always the Agisters will keep a close eye on things to try to ensure problems are dealt with as they arise.

|  |   |           |
|--|---|-----------|
| 2006/2478  | ANNOUNCEMENTS AND DECISIONS   | RESUME    |
| The Court approved the Announcements and Decisions with a slight amendment.  |   |           |
| 2006/2479  | DECLARATIONS OF INTEREST  | RESUME    |
| The Elected Verderers and Mrs Thorne declared an interest in the Countryside Stewardship Scheme.<br><br>Mr Gerrelli declared an interest in any items concerning Campsites.  |   |           |
|  | The Official Verderer declared an interest in matters concerning Forest golf courses.                                   |           |
|  | Mr Gerrelli also declared an interest in the item concerning the stallion Hedgehopper as the horse belongs to his wife. |           |
| 2006/2480  | FINANCIAL STATEMENT   | RESUME    |
| The Financial Statement for July & August were approved.   |   |           |
| 2006/2481  | AUDITED ACCOUNTS  | DISCHARGE |
| The Accounts are having to be amended slightly to reflect a correction in the amount of compensation received from the Forestry Commission. The Court agreed the Official Verderer should sign the accounts as soon as they are ready. |   |           |

2006/2482 BUDGET & FIVE YEAR PLAN

DISCHARGE

The budget and five year plan was circulated to all members of the Court.

2006/2483 REPORT ON MARKING FEES RECEIVED

RESUME

The following Marking Fees have been received:

|         |      |
|---------|------|
| Ponies  | 4172 |
| Cattle  | 2546 |
| Donkeys | 109  |
| Pigs    | 41   |
| Sheep   | 40   |

|       |      |
|-------|------|
| Total | 6908 |
|-------|------|

2006/2484 ANIMALS REMOVED FROM THE FOREST DUE TO POOR CONDITION RESUME

|      |        |
|------|--------|
| July | August |
|------|--------|

|                         |                              |
|-------------------------|------------------------------|
| 7 mares and 4 foals     | 8 mares and 6 foals          |
| 2 fillies               | 1 filly                      |
| 1 jenny donkey and foal | 4 donkeys and 2 donkey foals |
| 2 cattle                |                              |

|          |          |
|----------|----------|
| Total 19 | Total 21 |
|----------|----------|

2006/2485 BYELAW ENFORCEMENT RESUME

Matters are progressing as respects those commoners who are being prosecuted for breaches of the byelaws.

2006/2486 BREACHES OF THE BYELAWS AND THE COUNTRYSIDE STEWARDSHIP SCHEME RESUME

The Official Verderer reported that the CSS sub-committee is due to discuss a system for penalising commoners who breach the byelaws.

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

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

**ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER**

2006/2487 ACCOUNTS

Although we formally approved our audited accounts for the financial year 2005/2006 at our July Court, our auditors have made a few minor adjustments which now need to be incorporated and approved. There has thus been an unexpected delay in publication, which we hope will take place imminently. We did in fact approve the amended accounts this morning in Committee.

2006/2488 PANNAGE

We understand that the Deputy Surveyor will be making an announcement about the imminent commencement of the pannage season this morning.

2006/2489 COUNTRYSIDE STEWARDSHIP SCHEME

Because of the large number of acorns this autumn it has been decided that commoners who hold the right of mast, and are eligible to join the scheme, may turn out and claim a payment for up to five pigs, or for the number of pigs that they turned out in 2004, whichever is the greater number.

To qualify for the payment of £25.00 per pig they must be turned out for a minimum period of 40 days during this year's pannage season.

This amendment to the rules has been approved for this year only, and a letter sent to all eligible commoners informing them of this decision.

2006/2490 SINGLE FARM PAYMENTS

In response to the presentment made by the Commoners' Defence Association at the July Court we have identified and contacted the person responsible for the New Forest at the Rural Payments Agency. We asked for urgent clarification of the date by which all outstanding payments would be made to Commoners who have made claims for the stock that they turn out on to the Forest. I am pleased to report that the Agency has assured us that the computer problems that have restricted their ability to make these payments have now been solved, and that payments are being sent out. We therefore hope that by now all commoners who have made a claim will now start to receive their money.

2006/2491 VERGE PARKING

In response to Mrs Rosemary Bennett's presentment made to us at the July Court we have been given the very firmest assurances by the Forestry Commission that they continue to do everything they reasonably can to address the problem of vehicles being parked on the grass verges throughout the Forest, rather than in the car-parks. The FC fully recognise that verge parking must be controlled wherever and whenever possible in order to avoid damage to the Forest's grazing.

2006/2492 BRANDS

The reorganisation of the brand register is now virtually complete, and once it is finished it will be the definitive list of recognised brands that may be used in the Forest under the byelaws. The complete review of the list has allowed us to identify a large number of dormant or disused brands which are now available for re-issue. As usual the brand list will be published in the New Forest Pony Stud Book, which will be available in the new year. Requests for new and additional brands are now being processed.

2006/2493 DAVID STAGG

A memorial service for former Verderer, Mr David Stagg MBE, will be held on Saturday, 28<sup>th</sup> October 2006 at 2.00 p.m. at Slutters Pound. A service will be held by Reverend Peter Murphy the former Vicar of Lyndhurst.

## **ANIMAL ACCIDENT REPORT**

### 2006/2494 ACCIDENT REPORTS FOR JULY & AUGUST 2006

The Agisters attended 35 accidents in July and August which compares with 24 for the same period last year.

19 ponies and 1 steer were killed and 6 ponies and 4 cattle were injured.

11 accidents occurred during the hours of darkness.

24 involved private cars or light commercials and 1 involved a motor cycle.

10 accidents were not reported and 17 involved local motorists.

The total killed and injured for the year to date is 81 compared with 62 for the same period last year.

The Clerk went on to emphasise that a lot of accidents are occurring during daylight hours and she mentioned an accident which occurred the night before where a hit and run driver left a foal with a broken leg on the road between Cadnam and Brook. The Clerk asked the press to remind motorists yet again to take care on Forest roads.

## **PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST**

### 2006/2495 PANNAGE SEASON 2006

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 Saturday 23 September 2006 and that it will end on Sunday 26 November 2006, 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.

2006/2496 **Proposals for stream restoration in the summer of 2007**

Next summer the Forestry Commission wishes to undertake stream restoration on the Open Forest along three watercourses to the west and northwest of New Park, near Brockenhurst. The purpose of the works will be to restore the streams to their natural courses, fill in the old courses (drains) and thereby contribute to the ongoing commitment to restore the New Forest Site of Special Scientific Interest (SSSI).

The three watercourses where work is proposed are:

- First, on the Highland Water in the area south of Brinken Wood and into Queen's Meadow and Drivers Nursery.
- Second, on the Black Water at a stretch known as Fletchers Water.
- Third, on the Warwickslade Cutting.

When complete these stream restoration schemes will restore the previously damaged floodplain and benefit the New Forest by:

- Enriching the soil, improving grazing and reducing bracken cover through localized winter flooding and associated deposition of alluvium and nutrients.
- In turn this will improve the condition of 95 hectares of these important SSSI habitats.
- There is also the potential to restore the Queen Bower Scheduled Ancient Monument. This SAM was partly destroyed by the 19<sup>th</sup> Century drainage activities.

Before these outline proposals can be implemented the Forestry Commission needs to obtain detailed surveys to inform the final proposals. Prior to making this considerable investment we will be seeking the Verderer's agreement in principle to the outline proposals described today.

We expect to discuss these stream restoration proposals with the Verderers following their October Court and comments from the Forest community on the outline proposals would be welcomed by the Forestry Commission and Verderers before or at the October Open Court.

A paper summarizing the proposals, and an indicative plan of the sites, is displayed at the rear of the room. Paper copies are available to take away from the table at the front at the end of this morning's Court.

## PRESENTMENTS

### 2006/2497 CAMPSITES

Presentments by Mr Mike Cooper

This year has seen an increase in complaints concerning the ponies getting into tents on the campsites, which we feel has led to unnecessary work on the part of Agisters and commoners alike. Most of these incidents could be avoided if proper advisory material was placed at the entrance to the campsite along with an educational programme involving the campsite wardens and their staff. We believe that the wardens must accept a proportion of responsibility for the wellbeing of both campers and depastured stock, and recommend that they receive the necessary training before being allowed to operate their franchise at the commencement of each camping season.

Another area requiring your attention is the matter of commoners entering the campsites to check on the wellbeing of their stock. We are aware of several incidents whereby commoners have been either stopped or chased across the campsites by wardens or their staff. The comment 'This is a private area and you have no right of access' has been quoted on more than one occasion. One individual became quite aggressive with a commoner when he refused to comply. This is clearly not acceptable, and requires work by the Forestry Commission and yourselves through the Agisters. Understandably, it is in everyone's interest that an acceptable conclusion by all parties is reached as soon as possible.

Finally on the subject of campsites, the association are somewhat bemused by the comments made at the recent Consultative Panel, whereby it was announced that a great deal of investment was to be made upgrading the Forestry Commission campsites throughout the UK, but when challenged about this, indicated that this would not result in any changes being made to the sites in the New Forest. Such investment we feel, will require a considerable financial return to make it viable, and as such, are unable to comprehend how this can be achieved without considerable alterations and upgrades being made to existing campsites throughout the New Forest. We ask the Verderers to enquire further concerning this comment, who will hopefully be in a position to give a more detailed explanation at the next court.

### 2006/2498 PROPOSED TRIAL CAR PARK CLOSURES

Presentment by Mr Mike Chilcott on behalf of the New Forest Association

"New Forest Association asks the Court to support the Forestry Commission's proposed trial closure of some car parks during next spring and summer.

We gather that the closures will be for a temporary, limited period. We support the intention to determine if the reduced pressure on sensitive areas benefits ground nesting birds during the breeding season.

New Forest Association sees the proposal as a positive contribution to an improved understanding of the relationship between recreational access and conservation.

New Forest Association does not see the proposal as any kind of threat to the freedom of any interest group. We are disappointed by the overreaction and opposition of some recreational users of the New Forest to this very sensible experiment.

2006/2499 HOLLANDS WOOD AND ROUNDHILL CAMPSITES APPROPRIATE ASSESSMENT  
Presentment by Mr Bob Cooper

1. There is on record in the note of a meeting of 10<sup>th</sup> May 2006, which the Official Verderer and two elected Verderers attended, unequivocal evidence of expert opinion expressing reasonable scientific doubt concerning the arguments being promoted by English Nature to support the proposals to upgrade and improve the campsites.
2. On its own admission, the Forestry Commission confirms that it is entirely a matter for the competent authorities to sign or reject the assessments as put forward. In fact even further it has been stated in clear and comprehensive terms that they must be satisfied beyond reasonable scientific doubt before signing.
3. That doubt was raised in strong terms by others attending the same meeting, were qualified and far more experienced in the ecology of the Forest than English Nature's officials, namely the Hampshire and Isle of Wight Wildlife Trust as advised by a well respected consultant ecologist. This doubt has never been dispelled and is, I am told within the last 48 hours, maintained.
4. Not notwithstanding the Court's own knowledge and experience of the Forest's ecology, the above facts, based on overwhelming knowledge and experience of others is sufficient to support any refusal which the Court might have or may in the future raise against the English Nature suggested course of action.
5. The Court need do no more, it is not a requisite of the Directive from the European Union and cannot be a requirement of any PPG document that an independent scientific assessment be procured to support this refusal. A simple negative suffices. Let those who seek to change the Forest for the worse take their case further if they wish. The Court should stand firm against them.

The main point I wish to get across is that there is no major public support for the proposals. Certain public authorities are raising doubts. The Cycling Touring Club is incensed because it believes it spells trouble for members.

The simple solution is for the Court to simply rescind its approval of the Assessment. The alternative is for someone to seek a Judicial Review which will prove much more complicated.

In order to clarify the position, the Official Verderer said that the Verderers have already declined consent for the proposed development works under the New Forest Acts.

#### **IN COMMITTEE in The Library**

#### **CONSIDERATION OF PRESENTMENTS**

2006/2500 PANNAGE SEASON

DISCHARGE

It was questioned whether there are likely to be sufficient pigs to offset the effects of the very heavy acorn crop and if not whether there is anything that can be done. It was agreed that apart from encouraging commoners with the right of mast to turn out pigs there is little that can be done. It was remarked that in years gone past, children were encouraged to collect acorns for which, in some instances, they were paid according to quantity. It was agreed, however, that we can do is to hope it rains and the grass grows.

2006/2501 STREAM RESTORATION

RESUME

This matter will be considered after the next Open Court in order to provide time for public comments.

Warwickslade Cutting was not included in the original site meeting and more detail will be provided.

2006/2502 CAMPSITES

DISCHARGE

The Deputy Surveyor said he will write to Mr Cooper and provide a copy of his letter to the Clerk.

The Deputy Surveyor went on to say that he fully understood the concerns expressed by Mr Cooper and he will be liaising with Forest Holidays in respect of training for the campsite wardens. Training will take place prior to the start of next year's camping season and the assistance of the Agisters is requested.

In response to the last item in Mr Cooper's presentment, the Deputy Surveyor said yes, work will be carried out on the campsites but the overall character will not change. Forest Holidays will respect the special area in which the sites are situated and there will be no shops or permanent accommodation.

Mr Ian Dyson, Forest Holidays Manager for the whole country recognises the problems the commoners have encountered on some sites when checking their stock. The Deputy Surveyor said it would be helpful if the commoners could identify themselves to the wardens on arrival on the sites, explaining they wish to check their stock. A number of thefts have taken place on the sites this year and wardens are understandably suspicious. It was suggested a comment could be put in the next Verderers' Newsletter to commoners in this connection.

It was further suggested by the Court that more notices instructing campers not to feed the ponies would be extremely useful and may help to reduce conflicts between campers and ponies.

2006/2503 PROPOSED TRIAL CAR PARK CLOSURES

DISCHARGE

The Clerk was requested to write to the New Forest Association saying that the Verderers are happy to support the proposed car park closures. It was requested that the car-parks be closed by way of barriers rather than trees to aid essential access by Agisters and Commoners. It was accepted that in some places the barriers may need to be made of metal in order to prevent them being destroyed by vandals.

A discussion then took place about how close to the road it is possible to construct earth banks to prevent incursions onto the Open Forest by vehicles. The Deputy Surveyor replied that traditionally a 1 metre gap was left between the bank and the highway however in places a ½ metre gap is left. There is a fine line between road safety and preventing parking and the advice from the Highway Authority is that the banks should not be too close to the tarmac.

2006/2504 HOLLANDS WOOD AND ROUNDHILL CAMPSITES – DISCHARGE APPROPRIATE ASSESSMENT

The Court agreed that it does not wish to review its decision to sign the Appropriate Assessment, and that, as decided at the July Court, the decision will stand.

**SUBMISSIONS BY THE FORESTRY COMMISSION**

2006/2505 EXTENDED TRAIL FROM THE REPTILE CENTRE & DISCHARGE WALKING/CYCLING LINK TO KNIGHTWOOD

The Forestry Commission wishes to extend the optional walk for visitors using the Reptile Trail and establish a cycling link to the Knightwood Oak. The justifications for the extended trail were

- a more challenging walk for exercise in line with recent government incentives
- an opportunity for the public to explore the greater area of the inclosures which provide historically important and much more diverse environments, without major impact on it and
- a reason for visitors to stay longer in an already well established high visitor number facility, which is satisfying and educational (if interpretation is put in along the way).

The benefits of the walking and cycling link were

- sharing the capacity of the car parks between the sites without the need to expand them (certainly for cars carrying cycles for the family)
- Allowing the trails within Holidays Hill and Woosons Hill to be accessed without encouraging gateway or verge parking along the Emery Down - Bolderwood Road.
- Allowing the FC to promote 'car free' days for visitors, encouraging them to park at Knightwood, unload their bikes and visit Bolderwood, Knightwood and the New Forest Reptile Centre without getting back into their car or having to go along the A35.

The general area then benefits because a popular combination of sites is joined together to form an attraction that is sure to keep the typical day tripping family happy all through the year, without opening up new sites or encouraging them onto more fragile open and grazing areas.

Mr Pasmore expressed serious concern at further piecemeal recreational development of the Forest and said he was thoroughly opposed to the proposals. He felt a comprehensive review should be carried out and suggested that if there is going to be more recreation on the Forest then a comprehensive plan should be prepared. The National Park Authority is reportedly intending to develop a recreation strategy. Mr Pasmore went onto say that Woosons Hill which would be included in these latest proposals is a pleasant, quiet wood into

which more people would be encouraged.

Mr Montagu felt a strategy would be a good thing but added that the Court could look at each individual proposal and perhaps limited period permissions could be granted to see whether any problems arise. Mr Frost said he does not want to see waymarked tracks expanding. In his view, information boards detract from the environment and urbanise the Forest. He then suggested that if it can be done really subtly it may be acceptable. He also said he doesn't want to stop people going where they want on foot. Mr Frost then reminded the Court that Mark Ash once had a route which introduced a lot of people. When it was removed the quietness returned.

The Official Verderer said that given the comments which had been made it seemed inappropriate to approve the extended trail and cycling link until the National Park Authority's strategy, which he believed is underway, has been completed. He proposed the Court should respond to the request by saying it regretted that it cannot support the proposals as it is felt the timing is wrong. Mr Pasmore seconded the proposal which was carried unanimously.

The Deputy Surveyor said that in his view the Forestry Commission is seeking the Verderers advice on this matter and that it does not need their consent. He went on to make two points....

1. The Verderers frequently ask the Forestry Commission to manage recreation on the Forest but disagree every form of recreational proposal that is put before them. He said he does not feel it is the Verderers role to manage recreation.
2. There is a need to enable people to enjoy the Forest and not everyone is able to follow a map. It is important to find ways for people to enjoy the countryside without cars.

The Deputy Surveyor went onto say that the area in question is not a remote or tranquil area, it has existing facilities and he feels the Verderers are out of step. He added the Forestry Commission will consider the advice given.

The Official Verderer suggested that signage requires consent. The Deputy Surveyor added that he is not sure of the position with inclosures which have been thrown open. Mr Frost remarked that traditionally waymarked signs have not been a feature of the New Forest and that if waymarking/interpretation is the issue there is perhaps a need to be more inventive as respects the design.

The Official Verderer went onto say the Verderers want to prevent the Forest becoming an urban park. If all the applications that have been received over the years had been approved the Forest would look very different.

Mrs Heron remarked that a strategy may result in identifying areas where certain activities can and cannot take place.

2006/2506 SOUTHERN ELECTRIC – UNDERGROUND SUPPLY TO GODSHILL DISCHARGE  
WOOD FARM

The installation of a short length of underground electricity cable to serve the property was approved subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

2006/2507 HAMPSHIRE HIGHWAYS ROADWORKS – KERBING ON THE DISCHARGE  
PICKET POST TO BURLEY STREET ROAD

After much careful consideration and discussion, the Court felt that in the interests of animal welfare and in order to prevent the road being widened, albeit not deliberately, it would in fact be preferable for the proposed kerbing to be extended. Although this appears to fly in the face of the Verderers usual concerns about urbanisation, it has been proven on other roads that haunching always results in an eventual widening of the carriageway because vehicles over-run the verges and it is impossible to consolidate the verges sufficiently to prevent it.

This road is so bad for animal accidents that any widening would be disastrous. It was agreed, therefore, in this instance to request the Council to repair the road edges using kerbing. The project will be regarded as an experiment which may or may not be agreed in future proposals.

2006/2508 HAMPSHIRE HIGHWAYS ROADWORKS – DRAINAGE ON THE DISCHARGE  
ABBOTS WELL ROAD

The proposals to carry out drainage works together with some haunching and kerbing which will not in any way affect the width of the road, were approved subject to the usual conditions.

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

2006/2509 SINGLE FARM PAYMENTS FOR 2005 DISCHARGE

The Official Verderer said there is nothing much to report. He discussed the problems with the Minister who he met the day before. Government acknowledges that there are problems with the single payment scheme but it seems that it is unlikely RPA will be in a position to make payments any quicker in 2007.

2006/2510 SALE OF FORESTRY COMMISSION PROPERTIES DISCHARGE

The Deputy Surveyor said the proposals have been submitted to the Minister together with the letters from the Verderers, Commoners' Defence Association, National Park Authority and others.

The Deputy Surveyor confirmed the Forestry Commission is committed to building two new commoners' dwellings in the same year as the Holmsley properties are sold.

A response from the Minister is awaited and the Court will be advised of his decision in due course.

2006/2511 POUND BOTTOM TIP / MINERALS AND WASTE DISCHARGE

A number of documents concerning minerals and waste strategies and planning are under consideration. Mrs Heron, Mrs Thorne and Mr Frost will attend a meeting on Friday in Ringwood and report back to the Court in due course.

2006/2512 AIR AMBULANCE EVENT DISCHARGE

The Deputy Surveyor said permission has been granted for the Air Ambulance event in the vicinity of the Beaulieu Road Hotel. A Keeper and Agister will attend.

2006/2513 FORESTRY COMMISSION CAMPSITES RESUME

The Deputy Surveyor said he did not think there was anyone living on the campsites whose rent is paid by the DSS but that he would check. He added that pitches should be rotated to prevent damage and he will investigate the suggestion that people are laying gravel outside tents and caravan doors.

Mr Frost was concerned that a charity, the New Forest Association, is having to carry out a survey of camping.

2006/2514 SEWAGE PIPE – HOLMSLEY CAMPSITE TO THORNEY HILL DISCHARGE

The Court was advised that a temporary, over-ground pipe has been installed to carry sewage from the campsite to the main sewer at Thorney Hill. The temporary pipe will be removed as soon as possible.

2006/2515 BROCKENHURST COLLEGE ADVENTURE COURSES RESUME

Concern was expressed at the adventure courses currently advertised by the College which are to take place after dark. It was felt that this is another activity which will create disturbance in the Forest, this time at night, and is unacceptable.

The Deputy Surveyor said this sort of thing would require a permission to be issued. He did not think the Forestry Commission would be fundamentally opposed to such activities but he will investigate further.

2006/2516 WINTER WORK ON CAMPSITES DISCHARGE

The Deputy Surveyor advised the Court that certain works will be taking place on Ashurst and Holmsley Campsites over winter. The works will include the *internal* refurbishment of the toilet and washing facilities – all the cubicles, porcelain, etc., is to be taken out and replaced. Temporary compounds for storing materials and./or skips may be required but they will be restricted to gravel areas and will satisfy the usual health and safety requirements. The Manager at Holmsley will stay on-site for part of the time to ensure supervision of contractors and security.

In addition, at Holmsley the existing chemical disposal structures are to be modified or renewed. The need for these works has come about

as a result of health and safety issues connected with lifting heavy containers. The new structures will remain within the existing footprint but will be lower to the ground. New fencing will be erected around the facility.

#### **ANY OTHER BUSINESS INVOLVING THE FORESTRY COMMISSION**

2006/2517 VERGE PARKING AT BUSKETTS DISCHARGE

Mr Frost advised the Forestry Commission that parking on the verge at Busketts on the brow of a hill is creating a hazard.

2006/2518 ASHURST CRICKET CLUB DISCHARGE

The pavilion has still not been removed. Mr Parke said the threat of "rating" should encourage the club to get rid of it without much more delay.]

**Mr Frost gave his apologies and left the meeting.**

2006/2519 CYCLING ON THE FOREST DISCHARGE

Mrs Thorne asked if there is any way a speed limit could be introduced for cyclists on the Forest. She said the speed of some cyclists is creating a hazard to horse-riders. The Deputy Surveyor said the cycle hire shop in Brockenhurst gives customers free bells! He added the cycling code promotes responsible cycling and includes warnings about how to approach animals.

2006/2520 FENCE AT EAST BOLDRE ALLOTMENTS RESUME

The fence has still not been repaired to a satisfactory standard. Mr Parke promised to chase the Parish Council again!

2006/2521 DEBRIS DAM IN THE AVON WATER AT WOOTTON RESUME

The dam has been removed but has returned.

2006/2522 TRAVELLERS ENCAMPMENT AT PICKET POST DISCHARGE

Travellers left a terrible mess over the last bank holiday weekend when they stopped at Picket Post. Mr Parke said the Keeper was on site within hours of the travellers arrival. He added that quiet diplomacy is usually the quickest method of moving them on.

2006/2523 DRIFTS AND THE CLOSURE OF CAR PARKS RESUME

Mr Adams mentioned that there have been some problems with closing car parks for drifts. There is intense feeling on the part of the public about car park closures and as a result some of those helping with the closures, including Voluntary Rangers, have been subjected to some considerable verbal abuse. A suggestion has been made that commoners should help by going along to explain to the public why the car parks have to be shut. However, Mr Adams remarked that there are simply not enough people to help the Agisters with the drifts themselves, let alone car park duties. It was agreed that the drifts must be made as safe as possible and therefore the Forestry

Commission needs volunteer help. It was also agreed that some notices, posted possibly upto a week beforehand may help to alleviate some of the problems of the public misunderstanding why the car parks are being closed.

2006/2524 STREAM RESTORATION RESUME

Returning to the subject of the proposed works at Highland Water, Queen's Meadow, Drivers Nursery etc., and in response to a query by Mr Pasmore, the Deputy Surveyor confirmed that planning permission and land drainage consent etc., will be required for the proposed works. A detailed study will be required which will cost thousands of pounds and the Forestry Commission will need to know whether the Verderers are fundamentally opposed to the restoration of the watercourses.

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

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

2006/2525 MICROCHIPPING OF HORSES RESUME

The Court's attention was brought to the recent DEFRA Information Bulletin in which it is stated that it does not at present support the proposals for compulsory microchipping of all foals.

2006/2526 MAINTENANCE OF STOCK POUNDS – LEADER + RESUME

There is one more opportunity to secure part-funding from Leader + for pound rebuilding and refurbishment. An expression of interest has been submitted and accepted and a full proposal is now required. The Clerk pointed out that the Court must approve the application which involves fairly significant expenditure.

2006/2527 AGISTERS' LAND ROVERS AND MILEAGE PAYMENTS DISCHARGE

The Court agreed 20p per mile should be paid to the agisters to reimburse them for business mileage. This figure has been calculated to take account of fuel consumption whilst towing a trailer.

2006/2528 VERDERERS' ELECTION DISCHARGE

The Clerk confirmed the form has been reviewed and amended to include a tick box if details are unchanged from the previous election.

There are 844 names on the Register. This is an increase of 156 on last time.

2006/2529 NEW FOREST SHOW DISCHARGE

The Official Verderer thanked all those who helped on the stand.

2006/2530 PROTECTION OF SSSI'S RESUME

Mr Frost was requested to read the Natural Environment Rural Communities Act to see whether it contains anything of concern.

2006/2531 ANIMAL WELFARE DURING TRANSPORTATION DISCHARGE

Mrs Thorne said she does not believe there is too much of a problem with the new legislation as regards the Forest.

2006/2532 THE MINISTER'S MANDATE DISCHARGE

The Deputy Surveyor has assured the Official Verderer that the Minister's Mandate remains valid and that the Forestry Commission is still expected to manage the Forest accordingly. In an adjournment debate obtained by Desmond Swayne MP for New Forest West, the Under Secretary of State for Environment, Food and Rural Affairs, Mr Ben Bradshaw has stated that there is no question of the Minister's Mandate being abandoned. It remains the key guidance to the Forestry Commission's management of the Crown Lands.

2006/2533 LAND EXCHANGES DISCHARGE

A discussion took place as to the "value" of land in land exchanges. The New Forest Acts are silent in this respect but the Court takes the view that "value" does not mean "like for like" but rather it is the monetary value of the land which has to be considered.

2006/2534 VISIT BY THE UNDER SECRETARY OF STATE FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS DISCHARGE

The Under Secretary, Mr Barry Gardiner, visited the Forest the day before the Court. He met, amongst others, the Head Agister and seemed to enjoy his visit. He seemed keen to learn as much as possible about commoning and the commoners.

### **COUNTRYSIDE STEWARDSHIP SCHEME**

2006/2535 ADVISORY GROUP MEETING DISCHARGE

A meeting of the Advisory Group is scheduled for the 23<sup>rd</sup> September. The issue of breaches of the byelaws and withholding payment will be discussed. Recommendations will be made to the Verderers' CSS Sub-Committee and subsequently to the Court.

### **NATIONAL PARK**

2006/2536 KINGSTON GREAT COMMON DISCHARGE

The Official Verderer said he recently met with Russell Wright of English Nature who is still trying to reason with the owner of Kingston Great Common.

Simultaneously, the National Park Authority has agreed that the matter cannot be ignored and it is ready to support English Nature. The NPA is also aware that it may have to take up the issue directly.

The matter be brought back to the Court when there is something further to report.

2006/2537 NPA CORPORATE PLAN

RESUME

Copies of the Corporate Plan have been provided for all Verderers. The Official Verderer said it deserves careful reading. He asked if the Verderers wish to meet specifically to discuss the contents. In reply Mr Pasmore said he is unhappy with the section dealing with recreation. The Official Verderer said now is the time for the Court to crystallise its thoughts on the Plan. The Verderers will be part of the consultation process and the steering group will include the Official Verderer. He asked for thoughts on the plan as soon as possible.

2006/2538 NPS MANAGEMENT PLAN

DISCHARGE

A "Vision for the New Forest" is currently being drawn up and a paper was produced following the statutory body workshops held on 21<sup>st</sup> July. A copy is in the Verderers' Office.

#### **OTHER AGENDA ITEMS**

2006/2539 STALLION SCHEME – FUNDING

RESUME

The New Forest Trust has kindly confirmed it will provide £4,500 towards funding the last year of the present 3 year scheme. There is now a shortfall because funding from the Countryside Agency has evaporated. Strenuous efforts are being made to find out who is taking over the Countryside Agency's role in this respect. The Court has funding of £10,000 towards animal welfare from the Forestry Commission which can be used in funding the stallion scheme and it is hoped another £1,000 might be forthcoming from the RSPCA. It was suggested other charities might be approached as well.

2006/2540 STALLION SCHEME – THE FUTURE

RESUME

The sub-committee will debate the future of the scheme to see if any changes are required. The Commoners' Defence Association has reportedly set up a sub-committee to consider a future scheme. Mr Dave Readhead is the Chairman. It was commented that in the past, mare owners may not have had sufficient opportunity to put forward their views. Mr Adams said he would carry on as Chairman of the Verderers' Stallion Sub-Committee and it was agreed a meeting should be held before the October Court.

2006/2541 STALLION – HEDGEHOPPER

DISCHARGE

Mr Tony Gerrelli left the room as his wife owns this stallion and therefore he has an interest in the matter.

The Official Verderer asked Mr Adams, as Chairman of the Stallion Sub-Committee to appraise the Court of the position concerning the written complaint received from Mrs Gerrelli, owner of Hedgehopper.

Mr Adams explained that grazing from October 2005 until the end of March 2006 was made available, free of charge, for those stallions which had been selected to run out in the summer of 2006. There was also an opportunity for stallions which had run out in the summer of 2005 but which were not selected for 2006 to also go into the

grazing provided their owners paid half the rent. Hedgehopper ran out in 2005 but was not selected for 2006. As a result Mrs Gerrelli chose to put him in the grazing at Cadland Manor and pay half the rent. Hedgehopper was subsequently brought back before the Verderers in the spring of this year (April 2006) and was selected to run out this summer. As a result Mrs Gerrelli has written asking if the rent she paid is refundable as her horse effectively then qualified for free grazing. Mr Adams went on to explain that he verbally consulted the Stallion Sub-Committee, most of whom agreed that whilst Mrs Gerrelli may well feel entitled to ask for a reimbursement, there is nothing in the rules to accommodate such a payment. It is clearly an unforeseen situation which was overlooked. In addition the accounts for the last financial year have now been closed and audited.

As the matter has created some disquiet and as the owner of Hedgehopper is directly connected to a member of the Court, Mr Adams sought the guidance of the Official Verderer and it was agreed the matter should be brought before the Court.

The matter was given very careful consideration during which it became clear that there was much sympathy for Mrs Gerrelli. It was, however, agreed that there is always something that comes up that hasn't been thought of and that whilst the rules can of course be changed for the future, it is not appropriate for them to be changed retrospectively. Everyone, with the exception of Mr Kitcher who decided to abstain on the basis that he thought the decision to be a bit harsh, voted against Mrs Gerrelli receiving a retrospective repayment.

Mr Gerrelli re-joined the meeting and was advised of the outcome of the discussion. Mr Gerrelli said he was disappointed at the decision. He added that he had personally approached members of the stallion sub-committee and was under the impression that they agreed with him that Mrs Gerrelli should be paid. He questioned whether the Court would be taking the sub-committee's views into account in the future. The Official Verderer advised Mr Gerrelli that since he had declared a personal interest in this matter it would be inappropriate for him to participate in any further discussion on the subject.

2006/2542 REQUEST BY DR JO IVEY FOR ACCESS TO THE MARKING FEE DISCHARGE REGISTER FOR RESEARCH PURPOSES

The Official Verderer explained Mrs Ivy has requested access to the registers in order to update her data on the change in the nature of the commoning population over the period 1965 to 2002.

Dr Ivey's work has been of great use in the preparation of the Commoners' Housing Review and also in the preparation of bids for funding to support the commoning community over the years. Information made available to Dr Ivey has always been held in the strictest confidence with no personal data has been divulged to third parties.

The Court gave the request careful consideration and agreed that Dr Ivey should be allowed access to the marking fee registers on the same basis as before.

2006/2543 APPLICATION TO DEPASTURE STOCK UNDER LICENCE – MR DISCHARGE  
NICHOLAS M SHIP

The Court declined Mr Ship's application on the basis that at present there are sufficient animals turned out on the Forest.

2006/2544 NEW FOREST CATCHMENT FLOOD MANAGEMENT PLAN DISCHARGE  
SCOPING REPORT – CONSULTATION

It was agreed to monitor this project but otherwise no further action is required at present.

2006/2545 UPPER CANTERTON (SIR WALTER TYRELL) HGV's DISCHARGE

Difficulties have arisen because the Sir Walter Tyrell has changed hands and the new proprietors business has increased. As a result there have been complaints about HGV's using the narrow lane to the premises. The recent proposals by the County Council to alleviate the problems by restricting the use of the lane to access only to the Sir Walter Tyrell were considered acceptable. Mrs Heron and the Clerk are monitoring the situation.

#### **MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS**

2006/2546 HERITAGE LOTTERY FUND MEETING RESUME

The National Park Authority has taken this project over. Mr Kitcher was invited to attend. He expressed disappointment that the Verderers are not on the Executive Committee. Mr Pasmore and Mr Montagu were on the original group. Mr Montagu said he will telephone Mr Mike Seddon to ask what is going on and to request the Verderers be more closely involved.

2006/2547 OPEN FOREST ADVISORY COMMITTEE (OFAC) – DEADWOOD IN A&O WOODLANDS RESUME

Mr Pasmore and Mr Frost attended the recent meeting. Deadwood in the A&O Woodlands was discussed and whilst the Forestry Commission has agreed to some clearance Mr Pasmore and Mr Frost were not overly satisfied. Mr Pasmore said there are big problems in Eyeworth Wood which were not resolved. It was agreed the Court would write to the Forestry Commission as nothing further has been heard since a site meeting held some time ago.

2006/2548 MEETING IN MALLARDS WOOD DISCHARGE

Mr Gerrelli reported that he attended a recent meeting in Mallards Wood. Most of the work requested has been agreed but not a complete clear up. All the main tracks and cut holly on the crossings will be cleared.

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

2006/2549 CHAINSAWS AND ANIMAL RESCUE EQUIPMENT RESUME

Quotes are being obtained and the costs included in the Leader + proposal. The Court will consider the purchases in October.

## **TRAINING**

There was nothing to report.

## **HEALTH AND SAFETY AT WORK**

Nothing to report.

## **ANY OTHER BUSINESS**

|  |  |           |
|--|--|-----------|
| 2006/2550  | SEARCH FEES  | DISCHARGE |
| <p>The Official Verderer advised the Court that the new scale of charges for search fees seem to have been successful. Income has almost doubled whilst the number of searches carried out have not decreased.</p>   |  |           |
| 2006/2551  | FREEDOM OF INFORMATION ACT   | DISCHARGE |
| <p>The Official Verderer explained that an application for information under the FOI was received and dealt with. As all the information requested was not provided the applicant has appealed. The appeal is being conducted by a Verderer not previously connected with the subject.</p>             |  |           |
| <p>The Official Verderer went on to say that from time to time it is possible that a Verderer may be asked to conduct an appeal if information has been withheld and only a Verderer who has had nothing to do with the original request, or subject, will be able to conduct the appeal.</p>          |  |           |
| 2006/2552  | SIGNAGE IN THE FOREST  | RESUME    |
| <p>Mr Montagu said he was asked by the National Park Authority to join a working party considering signage in the Forest. He has not, however, heard anything more. An enquiry will be made as to what is happening.</p>   |  |           |
| 2006/2553  | STALLION SUB-COMMITTEE   | DISCHARGE |
| <p>Mr Gerrelli requested that all future meetings of the Stallion Sub-Committee be held at Queen's House, during normal working hours with the Clerk present to take minutes. This was agreed.</p>   |  |           |
| 2006/2554  | RETIREMENT OF MR RALPH ELLIS MRCVS – VERDERERS' VETERINARY SURGEON | RESUME    |
| <p>It was reported that Mr Ralph Ellis is shortly to retire. He will apparently be continuing to advise the New Forest Pony Breeding and Cattle Society on veterinary matters and it was suggested he be asked if he is prepared to continue to assist the Verderers. The Clerk will write to him.</p> |  |           |
| 2006/2555  | TUBERCULOSIS   | RESUME    |
| <p>It was agreed Mrs Thorne should "badger" DEFRA to find out if there is a plan of action should any Forest cattle be diagnosed with TB.</p>  |  |           |

2006/2556 FREEZE BRAND APPLICATION

DISCHARGE

An application has been made by a prospective commoner to turn out two ponies which are freezebranded. Each pony carries a separate, but similar three digit brand consisting of a letter and two numbers.

The Court agreed that in principle, a freezebrand is acceptable provided

- it is approved in the normal manner,
- it is not the same combination of letters as any other brand in current use and
- it is registered as a freezebrand in the brand list.

Miss Macnair suggested the two brands should be recorded on the bottom of the appropriate alphabetical page and clearly marked to indicate it is a freezebrand.

There being no further business, the meeting closed at 1.45 p.m.