

MINUTES of the Court of Verderers held on Wednesday 16th September 2009 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
Mr C Maton National Park Appointed Verderer
The Hon R Montagu Forestry Commission Appointed Verderer
Mr A H Pasmore Elected Verderer
Mrs P Thorne DEFRA Appointed Verderer (joined the meeting after the Open Court)

IN ATTENDANCE: Miss S Westwood Clerk to the Verderers
Mr J R Gerrelli Head Agister (Joined the meeting for the second item)

APOLOGIES: None

IN COMMITTEE in the Library

The Official Verderer welcomed Mr Clive Maton as the National Park's Appointed Verderer.

2009/4471 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 15th July 2009 were approved.

2009/4472 CONDITION OF STOCK RESUME

The Head Agister reported that he is quite happy with the condition of stock at present. The cattle look very good but they have started drifting home in readiness for the onset of winter.

There is plenty of food for the animals on the Forest at the moment and overall the ponies look well. There are a few mares with foals which could look better but this is not unusual and commoners are taking them home where necessary. There have been no problems with owners and things are going quite nicely.

The acorn crop is patchy this year and in a few places the ponies are beginning to eat them.

The Head Agister left the meeting.

Mr Adams, Chairman of the Staff Committee, said he agreed with the Head Agisters' report on the condition of stock and had nothing to add.

2009/4473 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

- 2009/4474 DECLARATIONS OF INTEREST RESUME
- The Elected Verderers, Mrs Thorne and Mr Maton all declared an interest in the Countryside Stewardship Scheme.
- Mr Gerrelli declared an interest in campsites. The Official Verderer declared an interest in matters concerning golf clubs, and stated that when the renewal of the Bramshaw Golf Club licence is discussed he will take no part in the debate.
- 2009/4475 FINANCIAL STATEMENT RESUME
- The Financial Statement for July & August 2009 was approved.
- 2009/4476 REPORT ON MARKING FEES RECEIVED AS AT END OF AUGUST 2009 RESUME
- | | | | |
|-----------|------|-------------------|------|
| Ponies | 4798 | Pigs | 14 |
| Cattle | 2537 | Sheep | 39 |
| Donkeys | 126 | | |
| SUB TOTAL | 7461 | TOTAL ALL ANIMALS | 7514 |
- 2009/4477 ANIMALS REMOVED IN JULY & AUGUST DUE TO POOR CONDITION RESUME
- 7 Mares with foals
1 Fillies
- TOTAL PONIES 8
- 2009/4478 BYELAW ENFORCEMENT RESUME
- No new byelaw offences have been reported by the Agisters.
- 2009/4479 REVISION OF THE VERDERERS' BYELAWS RESUME
- In the July Court the Verderers passed their new byelaws. However, unfortunately a further amendment was found to be necessary and it was necessary for the statutory instrument to be re-drafted. The final draft statutory instrument has been received and copies circulated to all members of the Court prior to the meeting.
- All Verderers having read the draft SI "The New Forest (Confirmation of the Byelaws of the New Forest) Order 2009", it was approved unanimously.
- The byelaws will now be advertised in the press and on the Website where they will be available for inspection. Copies are also available for inspection in the Verderers' Office.
- Copies will be sent to the National Trust, the New Forest Commoners' Defence Association, the New Forest Association and the New Forest Pony Breeding and Cattle Society.

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

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

ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER

2009/4480 ACCOUNTS

The audited accounts for the financial year ending on March 31st 2009 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.

2009/4481 BYELAWS

In June of this year we passed a revised set of our byelaws. Subsequently, however, a number of further amendments were found to be necessary.

We now have a final version of the byelaws, in the form of the Statutory Instrument, that the Secretary of State will actually sign. These revised byelaws will be formally approved in committee this morning.

Now that we have made our byelaws, we are required under s.25 New Forest Act 1877 to give notice of our intention to apply for confirmation of the byelaws by the Secretary of State by placing advertisements in one or more newspaper circulating in the county, and this we shall do forthwith.

A copy of the newly made byelaws can also be inspected at our offices by interested members of the public, and they can also be viewed on our website.

The byelaws will not be confirmed until at least one month has passed since the giving of the notice.

2009/4482 NATIONAL PARK CONSULTATIONS

On Monday we received a copy of the latest working draft of the National Park Authority's Management Plan, and we are in the process of examining the document. Despite the short time that we have to study the document, we will be giving our views directly to the Authority at a meeting with the Chief Executive on Thursday.

2009/4483 FOREST SPEED LIMITS

Further to a presentment at our June Court made by the Commoners' Defence Association asking us to pursue a blanket thirty mile an hour speed limit for all the unfenced roads in the Forest, we wrote to the leader of Hampshire County Council, Mr Ken Thornber, asking for his support. We are very fortunate that Mr Thornber lives in and represents Brockenhurst on the County Council, and as a Forest resident he is well aware of all the problems that surround the issue of animal casualties on the unfenced roads.

We received a letter in reply from Councillor Thornber on 16th July in which he explained that the best way for such a proposal to be evaluated properly would be for it to be included in the forthcoming review of speed management that is being undertaken for the whole county. He is hopeful that the review will come to its conclusions within the next few months, and he has added that personally he will be pushing for a thirty mile an hour limit.

2009/4484 COUNTRYSIDE STEWARDSHIP SCHEME

As announced earlier, we have been discussing the future of our current scheme with DEFRA and natural England. The existing agreement with DEFRA has a finite life span of ten years, and it is thus due to end in 2013.

However, because of the very real uncertainties that surround the future funding of any similar replacement, we have decided to look at ending the scheme early in order to sign up next year for a fresh ten year period rather than risk being told in 2013 that there is no more money. We have been very strongly advised by Defra that this is the best course of action, and Natural England, NE, have given us their unequivocal support in seeking to sign-up to a replacement scheme as early as January next year.

The new scheme will be called a Higher Level Stewardship Scheme, HLS, and it will have much wider scope for funding not just the existing payments to commoners as Open Forest graziers but other land management projects throughout the Forest. The HLS scheme is potentially very exciting news, and if it is created it will be the biggest conservation and land management scheme in Europe.

However the responsibilities that come with such an endeavour are numerous and varied, and we are thus in detailed discussions with NE in order to be sure that this project is something that we are truly ready to take on. We will make a formal decision in committee this morning as to whether or not to go ahead in principle.

ANIMAL ACCIDENT REPORT

2009/4485 ACCIDENT REPORT FOR JULY & AUGUST 2009

The Agisters attended 31 accidents, compared with 23 for the same period last year.

12 ponies, 1 donkey and 1 cow were killed and 5 ponies and 1 cow were injured.

9 accidents occurred during the hours of darkness.

24 involved private cars or light commercials and 1 involved a motorcycle.

6 accidents were not reported.

15 accidents involved local motorists.

The total killed and injured for the year to date is 57 compared with 50 for the same period last year.

The Clerk reported on a number of speed enforcement operations carried out by the Police in recent weeks and thanked the Police on behalf of the Court for their help in trying to reduce animal accidents in the Forest.

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

2009/4486 In accordance with the provisions of Section 7 of the New Forest Act 1964, the Verdere have been consulted with regard to the dates of the pannage season and I hereby noti the Court that the season will commence on **Saturday 19 September 2009** and that will end on **Sunday 22 November 2009**, 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.

PRESENTMENTS

2009/4487 EXTENSION TO BURLEY CRICKET & FOOTBALL CLUB PAVILLION
Presentment by Mr Mike Eccles on behalf of the New Forest Commoners' Defence Association

"We would like to make it clear that we support village cricket pitches and their modest pavilions on the Open Forest as a traditional part of the New Forest and local communities. However we would ask the Verderers not to approve the proposed expansion of the Burley Cricket Club pavilion on the following grounds:-

Firstly and most importantly, the very substantial expansion of the existing 129 square metres footprint by 38% represents a most significant encroachment on the Open Forest of some 49 square metres, thereby excluding stock turned out on the Forest under ancient rights of Common and attendant loss of grazing. Whilst the applicants refer in the planning documentation to this expansion being on a "brownfield" site, we regard the Open Forest as very much "greenfield". The existing footprint is already equal to, or bigger than, that of the pavilions of neighbouring cricket clubs on the Open Forest. And we believe that imaginative use of the the internal space offered by

the existing footprint would already permit the modernisation of those features of highest priority.

Secondly, we are concerned that references to the building being a "clubhouse", the apparent expansion of the kitchen facilities and increase in toilet capacity from 2 to 7 simultaneous users, imply an ambition for uses other than that by cricket and football players changing before and after a game and being provided with light refreshments. This concern is fuelled by a notice at the front of the pavilion on Bank Holiday Monday advertising hot dogs, burgers, ice creams and hot and cold drinks for sale. We presume this was aimed at the spectating public rather than the possibility that long on might feel peckish!

When considering this proposal we would ask the Court to compare the questionable benefit of the expansion to 22 players and two officials for a few hours each week against the extremely dangerous precedent that would be set by accepting such a substantial and in our view unnecessary encroachment on the Open Forest".

The Official Verderer explained that the Court has so far received little information to enable it to make a decision but that the Chairman of the Cricket Club is in Court today and hopefully he will be able to expand on the Club's application. At present the Court is not able to make any decision.

2009/4488 SWAN GREEN CRICKET CLUB
Presentment by Mr Mike Eccles, Commoner

Mr Eccles commented that he has seen the chain harrow left on the Forest on a couple of occasions lately as well as a dangerous coil of wire, outside the Pavilion at Swan Green.

2009/4489 POUND BOTTOM TIP
Presentment by Mr Mike Eccles, Commoner

A quantity of small rocks and pieces of concrete litter the verge around the entrance to the Pound Bottom waste and recycling plant. It seems that the material may have fallen from lorries entering the site and Mr Eccles asked if it could be removed. He added that the general littering problem which has been a problem in the past is much improved.

2009/4490 ENTRY & SPEED LIMIT SIGNS, EXBURY TO BLACKWELL COMMON CATTLE GRID
Presentment by Mr Michael Cooper, Commoner

"I have on several occasions in the past requested the erection of entry and speed limit signs adjacent to the cattle grid at Gatewood on Blackwell Common. Sadly, one of my family's ponies was the subject of a hit & run RTA on the evening of Monday the 7th September. Her body was not found until the following Wednesday, as she had staggered off into a nearby ditch and collapsed. My enquiries since this event have established that young men in their cars are using this road as part of a racing circuit on Monday evenings. I believe it reasonable to assume that one of these vehicles may be responsible for this mare's untimely end. I would be most grateful if this court could once again, bring pressure to bear on Hampshire Highways, for the erection of some appropriate signs as seen elsewhere in the Forest, and indeed the Police, if the speeding problem persists".

2009/4491 BOLTONS BENCH CRICKET PAVILION – GRASS CUTTINGS & MANHOLE COVER

Presentment by Mr Michael Cooper, Commoner

"I would like to draw the courts attention to some broken and potentially dangerous steel railings at the rear of the Cricket Pavilion. They are erected in such a way that access is possible by the Forest stock to grass cuttings contained therein. Certainly an inquisitive foal would have little trouble in acquiring access. A few feet away from this area, is an ill fitting manhole cover. A gap is clearly obvious to one side, and a foals foot could easily step into it, which would quite likely lead to a fracture. Photographs of both have been forwarded to the Verderers Office. Your help in this matter would be appreciated".

2009/4492 ACCESS TO SOWLEY FORESHORE

Presentment by Mr Peter Whapham

Mr Whapham expressed concern that Sandpit Lane has been barred off by a high security gate that restricts access by commoners wishing to inspect their stock on the foreshore in that area. Additionally the car park at the opposite end of Sandpit Lane is locked making vehicular access for loading a sick or injured animal impossible.

Mr Whapham complained that commoners cannot reach their stock by foot or by vehicle unless they pay for a permit from Sowley Estate (currently £30 annually) and he requested the Court to look into the matter. The Forestry Commission was also asked to act in order to protect, conserve and prevent encroachment of Crown Land in the area.

2009/4493 EXTENSION OF BURLEY CRICKET & FOOTBALL CLUB PAVILION

Presentment by Mr Brian Tarnoff on behalf of the New Forest Association

"The NFA has no quibble with Cricket, but we are mindful of any development that impinges on the open forest. We ask the Verderers to ensure that any extension to existing facilities should be the minimum size needed to maintain the viability of the cricket club and no larger."

2009/4494 ISLANDS THORNS ENCLOSURE

Presentment by Mr Brian Tarnoff on behalf of the New Forest Association

"We have noted in previous presentments the absolute mess that timber extraction in the Islands Thorns enclosure has left behind. The only response we had from the Deputy Surveyor related to unfortunate archaeological damage, but did not address the preventable hazards left for forest users.

This problem is still ongoing, and despite previous assurances, further archaeological damage has occurred, and felled timber is strewn dangerously in undergrowth. Also, the area by the track outside the enclosure has felled wood stored in a manner that has both destroyed grazing and caused at least one incident of hazard to the livestock.

This is in particularly stark contrast to the sensitive manner in which the nearby Howen Bottom stream restoration has been managed. Timber extraction being done from ornamental woodland on the open forest and the SSSI should be held to the same standards, especially as it is a revenue source for the Forestry Commission.

We ask the Verderer's to request that the Deputy Surveyor ensure that future work is carried out to a standard that is protective of the fabric of the forest and all forest

users, and also demand justification for the continued unnecessary thinning of this increasingly sparse ornamental woodland”.

2009/4495 **BASALT HOGGIN TRIAL**
Presentment by Mr Brian Tarnoff on behalf of the New Forest Association

“The Forestry Commission are currently trialling a new basalt grit based hoggin material as a car park surface at Longslade Bottom, Pig Bush, Turf Hill amongst others. We do appreciate that the Forestry Commission must seek more sustainable materials for car park maintenance. Apart from the aesthetic impact to the landscape of a more tarmac-like material, we are concerned that it is not chemically inert as had been stated by Forestry Commission. Another known use for basalt is in fertiliser, and could lead to unwelcome enrichment of the forest soil. We request that Verderers ask the Forestry Commission and Natural England for details of the monitoring procedures that are in place to observe and measure the trials, and what measures are in place for removal should the material prove inappropriate”.

2009/4496 **FORESTRY COMMISSION CONSULTATION**
Presentment by Mr Brian Tarnoff on behalf of the New Forest Association

“The NFA note that the Verderers have been invited to respond to the Forestry Commission’s Public Consultation on its future plans for the Public Forest Estate in England. The response document consists of quite loaded survey questions and slanted multiple choice answers, seeming to serve, in part, as a possible mandate for, amongst other things, fast conifer timber production and other potential cash generating activities. These items are questionably cloaked as creating renewable energy sources and fighting climate change.

Fast conifer timber production is not carbon neutral as represented, particularly if the end product is for fuel wood. This emphasis on conifer production is inappropriate for the New Forest, and we are wary that blindly adopted National policy could put additional pressures on our forestry.

The NFA would like to urge the Verderers to respond to the consultation with this in mind. And we would also suggest that all individuals consider responding, the closing date is 28th September 2009”.

2009/4497 **EXTENSION OF BURLEY CRICKET & FOOTBALL CLUB PAVILION**
Presentment by Mr Peter Goodwin, Chairman of the Burley Cricket & Football Club

Mr Goodwin explained the history of the application to extend the pavilion. The application first went before the National Park Authority and was granted in July 2007.

Prior to work commencing a Construction Method Statement was to be submitted and agreed with the NPA. In addition, proposals to protect the SSSI whilst work was undertaken and a survey of trees in order to prevent adverse affects was also required. In addition, a scheme to compensate and enhance the SSSI would be needed.

Earlier this year an architect was re-employed to progress the application and ensure compliance with all the conditions. The original negotiations took place with Mr Will Parke (retired) and Mr Goodwin said he thought everything had been agreed. The Club is, therefore, disturbed to now be told that it hasn’t.

Mr Goodwin also thought concern may have resulted from rumours of a scheme proposed by the Parish Council for a grand, much larger scheme to include a youth centre, sports pavilion and children’s day nursery.

Mr Goodwin assured the Court that the only application the Club has put forward is for the extension of its pavilion for the use of those playing cricket and football and in fact the original scheme has been scaled down. It is no longer intended to extend forwards with an enlarged entrance but just to enlarge the building sideways in order to accommodate an equipment store. This reduces the floor area, encroachment on grazing and of course also the cost.

The Parish Council has so far declined to give its support to the Club that has had a negative effect on applications for some funding grants.

Mr Goodwin hoped the information he has provided today will assist the Court in making a decision.

The Official Verderer thanked Mr Goodwin for coming and said that further written details will be required as to exactly what the Club is applying for.

IN COMMITTEE in the Library

APOLOGIES: Mr Adams gave his apologies as he had to attend a sick cow.

CONSIDERATION OF PRESENTMENTS

2009/4498 EXTENSION OF BURLEY CRICKET & FOOTBALL CLUB PAVILION RESUME

It was agreed that further details are required. The Deputy Surveyor said the Forestry Commission will seek direct dialogue with the Club. A meeting will be arranged which the Verderers were invited to attend.

2009/4499 SWAN GREEN CRICKET CLUB DISCHARGE

The Forestry Commission will contact the Club and express its extreme dissatisfaction in hearing that equipment is still being left on the Open Forest.

2009/4500 STONES & ROCKS AT POUND BOTTOM RECYCLING & LANDFILL SITE RESUME

The Clerk will write to the operators of the tip asking for the stones and rocks to be removed. The Agister for the area will be asked to take a photograph as evidence.

A copy of the letter will be sent to Hampshire County Council which licenses the facility as well as to the Forestry Commission.

2009/4501 ENTRY & SPEED LIMIT SIGNS, EXBURY TO BLACKWELL COMMON CATTLE GRID DISCHARGE

The Clerk reported that his matter is already in hand and the Highway Authority has undertaken to erect a sign.

2009/4502 BOLTONS BENCH CRICKET PAVILION – GRASS CUTTINGS & MANHOLE COVER DISCHARGE

The Clerk stated that she has already asked the Forestry Commission to contact the Cricket Club in connection with these matters.

2009/4503 ACCESS TO SOWLEY FORESHORE

RESUME

This issue was brought to the attention of the local Agister and the Clerk some time ago. The lane is private and the security gate was erected in order to protect the properties in the lane. Stock has access to the foreshore by other means.

The local Agister has a key and in his absence the Sowley Estate Keeper is always available in the case of emergency.

The Deputy Surveyor said he will investigate whether the Crown has any land holding in the area and advise the Clerk who will write to Mr Whapham. The Deputy Surveyor requested a copy of the letter.

2009/4504 ISLANDS THORNS

DISCHARGE

The Deputy Surveyor said that if there are hazards to stock in Islands Thorns, staff will go back to deal with the problems. He added that the New Forest Association would prefer no work was undertaken in the area. The Forestry Commission accepts the damage is unacceptable and has taken reasonable steps to prevent it. The contractors have been given a map but the Deputy Surveyor felt it is not the Forestry Commission's fault if things still go wrong.

The Court suggested the Commission take a bond from the contractor that will only be repaid if work is carried out without causing damage. The Deputy Surveyor undertook to look at into the contractual terms.

It was also reported that there are huge stacks of heather bales left on the track. They need clearing. In addition there are approximately 150 broken bales rotting in Pitts Wood. The Deputy Surveyor said he will follow up these complaints.

2009/4505 HOGGIN TRIALS

DISCHARGE

The Deputy Surveyor said the material used is inert and will not enrich the surrounding soil. Natural England is happy with its use and in other areas the Environment Agency has no problem with it being used close to watercourses. The Forestry Commission has recently responded to someone else following a letter which expressed concern at the use of the basalt material. He will let the Clerk have a copy of the response in order that the Official Verderer may reply to the NFA.

2009/4506 FORESTRY COMMISSION ESTATE CONSULTATION

DISCHARGE

Mr Tarnoff's comments were noted.

NEW SUBMISSIONS BY THE FORESTRY COMMISSION

2009/4507 BRAMSHAW GOLF CLUB LICENCE RENEWAL

RESUME

The Licence expires on 31st December 2009 and the Club is seeking to renew it for 25 years on similar but updated terms.

The Official Verderer declared a potential conflict of interest in this matter and took no part in the discussion.

Further copies of the proposal were requested by three Verderers. The matter will be considered further at the next Court when all Verderers have had an opportunity to look at the papers.

MATTERS ARISING OF CONCERN TO THE FORESTRY COMMISSION

2009/4508 LONGWATER LAWN DISCHARGE

Ms Sarah Oakley provided copies of the final version of the agreement dated 28th July together with associated maps. The work on the sewer has been removed from the latest proposals which have now been approved.

2009/4509 PRE-ERECTED TENTS AND PRE-PREPARED CARAVANS RESUME

The Official Verderer and Deputy Surveyor are still exchanging views and a way forward has yet to be agreed. It is hoped the matter will be resolved by next month.

2009/4510 PUBLIC FORESTRY ESTATES CONSULTATION DISCHARGE

Mr Pasmore kindly prepared a paper following his attendance at the recent seminar. The Official Verderer has also discussed the implications for the New Forest with Paul Hill-Tout (Director, England, Forestry Commission) and the Deputy Surveyor.

The Official Verderer will now draft a response to the consultation paper that will stress the importance of the Ministers Mandate which must be retained.

2009/4511 A31 FENCE RESUME

The Clerk reported that following discussions with the current sub-contractors responsible for the A31 fence, it is clear that the Highways Agency will not consider upgrading the specification of the fence.

The Court has held the view for many years that the current specification is inadequate and perhaps the matter should be referred to a higher level. It was agreed the Official Verderer and Clerk should discuss how to take the matter forward.

2009/4512 RAILWAY COMMUNICATIONS EQUIPMENT DISCHARGE

The Deputy Surveyor explained that it is now proposed to erect 3 masts rather than 4. The sites are one east and one west of Brockenhurst and one at Beaulieu Road Station. One requires a power source which will necessitate a cable across the Forest, the other two will be powered from the railway. A formal proposal from Network Rail is awaited.

2009/4513 MARKWAY RIVER DISCHARGE

The Deputy Surveyor said work is in progress. The gravel blockage has been removed and the timber pulled to one side. The surrounding land is wet due to the blockages and therefore work to remove the timber will be undertaken when the area dries out.

SSSI RESTORATION WORKS

2009/4514 WARWICKSLADE

DISCHARGE

Mr Pasmore has inspected the site and raised several issues with Ms Sarah Oakley. The drain from Holidays Hill is barely adequate and he suspects it will silt up, however, he did not suggest further work should be carried out at this stage. There are a number of trees across the stream, some of which may have been deliberately felled or laid in place. This was felt unacceptable and Ms Oakley has already agreed to the removal of a number of them where they are likely to cause blockages to the flow. The reason for leaving the remainder is that it is claimed they will provide fish shelters. Mr Pasmore pointed out that laying trees across the stream was not provided for in the original specification.

The work on both sides of the road has caused considerable disturbance. Fortunately the weather has been good but the Court agreed with Mr Pasmore that the area must be tidied up in the long term. In an attempt to prevent similar damage south of Brinkenwood Lawn, a railway track is being laid to transport fill. Again the laying of the railway was not in the original specification but it may prove to be beneficial in the long term in reducing damage which would otherwise be caused by large vehicles carrying material onto the site. It is a question of waiting to see if it works.

Mr Adams re-joined the meeting halfway through the following item.

2009/4515 HOWEN STREAM FILLING

DISCHARGE

Mr Pasmore had produced a report following his inspection of the site on the 12th August.

A lot of timber has been left which must be removed and the brash burned (points 1 and 2).

Virtually no clearing of the new channel has been undertaken in places and at the north and south ends water is likely to overflow onto the adjacent lawn. In some places, particularly the southern end, the channel is choked with bushes and other vegetation which is obstructing the flow and will inevitably cause blockages (points 3 and 4).

There is also a possibility that some clay holes may become apparent in future and this needs to be monitored carefully (point 5).

Cut heather has been scattered at quite a depth and Mr Pasmore was concerned it would inhibit the restoration of the turf and requested it be cleared up (point 6).

The water supply to the Eyeworth fields has reportedly dried up (point 7) but Mr Pasmore felt this is more likely to be a seasonal problem rather than a result of the works carried out on the Open Forest.

Mr Pasmore commented that again, some works have been carried out which were not in the original specification. To this the Deputy Surveyor, responded by saying that sometimes once work

commences, things do not turn out quite as expected and additional work is required, or sometimes it is felt beneficial that some of the proposed works should be deferred.

(Mr Adams joined the meeting)

The Deputy Surveyor said the FC is content that the stream is flowing in a natural course and is confident the restored site is working as intended. There is now a shallow winding channel through the valley instead of a deep straight one. He said issues numbers 1 and 2 will be dealt with this winter. As regards points 3 and 4 attempts will be made to get the flow going but it was never intended to completely clean out the channel. As regards the clay and possible future holes, point 5, the Deputy Surveyor entirely agreed that this must be watched and work to rectify any problems will be carried out.

As regards the spreading of heather (point 6), it was done to prevent poaching by cattle. The Deputy Surveyor said he is convinced the heather will not prevent restoration. The Forestry Commission has also received a complaint about the water supply to the fields (point 7), but it is not proposed to take any action in this respect at the moment.

ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2009/4516 TOURIST SIGNING

RESUME
November

A meeting, due to take place on the 21st October in Lyndhurst, is being arranged by New Forest District Council to agree a policy on brown and white signs. The meeting will be attended by the Forestry Commission and the Court has been invited to send a representative. The Clerk was asked to seek out the policy which was agreed some years ago by the Court in which it is stipulated that no brown and white signs should be erected on the Open Forest. Mr Montagu agreed to attend the meeting subject to any prior commitments.

2009/4517 DISTURBANCE TO STOCK FROM ENDURANCE RIDES

DISCHARGE

The Agisters have complained about an apparent increase in the number of endurance type horse-rides which are taking place in the north of the Forest, particularly around Stoney Cross. On one occasion a mare who was giving birth was subjected to some significant stress as riders passed by.

The Deputy Surveyor said there has been an increase in requests for permission for such rides this year and he wondered if it is due to a change in the membership of some organisations' committees. The Deputy Surveyor said it would be helpful to know about specific incidents and added that he will speak to Jayne Albery (who issues permissions) concerning the frequency of use in certain parts of the Forest. He hoped that in future, the respective committees will seek to spread the rides elsewhere.

2009/4518 NEW FOREST ACCESS FORUM – CYCLING IN THE FOREST DISCHARGE

Mrs Thorne expressed some concern that there appear to be discussions going on about potential new cycle routes through the Forest, without the Court having been approached. Although it is probably no more than a wish-list, the LAF is a formally constituted forum.

Mr Pasmore commented that this flies in the face of all the Verderers' policies, particularly those which seek to protect the quiet areas of the Forest.

The Court asked the Official Verderer to voice these concerns to Mr Foley, the Chief Executive of the National Park.

2009/4519 PARKING ON THE OPEN FOREST AT FRITHAM HOUSE DISCHARGE

Contractors working on Fritham House are again parking on the grass. The green needs protection. Mr Street visited the site 3 months ago and spoke to the contractors. Afterwards things got better but are now deteriorating. The area needs to be ditched. The Deputy Surveyor agreed this is a problem that needs to be resolved.

2009/4520 PARKING OUTSIDE THE ROYAL OAK PUBLIC HOUSE AT FRITHAM DISCHARGE

Illegal parking remains a problem with the verges all but destroyed. The Deputy Surveyor was asked if the Forestry Commission can get together with the proprietor of the Royal Oak, the planning authority and the Highway Authority, plus anyone else who needs to be involved in order to resolve this long standing problem. The Deputy Surveyor agreed and added that the pub needs a car-park.

2009/4521 CATTLE GRID AT WHITLEY RIDGE DISCHARGE

The Deputy Surveyor reported that a lot of work needs to be done to the track leading to the Hotel and the track to the Forestry Commission cottages. Mr Street is awaiting tenders for the work. The grid and fencing will be done at the same time as the track.

2009/4522 KNAVES ASH GAS REGULATOR BUILDING – ELECTRICITY SUPPLY DISCHARGE

Revised proposals for the electricity supply which includes a pole mounted transformer in a less conspicuous place and a different underground route for the cabling were agreed subject to the usual conditions regarding reinstatement, safe working conditions, compensation for loss of grazing etc.

ANY OTHER BUSINESS OF CONCERN TO THE NEW FOREST NATIONAL PARK AUTHORITY

2009/4523 QUAD BIKES ON THE FOREST DISCHARGE

It was reported that quad bikes have been seen on the Forest at Dur Hill. The Deputy Surveyor said he would make sure the local Keeper is aware.

2009/4524 ROADSIDE GORSE DISCHARGE

Gorse on the verge at Turf Hill on the opposite side of the road to the Pound Bottom landfill site has grown up and is now completely obscuring motorists view of ponies which could appear unexpectedly into the path of their vehicles. The Deputy Surveyor was asked if he could arrange for the area to be swiped.

Following the meeting the Deputy Surveyor confirmed this is included in this autumn's roadside cutting programme.

The Deputy Surveyor left the meeting.

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

2009/4525 HALE PURLIEU FALLEN TREE RESUME

Mr Pasmore confirmed that whilst the tree has been removed from the fence, the fence itself has not been repaired. The situation is now potentially worse than it was before. The Clerk will now pursue the owner of the fence to get it repaired.

2009/4526 IDENTIFICATION OF PONIES DISCHARGE

Now that the legislation is in force, the Clerk was asked to provide a written explanation of how it affects the commoners and their animals. It is understood that the Livestock Society and New Forest Pony Breeding and Cattle Society may have this already in hand.

2009/4527 KINGSTON GREAT COMMON RESUME

Mr Maton confirmed he has spoken to Mr Trotter of the NPA who would appreciate a meeting with the Official Verderer. Stock is reportedly escaping again through Mr Lowndes Forest boundary fencing.

2009/4528 THE LIFE ROSEBOWL AND THE ROWL KITCHER CUP RESUME
May 2010

The Performance Pony Competition did not take place and there were no stallion inspections this year. Unfortunately, therefore, there are no appropriate recipients for these trophies this year.

2009/4529 BENEFICIAL USE OF DREDGED SOIL – WIGHTLINK, LYMINGTON RIVER DISCHARGE

Mr Gerrelli reported that he attended a site meeting. There is a deep channel between the foreshore and the bank on which Wightlink is proposing to dump the dredged soil. For this reason, it is felt the dredging and dumping will not create a problem to stock. Wightlink has been advised.

2009/4530 CATTLE GRID MAINTENANCE DISCHARGE

The Clerk reported that the Highway Authority has advised that it has an extensive cattle grid programme underway at the moment and the cattle grids mentioned are on that list. They will be tightened down as

much as possible but in the next year or two they will be replaced with new.

The Heath Hotel cattle grid will be replaced in December (temporary repairs will be made until then) and the Portmore grid should by now have been repaired. The Blissford Hill grid should be replaced in the next few months and the Stuckton grid was to due to replaced in mid August under a road closure. The Hanger Corner grid should have been tightened down.

2009/4531 HYDE SCHOOL

DISCHARGE

Mrs Thorne and Mr Pasmore met the Headmistress and Architect to examine their proposals for a land exchange. The reasons are complicated and do not concern the Verderers but Mrs Thorne and Mr Pasmore were satisfied there is a genuine need. The School wishes to take a small area of common land and exchange it for an area of land of similar quality and area. The proposal does not accord with the Verderers' policy for value exchanges but it was agreed the Court would be ill-advised to adopt too hard a line on this in view of the "public service" character of the application. Any danger of precedent can be countered by the exceptional circumstances of the case which are unlikely to be repeated elsewhere.

The Court considered the report prepared by Mr Pasmore which is attached to these Minutes and agreed to the proposals subject to certain special conditions set out therein.

VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME

2009/4532 AMENDMENT TO THE RULES OF THE CSS

DISCHARGE

Proposals to improve control of stock numbers have been agreed.

2009/4533 HIGHER LEVEL SCHEME (HLS)

RESUME

On the 11th September, the Court received a presentation from Natural England on the implications of entering into a Higher Level Scheme Agreement.

After discussion the Official Verderer proposed that in principle the Verderers should go ahead and apply to enter an HLS agreement which will take the place of the current Countryside Stewardship Scheme which is due to come to an end in four years time. Mr Gerrelli seconded the proposal. With eight votes in favour of the proposal and two against, the motion was carried.

NEW FOREST NATIONAL PARK

2009/4534 NATIONAL PARK DRAFT MANAGEMENT PLAN

RESUME

The Court has been asked to comment on the draft management plan but felt that insufficient time has been allowed to consider it properly. The Official Verderer is meeting with the Chief Executive of the NPA tomorrow in order to go through the latest draft of the NP Management Plan, and he will communicate this message to him.

OTHER AGENDA ITEMS

There were no other Agenda items for consideration at this meeting.

MATTERS ARISING FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2009/4535 SSSI RESTORATION PROPOSALS DISCHARGE

It was noted that further proposals are forthcoming in respect of Pinnick Wood and Akercombe Bottom to Linwood. Mr Adams, Miss Macnair, Mr Maton and Mr Pasmore had attended a site meeting and the Forestry Commission's summary of that meeting is awaited. No report has been prepared for the Court because it was felt that most of the work is uncontroversial.

2009/4536 NEW FOREST CONSULTATIVE PANEL DISCHARGE

Mrs Katherine Chatters has a new position with Natural England and will be responsible for schemes to eradicate invasive plant species. Money will be available to landowners to assist them in this respect.

2009/4537 LOCAL ACTION GROUP (LAG) RESUME
December

Mr Tony Gerrelli offered to sit on the LAG (Local Access Group) if he is re-elected in November.

2009/4538 STOCK IN INCLOSURES RESUME

The letter from the Deputy Surveyor to the Official Verderer concerning stock in inclosures will be copied to Mr Adams.

STAFF MATTERS (including the Staff Committee)

There were no matters arising from the Staff Committee meeting

TRAINING

2009/4539 REFRESHER COURSES DISCHARGE

Some refresher training may be necessary once the health and safety review is complete.

HEALTH AND SAFETY AT WORK

2009/4540 HEALTH AND SAFETY REVIEW RESUME

The review is almost finished. The Head Agister and Clerk are now considering whether any additional training is required (see above).

ANY OTHER BUSINESS

2009/4541 VISIT BY THE HIGH SHERIFF OF HAMPSHIRE DISCHARGE

The Official Verderer reported that the High Sheriff of Hampshire, Mrs Clare Bartlett, will be attending the November Court. The High Sheriff presides over the Verderers' Election and she expressed a wish to see the Court in action prior to Election night.

2009/4542 CONTRACEPTIVE VACCINE FOR MARES

RESUME
December

Mrs Thorne reported that the Verderers' Veterinary Surgeon, Mr Ralph Ellis has continued to investigate the practicalities of using the vaccine in the Forest. Following discussions with Mrs Thorne and the Clerk he now feels a trial would definitely be worthwhile. Funding will be required as permission for a pilot study will have to be obtained in addition to the cost of the vaccines. It is thought, however, that the cost will not be unreasonable and the benefits, if the vaccine is a success, will mean it is money well spent.

The Court gave approval for the project to be taken forward to the next stage where costs for the pilot study will be confirmed.

The next newsletter will include a request for commoners to volunteer their mares for the study.

2009/4543 POUNDS

DISCHARGE

Mr Adams asked for letters to be sent to the various Forest organisations which have contributed towards the building and repair of the Forest pounds.

2009/4544 SEATS ON WATERS GREEN, BROCKENHURST AND OUTSIDE THE FIGHTING COCKS AT GODSHILL

RESUME

A new seat has appeared on Waters Green and it was questioned whether it is a replacement for a seat that has always been there or a new one. It is situated between the Local Authority housing and Auckland Road. There is also a new seat outside the Fighting Cocks. The Court does not usually grant consent for new seats on the Open Forest and the Clerk was asked to investigate the history of these two.

2009/4545 EXTENSION OF BURLEY CRICKET & FOOTBALL CLUB PAVILION

RESUME

The Official Verderer asked for a steer from the Court giving an indication of its views on this proposal taking into account the information so far available.

There is clearly some concern about this extension. It is felt there may be insufficient justification to enlarge still further a pavilion that was enlarged 20 years ago and is already the largest on the Open Forest.

The Court's policies are clear that proposals such as this would not normally be approved. However, an extension for an equipment store may be looked upon more favourably.

The Official Verderer thanked the other members of the Court for their guidance.

There was no further business and the meeting closed at 2.05 p.m.