

**MINUTES of the Court of Verderers held on Wednesday 17<sup>th</sup> September 2008 at 9.30 a.m. in the Verderers' Hall & Library, The Queen's House, Lyndhurst.**

PRESENT:	Mr O Crosthwaite Eyre	Official Verderer
	Mr J Adams	Elected Verderer & Chairman of the Staff Committee
	Mr P Frost	Natural England Appointed Verderer
	Mr A Gerrelli	Elected Verderer
	Mr J F Kitcher	Elected Verderer
	Miss D Macnair	Elected Verderer
	The Hon R Montagu	Forestry Commission Appointed Verderer
	Mr A H Pasmore	Elected Verderer
	Mrs P Thorne	DEFRA Appointed Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister
APOLOGIES:	Mrs D Halford	National Park Authority Appointed Verderer

**IN COMMITTEE in the Library**

The Head Agister attended the meeting for the first three items.

2008/3879 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 16<sup>th</sup> July 2008 were approved.

2008/3880 CONDITION OF STOCK RESUME

The Head Agister reported that on the whole stock looks every good – as it should at this time of year. The summer has not been too good for tourists but the wet, warm weather has resulted in lots of food in the Forest.

The drifts are well underway and again the ponies are looking good with only a very few, mostly older mares with foals, needing to be removed. Commoners are taking these animals off the Forest quite willingly. Mares without foals are looking super. Few foals are being branded which indicates that commoners are selling their foals this year.

The Forest cattle look particularly well.

**ACORNS & CRAB APPLES**

The acorns have now started to fall and already a nice foal has died of suspected acorn poisoning. In addition there is an abundance of crab apples this year and two foals have died, it is believed due to eating too many of them.

Mr Gerrelli commented that people have been putting apples outside their gates for the animals. Such action constitutes a breach of the Verderers' byelaws and is certainly not helpful.

## DRIFTS

In general there appears to be a reduction in the number of bystanders at the drifts. The drift list is no longer widely available and that seems to have helped cut down the number of casual visitors to the drifts.

The assistance of the Drift Liaison Officer and National Park representatives on certain drifts is also proving helpful. They have been able to assist by talking to the public and handing out the new drift leaflet.

## STRANGLES

There are still a few ponies about with strangles. One or two have been reported at the Weirs and at Longslade. Both areas will be carefully monitored prior to the drifts in those areas. One pony with strangles came in on the Ipley drift.

### **The Head Agister left the meeting**

2008/3881 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

2008/3882 DECLARATIONS OF INTEREST RESUME

The Elected Verderers and Mrs Thorne all declared an interest in the Countryside Stewardship Scheme.

The Official Verderer declared an interest in any matters concerning golf clubs and Mr Gerrelli declared an interest in campsites.

All Verderers declared an interest in the National Park Management Plan and Recreation Strategy on the basis that they occupy land and/or own animals in the National Park.

2008/3883 FINANCIAL STATEMENT RESUME

The Financial Statements for July and August were approved.

2008/3884 VERDERERS' AUDITED ACCOUNTS

The Audited Accounts which had been circulated prior to the meeting were formally approved for signature by the Official Verderer.

2008/3885 REPORT ON MARKING FEES RECEIVED AS AT END OF AUGUST 2008 RESUME

Ponies	4410	Pigs	28
Cattle	2470	Sheep	62
Donkeys	123		
SUB TOTAL	7003	TOTAL ALL ANIMALS	7093

2008/3886 ANIMALS REMOVED IN JULY 2008

RESUME

	POOR	SICK OR INJURED	WANTED BY OWNER	OTHER	TOTALS
Mares with Foals	1	2	1	2	6
Mares with Yearlings					0
Mares			3		3
Fillies		1			1
Colts					0
Geldings				1	1
Stallions					0
Mule					0
Cattle					0
Calves					0
Donkeys with Foal/Yrlg		2			2
Donkeys					0
Pigs					0
Piglets					0
Sheep					0
Total	1	5	4	3	13
Total year to date	441	46	94	61	642

Two year old colts

**Summary by Species**

Ponies	11
Mules	0
Cattle	0
Donkeys	2
Pigs	0
Sheep	0
Total	13

2008/3887 ANIMALS REMOVED IN AUGUST 2008

RESUME

	POOR	SICK OR INJURED	WANTED BY OWNER	OTHER	TOTALS
Mares with Foals		3	7	2	12
Mares with Yearlings					0
Mares			1	1	2
Fillies					0
Colts					0
Geldings					0
Stallions					0
Mule					0
Cattle					0
Calves					0
Donkeys with Foal/Yrlg		2		1	3
Donkeys					0
Pigs					0
Piglets					0
Sheep					0

Total		6	8	4	18
Total year to date	441	46	94	61	660

Two year old colts

**Summary by Species**

Ponies	15
Mules	0
Cattle	0
Donkeys	3
Pigs	0
Sheep	0
Total	18

2008/3888 BYELAW ENFORCEMENT

RESUME

The pre-trial hearing in respect of Mr Barnes appeal is scheduled for 7<sup>th</sup> November. This is to provide an opportunity for the Judge to satisfy himself that everything is ready and for a date for the trial to be set.

Currently, no other byelaw infringements have been identified.

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

IN ATTENDANCE: Mr Mike Seddon, Deputy Surveyor of the New Forest  
Mr Mark Street, newly appointed Area Land Agent (New Forest)

**ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER**

2008/3889 NEW FOREST GOLF CLUB

The existing 25 year lease for the New Forest Golf Club expires on 31<sup>st</sup> December 2008, and the Forestry Commission has been approached by the club seeking a new licence. The FC has therefore sought our views before formally approaching the Court for a formal consent to a new licence under the New Forest Acts.

Since our opinion and ultimately our formal consent is being sought on a matter that we believe may be controversial, we intend to delay our own deliberations until after the next open court in October in order for any presentments on the subject to be made, as is our normal practice.

2008/3890 ACCOUNTS

The audited accounts for the financial year ending on March 31<sup>st</sup> 2008 are now ready for approval and signature, and we will be dealing with this in committee this morning. Once this has been done they will be published on our website, and copies will also be available for inspection at the office.

2008/3891 ENFORCEMENT OF THE BYELAWS

You will no doubt recall that earlier this year Mr Bob Cooper appealed to the Crown Court against his conviction in the Lyndhurst Magistrates Court for non payment of marking fees. We vigorously contested that appeal, and after a re-trial in April Mr Cooper's appeal was dismissed and his conviction was upheld.

We asked for all our legal costs to be paid by Mr Cooper in relation to these proceedings, and that application was granted by the judge. We subsequently submitted all our legal bills to the Crown Court for verification, and I am pleased to report that a formal court order has now been served on Mr Cooper for the payment to us within 28 days of the sum of £35,535.30p. We are therefore very pleased that the full cost of this prosecution has been covered by the order made by His Honour Judge Boggis QC.

It is worth noting that even though Mr Cooper was granted legal aid to fund his own legal representation, it does not cover any fine that may be imposed and it always remains open to the judge to order the defendant to pay the prosecution's costs in the event of a successful conviction, which is what has happened in this case, and indeed in all our previous prosecutions.

2008/3892 NATIONAL PARK CONSULTATIONS

We are in receipt of copies of the National Park Authority's draft management Plan and Recreation Management Strategy, and we are in the process of formulating our response to the consultation. Once we have come to our conclusions a copy of our response will be available on our website. The deadline for the consultation, which is open to all, is October 31<sup>st</sup>.

2008/3893 GRAZING FOR COMMONING

Pippa Rivers made a Presentment in July expressing concern at the loss of grazing to commoning resulting from development or designation as public amenity land. Ms Rivers asked us to take certain steps to try to improve the situation, however we felt it would be more appropriate for these proposals to be considered by the National Park Authority or Local Council. A further reason for our decision not to pursue this is that it is not always necessary for backup land to benefit from common rights, providing the commoner has rights on some of his land.

2008/3894 STALLION SCHEME

The scheme is now entering its seventh year, and is rightly regarded as one of the Forest's more recent success stories. The chosen stallions, which were selected at Beaulieu Road last March, are about to go in to the two bespoke grazing areas at New Park and on the Cadland Estate, where they will remain until the early spring before being placed in specific areas on the Forest. The grazing throughout the winter is completely free, and each owner will receive a premium payment of £300.

The scheme is expensive to run and administer, however we are very fortunate to have the on-going support of the New Forest Trust to help us fund this important part of our management of the semi-feral herd. I am pleased to announce that the Trust has once again given us 50% of the cost of renting the grazing for the stallions this year, and last year, totalling £8,527. We are most grateful to the Trustees for their continued generosity.

**ANIMAL ACCIDENT REPORT**

2008/3895 ACCIDENT REPORT FOR JULY & AUGUST 2008

The agisters attended 23 accidents, compared with 26 for the same period last year.

6 ponies, 1 donkey and 1 cow were killed, and 2 ponies, 4 cattle and 1 donkey were injured.

13 accidents occurred during the hours of darkness.

20 involved private cars or light commercials and 1 involved a heavy vehicle. 2 were not reported.

14 accidents involved local motorists.

The total killed and injured for the year to date is 50 compared with 68 for the same period last year.

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

2008/3896 PANNAGE SEASON 2008

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 20th September 2008 and that it will end on Sunday 23rd November 2008, 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.

2008/3897 TOILET & WASHING FACILITIES AT ROUNDHILL CAMPSITE

This presentment is made on behalf of Forest Holidays.

Following works earlier in the year to replace the toilet and washing facilities at Roundhill campsite, concern was expressed about the installation of groups of large gas cylinders adjacent to the facility blocks.

Forest Holidays propose to address these concerns by removing the groups of gas cylinders and replacing them with gas storage tanks buried below ground. One buried gas tank would be located close to each of the 3 facility blocks, as shown on the plans displayed at the rear of the Court. The excavations would be carried out in accordance with agreed practice. Natural England has agreed the proposal and the Planning Authority have indicated that the solution is viewed favourably.

The buried storage tanks will be in areas marked out with "dragons teeth" to avoid the adjacent ground being surcharged by the weight of vehicles. These areas will be fully accessible to stock at all times, and the only item visible will be a green coloured, locked access lid of approximately 600mm diameter set at ground level.

The proposal to bury the gas tanks will lead to a significant improvement in the visual appearance of the facility blocks. Supply pipes from the tanks to the blocks will rise below the blocks and therefore be screened from view and be secure from both humans and stock. Out of season the supply pipes would be safely capped below ground level with a small concrete slab to cover at ground level.

The proposal will have the additional benefit of reducing the number of service vehicle movements on the site during the period of operation.

The Verderers agreement to these works is requested.

*The Official Verderer advised the Court that this matter will not be considered until after the next Open Court in order to allow an opportunity for Presentments in support or objection to be heard.*

## PRESENTMENTS

2008/3898 LATEST INFORMATION ON ENCROACHMENTS REQUEST

Presentment by Mr Michael Cooper on behalf of the New Forest Commoners' Defence Association

At the October court in 2007, we made a presentment to you concerning a number of encroachments around the Forest. As a matter of courtesy we felt it appropriate to request an update through this court as to the latest situation regarding these encroachments, as it was felt that the Verderers had a vested interest in the outcome. We were contacted by Mr Parke in February and advised that matters were ongoing, but have received nothing since. As Mr Parke has now retired, may I ask that the court enquire of the new Land Agent as to the current position? I have attached a copy of Mr Parke's letter to assist with the enquiry.

2008/3899 FEEDING OF PONIES ADJACENT TO SUMMERS LANE, BEAULIEU  
Presentment by Mr Michael Cooper on behalf of the New Forest Commoners' Defence Association

It has come to our notice that the relatively new occupants of Manor Bank, Summers Lane, Beaulieu, are placing amounts of hay on the Forest adjacent to their property. This has been causing a potentially dangerous situation outside of the Royal Oak junction, when the mares are either chasing off the youngsters, or heading for the hay. This is a breach of the Byelaws, unless one is a commoner having been given approval for a specific feeding area, therefore we would ask that the occupier is advised accordingly.

2008/3900 NATIONAL PARK DRAFT MANAGEMENT PLAN AND RECREATION STRATEGY  
Presentment by Col Peter Sweet

"You will have been sent the Draft Park Management Plan and Recreation Strategy as part of their consultation.

There has been much comment both at the Consultative Panel and in the Local Press.

These two documents concern the Commoners who also do leisure riding on horseback on their way to the Point to Point etc, and the Park makes no difference between Commoners and other leisure riders.

May I ask the Court to comment in depth in their reply to the Park's plan for leisure riders".

2008/3901 CAMPSITES  
Presentment by Mr Michael Chilcott on behalf of the New Forest Association

At the April Court the Commoners' Defence Association raised a number of unsatisfactory matters arising from Forest Holidays' mismanagement of some campsites.

The New Forest Association was concerned also about these issues. We pursued them privately and were optimistic that they were mistakes that would be rectified.

Now, some five months later, we are aware that meetings have taken place and some corrections have been made. The New Forest Association remains concerned, however, because of Forest Holidays' apparent reluctance to seek permission for works and developments for which it is required. Whether the appropriate regulator is the Planning Authority or the Verderers, Forest Holidays seem inclined to take action and deal with the consequences if they get caught. Some infringements are clear cut. For example there are electric hook ups that have appeared without authorisation. Other instances are suspected by our members but evidence is sometimes only anecdotal.

We believe that benchmark data is needed for each campsite before next year's camping season commences. Such information would include installation and equipment details at each site and would provide a basis from which future modifications, whether authorised or unauthorised, could be tracked. Photographic evidence could be used to record not only facilities such as hook ups but other developments like small areas of hard standing which can be insidious and which require Planning Permission.



We recommend that such data should be held and verified by the Verderers. If this suggestion is accepted by the Court, the New Forest Association will be pleased to discuss how its resources might be helpful in gathering the information and in monitoring changes in the future.

2008/3902 NEW FOREST NATIONAL PARK MANAGEMENT PLAN AND LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY AND DEVELOPMENT POLICIES

Presentment by Ms Tina Cant on behalf of Forest Uprising Group

"Forest Uprising is a local lobbying group formed just 4 weeks ago in response to the New Forest National Park Management Plan and Local Development Framework Core Strategy and Development Policies.

We represent the interests and concerns of New Forest equestrians and rural businesses, both groups having grave concerns regarding the far reaching implications of these draft proposals and their potentially damaging effects on our livelihood and way of life.

The application of these rules as currently drafted would make it virtually impossible for the majority of horse owners in the New Forest to continue. Many will be forced to give up altogether or drastically reduce the number of ponies they keep. There are currently around 3,500 (a similar number to 20 years ago) in the area, and feasibly almost two thirds (that's nearly 2000 animals) would have to go.

Fewer leisure horses would have serious implications for the region:

- The equine based economy (2<sup>nd</sup> largest in the area, worth £3.4 billion) would be devastated, impacting not only on feed merchants, tack suppliers, farriers, vets, trainers, livery yards, farmers, harness makers, fencing contractors, agricultural merchants etc., but also other local businesses for whom there would be a reduction in the trickle down effect of income from these stricken equine dependent businesses. Many of these small businesses are main income sources for the predominantly part-time Commoners.
- Without a local market, sales of equines would drop off drastically – a straw poll at local riding club events shows that 60% of entries from locally purchased New Forest ponies. Without this outlet, sales of Commoners stock would also seriously decline, which in time would impact on the number of depastured Forest ponies. This would eventually have an ecological impact on the very fabric of the Forest, which has been shaped in large part by semi-feral ponies for many hundreds of years, and the history of which has been inextricably entwined with horses for a 1000 years.

NFNPA constantly publicly declare that it is not their intent to pursue these new policies to their maximum. Unfortunately, so long as the scope is so wide and the criteria almost impossible to comply with, as currently written, it remains **possible** for them to do so with devastating effect.

There are repeated references to the benefits to Commoners of these proposals, but nowhere does it recognise that Commoners also have leisure horses, also supplementary feed (even if just hay), and neither does it say that Commoners are exempt – if they are, in what circumstances? Are the NPA prepared to go on record on this matter?

The NFNPA assert that they need these extreme controls to both safeguard the ecology of the Forest and also the visual landscape. Yet they have absolutely NO scientific data or research to prove the former (which we refute as totally unfounded),

and the latter is very subjective and perhaps due to constraints which prevent the use of discrete stores and barns. It doesn't require such draconian measures to encourage and educate horse keepers (and others for that matter) to utilise sympathetic and discrete materials on their land to visually appealing effect.

Forest Uprising does not promote anarchy; we absolutely accept that planning controls are needed. We simply wish our voices to be heard and for these unworkable proposals to be returned to the drawing board, for redrafting into a sensible and practical, preferably education based format. The goal being to encourage responsible horse management, after proper research and consultation, based on *local* knowledge and accurate data.

We would therefore respectfully ask the Verderers to intercede in this matter and require the NFNPA to, at the very least, postpone the deadline for consultation to allow adequate time (perhaps 1 year - 2 months is not enough) for such research and intelligent redrafting of appropriate elements, to achieve a satisfactory outcome for all parties".

2008/3903 NFNPA DRAFT MANAGEMENT POLICY DOCUMENT  
Presentment by Mr Chris Aldhous on behalf of the New Forest Equestrian Association

I would ask the Verderers to consider seriously to following when examining the NPA Draft management policy document.

In 2006 the Bramshaw Parish Councillor made a presentation to the NF consultative panel about the subdivision of a 10 acre field. The NFEA offered to work with the NPA to find a mutually acceptable solution to the Question of pony paddocks.

A workshop was subsequently held and as a result the NPA funded an update to the 1994 report on recreational riding.

In April 2008 the results showed no measurable changes had occurred since 1994.

Figures from the NFDC indicate the number of licensed riding horses had fallen from 826 in 45 riding establishments in 1978/9 to 180 in 14 establishments, in July 2008 a drop **to** 21% of the 1978/9 level. (**not** by 21%).

The NPA policy refers to a proliferation of recreational riding horses, which they believe will lead to a degradation of the landscape and loss of back up grazing

**THERE IS NO PROLIFERATION OF RECREATIONAL RIDING HORSES!!!**

We talk of commoners and recreational riders, but in reality, apart from a few ranchers at one end and a few individuals who like to be seen on a horse, the equestrian activity is a coherent thread running through the traditional Forest community. Many of the 400 or so small commoners keep their animals in pony paddocks alongside recreational riders. They not only compete against each other, but sometimes team up together at local shows.

They help each other when there are problems and support each other when tragedy strikes.

The only distinction is that the commoners turn out animals on the Forest.

10 years ago the NFEA estimated the income from recreational riding to be in excess of £9million. This was just for maintenance of the animals, the majority being for services going directly into the local economy. This estimate did not include tack and

equipment such as horse boxes or entrances fees to competitions.

Recreational horse keepers buy at Beaulieu Road sales and it will be interesting to see if the NPA draft has a knock effect on the prices.

Once again, I would ask you to read the NPA draft plans, consider its full implications and support our call for a fair policy for **all** those whose life style is threatened by the advancing urban tide.

2008/3904 **BOAR PIGS**  
Presentment by Mr Tim Witney, Commoner

Mr Witney asked the Verderers to consider allowing boars of up to 5 months of age to be depastured on the Forest. He cited lack of profitability in pigs as his reason for this request.

2008/3905 **UNAVAILABILITY OF BACK-UP GRAZING LAND WITH COMMON RIGHTS**  
Presentment by Ms Pippa Rivers

Ms Rivers repeated the concerns she aired in the July Court about the difficulties some potential commoners may face in securing suitable land with common rights attached. Ms Rivers said she believes that if land with common rights attached continues to be developed or put out of reach of ordinary commoners there will eventually be no stock on the Forest except a state owned and run herd.

2008/3906 **COW BELLS & SHEEP**

Mr Len Mansbridge very kindly brought along two cow bells and two sheep bells for the Court to look at. He considered the bells to represent a bit of history that should be preserved and he said he hoped a few "chips off the old block" will use them in the future. He also wryly commented that a cow rubbing against a fence in the middle of the night would, these days, be likely to result in a complaint from nearby residents attempting to sleep!

Mr Mansbridge added that he thought sheep rights over the Western Commons derived from Somerley Estate land used to be free.

### **IN COMMITTEE in the Library**

PRESENT: Mr Mike Seddon, Deputy Surveyor  
Mr Mark Street, Area Land Agent, New Forest

### **CONSIDERATION OF PRESENTMENTS**

2008/3907 **ENCROACHMENTS**

RESUME

Mr Street advised the Court that a letter from the Forestry Commission's Solicitors will be sent to the occupiers of Rose Cottage within a week. He added he is also looking at a number of other alleged encroachments and is busy collecting evidence. Mr Street added that a considerable amount of evidence is required if any sort of legal action is to be brought and such evidence is sometimes very difficult to obtain.

Miss Macnair asked for assurance that the promised clearance work on encroaching rhododendron and brambles will take place. The Deputy Surveyor replied that if Richard Stride says it will, it will!

There is a danger of an encroachment taking place at Busketts Lawn/Woodlands Hotel where a fence has recently been taken down. The Verderers asked the Forestry Commission to be sure that any new fence that is erected is correctly positioned. Additionally concern was expressed that attempts may be made to remove ancient trees in order to improve the view over Busketts Lawn from a new "eco-house" which is due to be constructed.

The Official Verderer suggested Mr Mark Street may wish to seek advice from the Forestry Commission's lawyers on a question that he believes will become an issue for the Commission sooner or later. The question is "in the event that a developer buys a property, pipes a ditch and erects a fence on what was the outside lip of the ditch and then sells the property, who is responsible for removing the fence/encroachment"? This is assuming of course that the original fence was on the inside lip of the ditch and stock had access to the banks of the ditch. Such an event has occurred at Bartley and the Verderers and CDA are currently investigating possible remedies.

Mr Street commented that he has recently discussed a number of similar issues with the Commissions solicitors including how to accurately measure out boundaries.

2008/3908 HAY PLACED ON THE OPEN FOREST DISCHARGE

The office will write to the occupiers of the property pointing out that they are creating a hazard by putting out hay and also that by doing so they are contravening the Verderers' byelaws.

2008/3909 CAMPSITES RESUME

It was agreed a survey of the campsites would be very useful but that it is necessary to carry out a certain amount of surveying in season in order to obtain an accurate list of the infrastructure some of which is removed out of season.

The Deputy Surveyor felt such a survey could be useful to the Forestry Commission as well.

Mr Frost undertook to discuss the matter further with the NFA to find out exactly what resources they are able to commit to the project.

The Deputy Surveyor advised the Court that Mr Richard Palmer of Forest Holidays will attend the next Court when the discussions over Roundhill take place.

2008/3910 BOAR PIGS DISCHARGE

It was unanimously agreed that the provisions of the byelaws must be firmly adhered to and therefore Mr Witney's request was refused. The Clerk will advise him accordingly.

2008/3911 UNAVAILABILITY OF BACK-UP GRAZING LAND WITH COMMON RIGHTS DISCHARGE

The Court felt that Ms Rivers had not made any new points.

## **SUBMISSIONS BY THE FORESTRY COMMISSION**

None

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

2008/3912 NEW FORST GOLF CLUB RENEWAL OF LEASE RESUME

The Forestry Commission was advised that problems continue as respects the management of this club. Recently it was noticed that despite many requests to remove it, a chain harrow remains in the bushes below the club house and a number of bunker rakes have been seen strewn all over the grass. The rakes should be left spikes-down in the bunkers not left where they could be a hazard to stock.

2008/3913 CONDITION OF FENCING ON THE A31 RESUME

The Clerk reported that the office has been contacted by the new contractors responsible for the A31. They have requested a meeting to discuss maintenance of the fence. Mr Adams confirmed he would like to join the meeting.

2008/3914 ROUNDHILL CAMPSITE – ELECTRIC HOOKUPS RESUME

The plan of the campsite attached to the Lease shows no hookup outlets or cabling and there appears to be no formal explanation as to how they have come to be there.

The Deputy Surveyor said the hookups by the pond are for use by the staff only. It was noted that there is also a hookup at Hollands Wood on the back of one of the facilities blocks but the Deputy Surveyor said he hasn't had time to confirm what may be present on other sites.

The Deputy Surveyor said the Forestry Commission would like to legitimise the hookups at Roundhill and he assured the Court that they are for connection to staff caravans only.

The Court agreed it is necessary to find out how many hookups there are overall and then a decision can be made.

2008/3915 THE MINISTER'S MANDATE DISCHARGE

A copy of the Deputy Surveyor's letter stating that the Mandate will be reviewed next year has been copied to all Verderers.

## **ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION**

2008/3916 HOLMSLEY LODGE DISCHARGE

The Forestry Commission was asked to report on the current position as respects Holmsley Lodge which has suffered vandalism – all the windows having been broken. The Deputy Surveyor reported that the Lodge was sold months ago. He agreed it looks a sorry sight but there is nothing the Forestry Commission can do about it.

2008/3917 NEW FOREST MARATHON

DISCHARGE

Mr Adams expressed great concern that the New Forest Marathon is not only on the same day as the Burley Lawn drift but that the route actually passes through the gate adjacent to the pound. The Clerk was able to throw some light on this and she explained that the organisers have revised the route this year but without firstly seeking the permission of the Forestry Commission. As soon as Jayne Albery (FC) was made aware of the inevitable conflict she contacted the organisers. As a result the route has been altered again. Mr Adams said he had also spoken to the organisers and whilst he still has serious concerns it is hoped that by diverting the runners to another gate into the inclosure, serious conflict will be avoided. It was requested that the issue be resolved before next year – preferably by the Marathon being held on a different day to the drift.

2008/3918 VALLEY MIRE RESTORATION IN PICKET BOTTOM

DISCHARGE

Mr Adams reported that he is horrified at the scale of the works in Picket Bottom. He said the site enclosure which is close to the Ellingham Cricket/Rugby Club looks like a motorway construction site. Given that the Club has been “moaned at” for leaving harrows, rollers etc., on the Open Forest it is a little embarrassing to have extensive damage and huge piles of soil and gravel so close by. The Forestry Commission was asked to reconsider such works on the Open Forest in view of the amount of damage that has been done. The Deputy Surveyor assured the Court that the area will be properly re-instated and the standard will be very good. He added that the teams have been moving around the Forest because of the weather conditions this summer and that the site managers are very aware of the problems. Some ground damage, however, is inevitable.

2008/3919 PICNICS AND PONIES

DISCHARGE

Mr Adams expressed concern that site visits to picnic honey pot sites had recently taken place without the Verderers being represented. The National Park Authority, Forestry Commission and Commoners' Defence Association all had representatives present but the Court did not.

The Clerk explained that it was partly her fault because what had started out as an informal visit to Bolton's Bench by Mr Nigel Matthews of the NPA and herself had ended up involving more organisations than originally intended. Unfortunately the dates that were finally agreed upon were not convenient to either the Head Agister or the Clerk who would otherwise have gone along. The Clerk said it was intended to be an informal information gathering exercise for the benefit of the FC and NPA staff and that she felt it did not warrant troubling a Verderer at that stage.

The Deputy Surveyor said he was aware of the meeting and assured the Court that any proposals for additional signing, formal picnic areas etc., would be brought to the Court for consideration. The purpose of the site visit was to look at the increasing problem of conflicts between ponies and people to try to find an effective solution.

2008/3920 WOODS CORNER POUND ACCESS DISCHARGE

There are serious problems with cars being parked in such a way that access to the pound at weekends and Bank Holidays is becoming all but impossible. The Clerk reported that the problems have already been reported to her and she is liaising with Forestry Commission staff in an effort to find a solution. It may be that the barrier can be re-sited and consideration may also be given to separating the pound access from the car-park.

2008/3921 VERNALL'S FARM DISCHARGE

It was reported that the fencing along the track to the newly thrown open field at Vernall's Farm is in a deplorable and dangerous state. It is old fashioned iron park fencing which needs to be removed and replaced. Recently some ponies jumped the fence but were fortunately unhurt. The Deputy Surveyor said he will arrange for the necessary work to be undertaken.

2008/3922 MILLERSFORD PLANTATION RESUME

Two matters were raised concerning the work that has been carried out.

Firstly, there are piles of waste timber by the road and track to the pound which have been there for many years. These need collecting up and burning.

Secondly, on the North side where conifer and rhododendron clearance was undertaken, there is a lot of re-growth several feet high. The cleared areas have been re-colonised and require clearing again.

The Deputy Surveyor said the area would be inspected.

2008/3923 FRITHAM HOUSE – ILLEGAL PARKING DISCHARGE

Cars and vans are being parked all over the Open Forest whilst building work is being undertaken on the property. The car free ditches have gone and need to be re dug. The Deputy Surveyor said action will be taken to resolve the issue.

2008/3924 CROW ROAD STREET NAME SIGN RESUME

A request has been received from NFDC for consent to erect a street name sign on the triangle of land on the Burley Street/Picket Post/Crow Road junction.

Mr Street and the Clerk have both advised NFDC that both the Forestry Commission and Verderers would prefer not to see a proliferation of signs. NFDC has responded by claiming it has a legal responsibility for ensuring roads are properly identified in order to assist the emergency services and has asked for a site meeting to agree where the sign should be placed.

The Clerk was asked to formally advise NFDC that its consent is required under the New Forest Acts.

2008/3925 BEAULIEU ROAD SALE YARD – COMPLETION OF RE- DISCHARGE  
DEVELOPMENT

The Clerk had been asked by the Livestock Society to advise the Court that proposals for the completion of the re-development of the Beaulieu Road Sale Yard will shortly be put forward. The Court decided that as the proposals are likely to represent a significant development on the Open Forest, such proposals must be brought by Presentment. The Clerk will advise the Livestock Society accordingly.

2008/3926 BEAULIEU ROAD LYNDHURST – PROLIFERATION OF SIGNS DISCHARGE

A number of new and larger replacement signs have appeared along the Beaulieu Road. One small stone sign has been replaced by a very much larger one. Mr Street said he would investigate.

2008/3927 BRAMSHAW TELEGRAPH JUNCTION ROAD SIGNS DISCHARGE

It was reported that the signs at Bramshaw Telegraph have now been replaced. The new ones are smaller, less intrusive and safer.

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

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

2008/3928 ENCROACHMENTS RESUME

One of the encroachments at Mill Lane, Minstead has been resolved; the fence having been moved back to its original position. With respect to the second, that of an illegally sited container, a response is awaited from the occupier of the adjacent property.

The Bartley encroachment where a ditch has been piped and a fence moved out to provide a garden for a redevelopment is ongoing. This is a clear encroachment which may involve Crown Land.

2008/3929 KINGSTON GREAT COMMON RESUME

The Official Verderer has written again to Mr Trotter at the National Park Authority. Mr Trotter has commissioned a report for the NPA which is not yet ready.

2008/3930 REVISION OF THE VERDERERS' BYELAWS RESUME

The Official Verderer has received an email from Mr Nick Shearman of DEFRA with one further query. This has resulted in a slight amendment which is of no consequence to the Court. It is hoped that the byelaws will now be confirmed by the Minister without further delay.

2008/3931 OVERGRAZING ON PLAITFORD, CANADA AND WEST WELLOW DISCHARGE  
COMMONS

The Clerk reported that a list of commoners believed to be grazing stock on these commons has been sent to Natural England/DEFRA as instructed.



- 2008/3932 THE ATLAS PROJECT RESUME  
November  
The Christopher Tower Foundation has very generously offered a donation of up to £4,000 towards this project which is not progressing.
- 2008/3933 MICROCHIPPING OF PONIES DISCHARGE  
The proposals which it is hoped will lead to a derogation for the Forest have been sent to DEFRA together with an electronic map showing the area that the derogation should cover. DEFRA has acknowledge receipt of the letter and it is now a case of waiting for the outcome of its negotiations with the EU. Everything that can be done has been done in an effort to avoid the need to microchip every pony on the Forest. The matter will be discharged for now and resumed once a decision or further news is received.
- 2008/3934 STALLION SCHEME RESUME  
February  
2009  
Virtually all the agreements in respect of the scheme have now been received. The cheques for those stallions who were turned out this summer will be sent out as soon as possible. Most of the grazing agreements have been received but due to some changes, several need amending. The Clerk confirmed this is all in hand.
- 2008/3935 VERDERERS' FLEECES DISCHARGE  
The Clerk apologised that she has not made further progress with this. A good quality fleece has been sourced at a reasonable price but the embroidery has yet to be finalised. The Clerk said she will do her best to get the fleeces to the Verderers as soon as possible.

#### **COUNTRYSIDE STEWARDSHIP SCHEME**

- 2008/3936 SUB COMMITTEE MEETING RESUME  
The sub-committee is to meet shortly.

#### **NATIONAL PARK**

- 2008/3937 DRAFT NATIONAL PARK MANAGEMENT PLAN AND RECREATION STRATEGY RESUME  
The sub-committee considering the Recreation Strategy has met and produced a draft response.  
The Management Plan sub-committee will meet shortly.  
The Official Verderer will prepare a draft letter containing the Verderers' response to both documents, for consideration prior to, and discussion and approval at the October Court.

#### **OTHER AGENDA ITEMS**

- 2008/3938 NEW FOREST CAMPSITES RESUME  
It was agreed that if the New Forest Association carries out the study as suggested, it is not necessary for the Verderers to visit the campsites.

Consideration must be given to the cost of the NFA's study. Colour plans of each campsite will be required.

It was pointed out that at present the old temporary buildings are still in the compound in New Copse. This means that at present there will be nowhere to put the new temporary buildings, currently in-situ on the campsites when they are removed for the winter. It is assumed the Forestry Commission/Forest Holidays have this in hand.

2008/3939 MARKING FEES 2009

DISCHARGE

The question of whether to raise, or even lower, marking fees was discussed at length. The 2007/8 Audited Accounts show a deficit and consideration will be given to using some of the Countryside Stewardship Scheme funds to assist in the costs of employing the Agister team. This will be considered by the CSS sub-committee.

Eventually, the Official Verderer proposed that marking fees should remain unchanged and Mr Pasmore seconded the proposal. All those present voted in favour of the proposal except Mr Adams who abstained because of his concern that the Court may not have sufficient funds in the future.

An announcement will be made at the October Court, advising the commoners that marking fees in 2009 will remain at the present level.

2008/3940 TELEVISION SERIES

DISCHARGE

The Clerk reported that the Court has been approached with a view to contributing to BBC's Autumn Watch and a series being produced for ITV called Seasons.

The Head Agister and the Clerk met representatives from both programmes and are happy with the intended content.

As it has been agreed that the impact on the Agisters daily routine will be minimal, the Court gave approval for them to contribute to the programmes. However, the Court requested the Clerk to seek a fee from each which will be donated to the New Forest Trust.

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

2008/3941 NEW FOREST CONSULTATIVE PANEL

DISCHARGE

Mr Kitcher said that regrettably for a number of reasons he has been unable to attend the Panel meetings regularly. He was concerned that the Verderers are not being properly represented. In order to help relieve the pressure on Mr Kitcher, Mrs Thorne offered to attend on occasions when it is difficult for him to go. The Court and Mr Kitcher were pleased to accept Mrs Thorne's kind offer.



2008/3947 DRAINS – CONSERVATION WORKS

DISCHARGE

Mr Kitcher felt there is a need to keep a close eye on the infilling of drains within inclosures to ensure the work does not have a detrimental affect on the Open Forest in years to come. Mr Pasmore said that the principle of these works seems to have now been broadly accepted by the Court but he agreed there is a need to be very careful. Natural England is endeavouring to bring the whole of the SSSI into favourable condition for conservation purposes, but there will be units where other considerations such as the welfare of livestock and farming will need to take precedence.

2008/3948 ORIENTEERING/FUN RUN

DISCHARGE

Mr Pasmore complained about the disturbance resulting from a fun run/orienteering event which recently took place in the north of the Forest. Reportedly there were two hang-gliders/microlights which may or may not have been connected to the event only about 50 ft up. 500 ft is the minimum height allowed under aviation law. Mr Pasmore felt such events should take place off the Forest.

2008/3949 ROAD HAUNCHING AT LINWOOD AND BURLEY

DISCHARGE

It was noted that the haunching works which exceeded that which was agreed have still not been reworked to bring them into line. The Clerk will contact Mr Mark Street (FC) with a view to reminding the Highway Authority that this work is outstanding.

There being no further business, the meeting closed at 1.36 p.m.