

**MINUTES of the Court of Verderers held on Wednesday 18<sup>th</sup> September 2013 at 9.30 a.m. in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.**

PRESENT: Mr Dominic May Official Verderer  
Mr R Deakin Elected Verderer & Staff Committee Chairman  
Mr B Dowsett Forestry Commission Appointed Verderer  
Mr A Gerrelli Elected Verderer  
Miss D Macnair MBE Senior Elected Verderer  
Mr C Maton National Park Appointed Verderer  
Mr D Readhead Elected Verderer  
Mr R Stride Co-opted Verderer  
Mr G M H Mills DEFRA Appointed Verderer  
Mrs D Westerhoff Natural England Appointed Verderer

IN ATTENDANCE: Miss S Westwood Clerk to the Verderers  
Mr J R Gerrelli Head Agister

APOLOGIES: NONE

**IN COMMITTEE in the Library**

2013/6807 WELCOME TO HALLAM MILLS

The Official Verderer welcomed Mr Hallam Mills to the Court. Mr Mills responded by saying he considered it to be a great privilege to be appointed to the Court.

The Official Verderer went on to say that twenty people showed an interest in the voluntary post of Defra Verderer. Six applicants were interviewed with Mr Mills being the successful candidate.

2013/6808 MINUTES OF THE LAST MEETING RESUME

The Minutes of the Court held on Wednesday, 17<sup>th</sup> July 2013 were approved and signed by the Official Verderer.

2013/6809 DECLARATIONS OF INTEREST RESUME

The Official Verderer, the Elected Verderers, Mr Maton, and Mr Stride all declared an interest in the New Forest Higher Level Stewardship Scheme and the Verderers Grazing Scheme.

Mr Hallam Mills declared an interest in HLS Schemes as his Estate is in Higher Level Stewardship. The Estate is also involved in the Better Boundaries Project, run by the New Forest Land Advice Service with support from Natural England. He added that Mrs Mills is a participant in the New Forest Fit Club Boot Camp which operates at Rockford. Mr Mills is also a Patron of the New Forest Trust.

Mr Gerrelli declared an interest in campsites.

Mr Dowsett advised the Court that he is a Forestry Commission Voluntary Ranger.

Mr Stride reminded the Court that he is an employee of the Forestry Commission.

Mr Maton asked that it also be recorded that as a Forestry Commission contractor, he has been invited by the Forestry Commission to quote for clearing the former bombing ranges.

2013/6810 CONDITION OF STOCK

RESUME

The Head Agister reported that overall the condition of stock is very good. The drifts are well underway, with some being more successful than others. One of the reasons ponies have been difficult to catch is because they are so well! The condition of mares with foals is not quite as good. Miss Macnair commented that this was due to the cold wet spring; most of the mares foaled in May and lost a tremendous amount of condition before the grass came through in June. Any that are felt to be below the standard are being taken home.

The recent rain is very welcome, but the accompanying winds have resulted in the acorns starting to drop and already a pony has been lost from suspected acorn poisoning. The Agisters are in the process of marking pigs. The Official Verderer asked the Head Agister to remind the Agisters to tell commoners that fourteen days must elapse between pigs being inspected and turned out. This is essential for disease prevention purposes, particularly if pigs have been bought recently from market.

Cattle are also looking very well. The Head Agister, Mr Gerrelli, together with Mr Ferris, Chairman of the CDA, and two other commoners attended a meeting organised by the NFU to discuss the recent Defra consultation on bovine Tuberculosis and the badger cull. An interesting publication is available explaining why Defra feels the cull will be helpful and some copies were circulated. There are some useful facts in the booklet that it is felt the NFU should publicise more widely. Generally, the public has very little knowledge of the effects of TB on cattle, badgers, deer and other animals.

The Official Verderer asked whether the New Forest Notifiable Animal Disease Contingency Plan includes TB. He asked that the subject be included in the agenda for the next Staff Committee.

RD

2013/6811 STOCK LOSING CONDITION AND REMOVED FROM THE FOREST

RESUME

No animals were removed in July as a result of losing condition and only one mare was removed in August.

The total for the year is 340 compared with 209 to the end of August last year.

2013/6812 MARKING FEES RECEIVED THIS YEAR TO DATE

RESUME

	Forest	Common	Total
Ponies	4360	781	5141
Cattle	2502	912	3414
Donkeys	94	71	165
Pigs	17	35	52
Sheep	0	113	113

Total 8885

Ponies, cattle and donkeys on the Forest – 6956

Ponies, cattle and donkeys on the Common – 1764

Total Ponies, Cattle and Donkeys – 8720  
 MARKING FEES RECEIVED IN 2012 TO THIS DATE

	Forest	Common	Total
Ponies	4071	792	4863
Cattle	2278	879	3157
Donkeys	86	68	154
Pigs	0	105	105
Sheep	0	136	136

Total 8415  
 Ponies, cattle and donkeys on the Forest – 6435  
 Ponies, cattle and donkeys on the Common – 1739  
 Total, Ponies, Cattle and Donkeys - 8174

2013/6813 STOCK NUMBERS DISCHARGE

There is some concern at the increase in stock numbers. However, the Official Verderer felt that the decision not to pay for geldings under the VGS may dissuade some commoners from turning them out. He added that commoners need to bear in mind that the more animals are turned out, the less payment per head they will receive. Some members of the Court, however, felt this is not sufficient disincentive and it was pointed out that in some cases commoners have increased their numbers to the point that they will receive the same amount of money in total, if not more. At the moment the numbers are not perceived to be a problem. The animals look well and the Forest appears to be able to cope with the level of grazing. A lot of stock is taken off in the winter, and with the acorns beginning to fall it is expected that a lot of cattle and a significant number of ponies will be removed. It was also suggested that commoners may have turned out more stock this year because the dry weather resulted in a lack of grass at home.

Mr Mills enquired whether there is any way of measuring the quantity of forage on the Forest. The Head Agister remarked that this has never been done and that he could not think of a method of undertaking such a task over such a vast area with such varied habitat. Mrs Westerhoff added that she believes some limited work was done in the past.

2013/6814 BYELAW ENFORCEMENT RESUME

There are no byelaw issues at present.

Two strong bull calves which were at large in the Bramshaw area for a short period, but the threat of loss of VGS payment resulted in their removal.

2013/6815 ANNOUNCEMENTS AND DECISIONS RESUME

The announcements and decisions were approved.

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

IN ATTENDANCE: Mr Mark Street, Area Land Agent (New Forest)  
Miss Melissa Jones, Assistant Area Land Agent (New Forest)

APOLOGIES: Mr Mike Seddon, Deputy Surveyor of the New Forest (DS)

**ANNOUNCEMENTS AND DECISIONS BY THE OFFICIAL VERDERER**

2013/6816 PAT THORNE, RETIRED DEFRA VERDERER

Pat Thorne has retired as the DEFRA-appointed Verderer. She served the maximum 10 years allowed for a public appointment, and this is a mark of her worth to the Court. Pat was very hard-working, diligent and detailed. She fought hard to retain hot branding, and was instrumental in persuading DEFRA that hot branding should not be banned. She wrote many papers for DEFRA, both justifying hot branding and fighting misinformation from those trying to ban it. Even after retiring as a Verderer this summer, Pat is continuing her hard work until the proposed DEFRA code of practice on hot branding is complete.

Within the Verderers, Pat sat on the Staff Committee, Remuneration Committee, Stallion Committee, Bloodline Committee, and the VGS Management Committee. Pat also represented the Court on outside bodies including the Access Forum, the Equine Forum, and also the New Forest Consultative Panel. This is the unsung and unglamorous part of being a Verderer, and remember, it is all voluntary.

On behalf of this Court, I thank Pat very much for her long service.

2013/6817 HALLAM MILLS, NEW DEFRA VERDERER

Pat's replacement as DEFRA Verderer joins us today for the first time. I would like to welcome Hallam Mills. After a 30-year career in the oil industry, first with Total, then with Shell, since 2006 Hallam has been running the 4,000 acre Bisterne Estate. He has recently completed his year as High Sheriff of Hampshire, and is involved with many other voluntary activities, both locally and nationally. He is currently converting his Friesian-Holstein herd of cows to a grass-based model, with improved health and high milk constituents, leading to sustainably profitable farming and increased soil quality. He has just completed a complex Better Boundaries project in partnership with the National Park and Natural England. Past projects on his Estate include an extensive breeding wader-bird scheme, new hedges, nectar strips, field corners and small new plantations. Welcome, Hallam.

2013/6818 PRESENTMENT BY MRS MARGARET BUNYARD

We are grateful to Mrs Bunyard for drawing to our attention in the July Court to a report written by Mr Tom Langton regarding proposed wetland restoration work at Latchmore and other sites. We are also grateful for Mrs Bunyard's statement that the Friends of Latchmore are not against restoration per se.

2013/6819 GELDINGS TURNED OUT ON THE FOREST & COMMONS

We have decided that geldings make no contribution to the New Forest pony breed. They often interfere with the stallions when they are turned out. They increase the pressure on grazing. It is therefore considered no longer appropriate to provide a financial incentive to depasture them. It was agreed by the Verderers that no annual VGS payment should be made for geldings with effect from the next Verderers' Grazing Scheme year starting 1st March 2014.

2013/6820 ANIMALS REMOVED BY THE AGISTERS

Some commoners are very good at fetching their animals in when losing condition, either by themselves or helping the Agister to do so. However a few commoners do not fetch their animals in, despite a request from the Agister. May I remind all commoners that it is not the Agisters' job to remove your animals from the Forest. As an encouragement to those who refuse to take their own responsibilities seriously, the Verderers have decided to increase the penalty for any animal removed by the Agisters to £150.00 which will be deducted from the annual VGS payment.

2013/6821 WPC ALISON TILBURY

It is with regret that I have to report that Alison is shortly to retire from the Police Force and this is the last Verderers' Court that she attends in her official capacity.

Alison has been a WPC for 30 years and a wildlife crime and equine liaison officer for the majority of her career as initially horses came under wildlife. Alison joined the Police in 1983 at Portsmouth and caught her first deer poachers in Stamshaw whilst in her probation period. She dealt with pony racing on the Eastern Road at Portsmouth during the mid. 80's, coming over to Hythe in late 1987 and she has been in the Forest ever since. Alison took over the police attendance of the Beaulieu Road pony sales in 2000. Additionally, she is a member of the Hythe Safer Neighbourhood Team and is the beat officer for Beaulieu.

Because of Alison's personal interest in the local community in the New Forest and commoning, being a commoner herself, Alison has always been very keen to assist with any issues involving crimes affecting local people and issues concerning the commoners and their animals.

Alison has often put herself out to identify vehicles involved in hit and run accidents. As a result of information she has obtained, when interviewed, and faced with evidence so carefully collected by her, a number of drivers have quickly realised it would be in their best interests to confess their guilt. Over the years Alison has ensured that several hit and run drivers have been successfully prosecuted.

We are very sorry that Alison has decided to retire but we fully understand her reasons. I know that Alison has lots of plans for things she wants to do with all the extra time she will have and we wish her a long and happy retirement.

**ANIMAL ACCIDENT REPORT**

2013/6822 THE ANIMAL ACCIDENT REPORT FOR JULY & AUGUST 2013

In July the Agisters attended 16 accidents in which 8 animals were killed and 3 were injured. 4 ponies were killed, 1 of which was wearing a reflective collar. 7 accidents occurred in daylight. 15 cars or light commercials were involved. 1 driver failed to report the accident. 11 of the motorists involved were local.

In August the Agisters attended 10 accidents. That number is down on the 13 in August 2012. 5 animals were killed and 2 injured. 7 out of the 10 accidents occurred in daylight. 8 vehicles were cars or light commercials and 2 drivers have not reported colliding with a Forest animal.

The total number of animals killed and injured up to the end of August is 59. This compares with 37 in 2012.

I do not propose to read out details of all 26 accidents. However, I can tell you how many

accidents occurred on which roads. We specifically collect and analyse details of accidents on the roads in the Forest which have the worst accident record. I have often heard it said that collecting data doesn't save animals, but what it does do is help the Police to decide where speed enforcement operations may be most beneficial, and it assists Hampshire Highways' in deciding where best to direct other accident reduction initiatives. The changing signs on the B3054 would be an example of the latter where help from the National Park Authority was also gratefully received.

During July and August, the statistics, road by road, are therefore, as follows:-

On the B3054 between Lymington and Beaulieu there were 4 accidents.

On the B3078 between Brook and Godshill there were 5.

There were 3 accidents on the B3079 through Bramshaw.

One accident occurred on the B3055 between Stockley and Hatchet Pond and another at Balmer Lawn.

On the B3055 west of Brockenhurst, there were two accidents, one at Marlpit Oak and the other at Latchmoor.

There was an accident on the C10 east, on the way up the hill to Wilverley and on the C10 west there was an accident at the junction with the road to Crow and on the other side of Burley another accident occurred at Goatspen.

Other accidents occurred in Beaulieu, at Barrow Moor, Bolderwood, Linwood, Appleslade not far from the Red Shoot, Moonhills and Mogshade.

So far in September we have had 8 accidents. A pony mare wearing a reflective collar has been killed and a foal and a calf injured. 3 animals were uninjured and 2 have not been found.

Referring to the Official Verderer's announcement concerning WPC Alison Tilbury, I would like to add my personal thanks to you Alison, and also to thank you on behalf of the office and Agisters for the great deal of help and very good advice that you have given us over the years. We are very sorry you are retiring.

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

There were no Presentments from the Forestry Commission today

## **PRESENTMENTS**

2013/6823 CYCLE EVENT - NEW FOREST FALLEN LEAVES (Mountain Bike – 'Blast' on 8<sup>th</sup> December 2013) Presentment by Mr Richard Deacon on behalf of the New Forest Commoners' Defence Association

The Wiggle Organisation (or UK Cycling Events) are expanding their growing domination of cycling events within the New Forest with a 35 mile long 'Fallen Leaves' Mountain Bike & Cyclocross event on 8<sup>th</sup> December 2013.

This event differs from their other long distance cycle events by not being run on the public road. Instead, the waymarked gravel tracks of the Forest which come under the jurisdiction of the Forestry Commission and the Verderers, will be used. The precise route can be found on the Wiggle website, just click onto the 'Fallen Leaves' logo. These waymarked tracks were created for quiet recreational cycling, with the permission of the

Verderers and their use is subject to the Forest Byelaws, which include a 20 mph speed limit. The Fallen Leaves Mountain bike 'blast' as is specified in the Wiggle invitation literature, will clearly contravene these criteria and should not be permitted on the Forest tracks.

Notwithstanding the assertions of the organisers – UK Cycling Events, that these cycle events are not a race, anyone observing the arrogant and aggressive behaviour of many of the 700 participants in the event last Friday, that ploughed through the Sluffers Drift in two directions, out and back, can be in no doubt that all riders are intent on going as fast as possible both against each other and the clock – a race in other words. The participants are all issued with a microchip badge/wristband much as is used in UK marathons and triathlons. Individual times are recorded, published and ranked, - gold, silver or bronze, to facilitate easy recomposition into a precise ranking within each of several ability ranges.

The CDA must express concern at the growing intrusion into the working life of the Forest caused by these unwelcome cycle events. **Unlicenced racing of cycles is contrary to UK law.**

The scheduled 8<sup>th</sup> December event is contrary to the spirit in which approval was granted for quiet recreational cycling in the New Forest and will clearly fail to meet the Forest Byelaws. The event should not be allowed to proceed and we ask the Verderers to intervene to this effect.

2013/6824 CYCLE EVENT - NEW FOREST FALLEN LEAVES (Mountain Bike – 'Blast' on 8th December 2013) Presentment by Mr Tony Hockley, Chairman, New Forest Equestrian Association

I would like to make a presentment to the Court on behalf of the New Forest Equestrian Association (NFEA).

The NFEA Committee is extremely concerned that the Forestry Commission appears to have agreed once again to licence a timed mountain bike and cyclo-cross sportive in which riders are encouraged to try to achieve awards for speed. The next such event is scheduled for 8<sup>th</sup> December, and once again is bigger than its predecessor.

The Court will be aware that the Forestry Commission byelaws impose a 20 mph speed limit for vehicles. In last year's sportive several competitors achieved this as an average over the entire 40 mile route. Such speeds are, we believe, unsafe on the Open Forest and incompatible with a byelaw that prohibits any sport that will "*disturb peaceful use of the Forest or endanger the public or animals*".

The cycling charity Sustrans has produced a Code of Conduct for shared use paths. This Code is supported by British Cycling (sponsor of the Wiggle) and the Cyclists Touring Club (CTC). The Code states that:

*"The tranquillity of these paths is something people value greatly, and all path users need to respect this. Cyclists tend to be the fastest movers on these paths, but the paths aren't suitable for high speeds so it's important to keep cycling speed under control. Remember that they are for sharing, not for speeding. If you wish to travel quickly, train for fitness or record personal best times, this is better done on quiet roads".*

We wholeheartedly agree. Forest paths are certainly not the place for speed-based events. These represent a prime example of the "*boisterous* uses of the Forest referred to in the Verderers definition of tranquillity.

2013/6825 THE FUTURE OF THE PUBLIC FOREST ESTATE & THE FORESTRY COMMISSION  
Presentment by Mr Peter Roberts, Chairman of the New Forest Association

I am Peter Roberts, chairman of the New Forest Association. This presentment may seem a little belated as it refers to your policy paper on tranquillity announced last year. We wish to endorse that Policy as it goes to the heart of the way that the New Forest should be perceived – it is a place where peaceful enjoyment by visitors and locals alike can be achieved. This ties in with the National park guidelines as to appropriate recreation and care of the area. We would like to see the Forestry Commission and their successors commit to your policy as well as the National Park Authority.

It is perhaps worth reminding those present of your definition of tranquillity 'An absence of disruptive human noise and activity, which allows quiet contemplation and appreciation of the landscape, sounds and wildlife of the Forest and the opportunity to experience solitude.'

The essence of continued recreational use of the Forest must be moderation. It is not capable of hosting large numbers of people for whatever type of event in the same place without considerable disruption to wildlife and further erosion of tranquillity. We commend the Verderers paper on tranquillity and ask all that care about this Forest to adhere to its principles.

Not unconnected with this many will be aware that there is a unique opportunity to influence the way that the New Forest is run by responding to the consultation on the Public Forest Estate. It is vital not only that the New Forest Acts are preserved in the new legislation, and be in no doubt – there will be new legislation – but also that the principles behind the Minister's Mandate are incorporated.

If we do not make appropriate representations now, there is a chance that much will be lost by a new national Act. It is worth recalling that following a similar Act in 1968, there was a need to repair the damage by introducing a new Bill which became the 1970 New Forest Act to protect all that our predecessors cared about.

We will post our response to the consultation on our website shortly or copies can be obtained directly from me.

On a personal note, in the past I was the Verderers' representative dealing with matters concerning cycling. I can state that there was never any question of cycle races being held on the waymarked cycle tracks. I confirm that during a recent conversation with the Deputy Surveyor he agreed that at the time the waymarked route was agreed, the idea of events being held on those tracks hadn't even been thought of.

2013/6826 ABBOTS WELL POST  
Presentment by Mr Richard Deacon

The traditional oak marker post at Abbots Well, Frogham, delineating the turn in the boundary between Forest and Common has fallen after some 74 years of service. The site of the same post also relates to part of the boundary of Ogdens Purlieu, dating back to the 1600's and Mr Okeden, who held Moyles Court at that time, before the manorial seat relocated to Somerley House.

The CDA in consultation with representatives of the FC, NPA and Hyde Parish Council would like to see the post re-instated. Indeed, the FC has provided a suitable length of mature oak from which a suitable marker post has been shaped. Photographs of the proposed replacement post and the excavated top of the residual stump of the former marker (to ensure the precise location) have been lodged with the secretary to the Court for your review later today.

The work to-date has been carried out by Messrs Peter Brown and Dennis Ings of Frogham who have been responsible for the reinstatement of the traditional headworks of some of the old Forest wells, the nearest being Abbots Well itself.

The CDA involvement, apart from erection of the new post, involves marking up the post with suitably branded wordage each facing the immediately relevant part of the landscape. The words to be used are as follows: Abbot's Well; Caroline's Well; Forest and Common, one item each on the four sides of the post. The 'Abbot's Well' sign will face towards the spring on the north side of Hyde Common and 'Caroline's Well' will face towards the well immediately to the south side. The words 'Forest' and 'Common' will face east and west respectively.

'Caroline's Well' served what is now Ogdens Farm where Caroline (nee Miss Penton) once lived. The well presence would have been a pre-requisite to the building of a cob cottage in which she lived after marriage. Her presence in Hyde/Frogham has been marked before with a 'Caroline's Path' shown on early maps of the area and presumably the Penton's Hill Lane, still used today, has some relevance.

The NPA propose to lay a mobile phone bead on the new marker, so that visitors can call up a potted history of the area whilst standing at the site. One thing is for sure, the site must be blessed with possibly the strongest signal of anywhere in the Forest.

The CDA now seek the Verderers' consent to proceed with the proposal.

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

#### **CONSIDERATION OF PRESENTMENTS**

2013/6827 CYCLE EVENT - NEW FOREST FALLEN LEAVES (Mountain Bike 'Blast' on 8th December 2013) RESUME

Following the last Court, the Clerk wrote to the Deputy Surveyor expressing the Court's concerns about this event. Mr Tucker's response does not, however, allay the Court's concerns.

The Court is of the view that permitting this type of event to take place on the waymarked cycle route is against the spirit in which the consent for the tracks was originally granted. At the time such events did not exist and the Court would never have agreed to such pressure on the Open Forest.

The Court is also concerned that the Forestry Commission does not enforce the 20 mph speed limit which has clearly been ignored if cyclists have 'averaged' 20 mph. Mr Hockley's Presentment referred to the wording contained in Sustrans Cycling Code of Conduct on shared-use paths. This event clearly flies in the face of that Code. Mr Street commented that he believes the Code only applies to non-event cycling activity.

Mr Street went on to explain that the Forestry Commission has discretion when it comes to enforcement of its byelaws. He reiterated what Mr Tucker said in his letter - that specific conditions are included in all permissions for recreational activities. He added that no approach has yet been made to the Forestry Commission by the organisers of the Fallen Leaves event to ask for permission.

It is understood that the organisers of the Fallen Leaves event have removed reference to 'blasting around' which is welcomed but it does not

alter the fact that the waymarked cycle routes were never intended to be used for such large scale events.

Mr Street said that the Forestry Commission is able to vary its byelaws. He cited vehicles being permitted on the Forest under certain circumstances as an example. He added that taking offenders to Court is in any event extremely expensive and the outcome can never be guaranteed.

The view of the Court, however, remains that such large cycling events should not take place in the Forest. The organisers must accept responsibility for the environment which is affected by their event. Large scale cycling events give nothing back to the Forest and they represent intense activity for which no amount of money can compensate.

It was decided that a policy should be drawn up which stipulates the type and scale of cycle event that the Verderers consider is acceptable in the Forest. Mr Mills suggested creating a 'screening list' against which proposed events would be judged. The Verderers should stipulate what is acceptable, what is not acceptable and why. The document should then be published. The Official Verderer suggested a small sub-committee should meet to discuss and draw up a policy for ratification by the Court. Mr Dowsett, Mr Mills and Mrs Westerhoff all expressed an interest in forming the committee which was agreed unanimously.

Action  
BD, HM &  
DW

Mr Dowsett then went on to report on the recent meeting which he attended which was organised by the National Park Authority. The meeting was attended by representatives of the local cycling event organisers and other interested parties including the Forestry Commission and the Verderers. The purpose of the group is to produce two documents. The first being a Cycling Code for leisure cyclists wishing to enjoy the Forest, and the second being a Charter for cycling event organisers. Work on both documents is progressing well, but the group decided that details will not be made public at this stage. Mr Dowsett said that it is clear that cycling events nationally are here to stay. You only have to look on the internet to see the huge number of events which are held all over the country. Cycling is supported by the Government as an eco-friendly way of travelling and a healthy activity that is to be encouraged. The New Forest is an attractive area to which cyclists will naturally wish to come to enjoy. Most cyclists are considerate and co-operative. Sadly, there is a minority of extremely militant people who feel it is their right to cycle on the roads and on the forest, and run whatever events they wish. Sportives are not classified as races and therefore they do not need any sort of permission if being run on roads. The challenge for the Forest is to try to manage cycling such that other people wishing to enjoy the area can do so without interference and management activities such as the drifts which have been undertaken for decades, can continue safely. Mr Dowsett said that all those who attended the recent meeting did accept that the drifts are important but a certain element of cycling interests made it clear that they are unwilling to fit around the drifts. They observed that there is a drift virtually every weekend between mid-August and the beginning of November. Mr Deakin remarked that that may be so, but that there is rarely more than one day taken up with drifts over each weekend. The Court unanimously agreed that essential management of the working Forest must come before recreational activities.

The Official Verderer referred to a recent incident on the Culverly Drift, where two people were cycling across Culverley Plain in the middle of a drift, but they refused to move out of the way. Fortunately an accident was avoided. Three FC staff were present at the Culverley Drift, and it is illogical for FC staff to ignore illegal cycling when the drift is on, particularly when these two people were illegally cycling off the waymarked cycle routes, and were clearly compromising the safety of both themselves and riders on the Drift.

The Official Verderer went onto say that so far this year, the closure of car parks and cycle routes on the morning of the drifts has worked very well. However, there is still a need to sort out cyclists that are cycling illegally off the waymarked cycle routes. Mr Street said that when the Rangers and Keepers are attending a drift, then their actions towards illegal cyclists should be different and they should be engaging with them to explain where they may and may not go.

Mr Deakin expressed the view that both the Forestry Commission and the Verderers are required under Health and Safety legislation to do everything practicable to ensure the safety of the public and those taking part in the drifts.

A further letter setting out the Court's continued concerns will be drafted and sent to the Deputy Surveyor, requesting specifically that the Forestry Commission refuse permission for the Fallen Leaves event on 8<sup>th</sup> December.

Action  
OV/Clerk

2013/6828 ABBOTS WELL POST DISCHARGE

The Court raised no objections to the proposal to replace the Abbots Well post. Mr Street was also happy for the work to proceed.

#### **NEW SUBMISSIONS AND OTHER MATTERS RAISED BY THE FORESTRY COMMISSION**

2013/6829 WATER TOWER REPLACEMENT, ROUNDHILL CAMPSITE, BEAULIEU DISCHARGE

Further to the granting of consent for the replacement of this tower, an approach has been received from Sembcorp in relation to some additional works that are required in order to maintain water supplies to Beaulieu and the surrounding area whilst the main water tower replacement is carried out.

In essence Sembcorp has discovered that their records of pipe sizes are incorrect which means that if the system runs at the current pressure it will not be possible for them to maintain a satisfactory water supply to Beaulieu. As a result, additional infrastructure is required in three separate locations, which is for the most part underground, needs to be installed. Sembcorp would like these additions to remain in place on a permanent basis.

The Court considered the three proposals which involved work at the water tower itself, Sway Reservoir and Setley. The proposed works at the Sway Reservoir (Plan 1) and the tower (Plan 3) were approved subject to the three standard conditions of safe working conditions, satisfactory reinstatement and compensation for loss of grazing. The proposals for Setley (Plan 2), however were refused due to the amount of new pipework and number of additional chambers that are required to be sited on Open

Forest. It was suggested that the works could be moved to the verge of the nearby A337, or the triangle of land at the junction of the road opposite. Mr Street will take this suggestion back to Sembcorp and the matter will be resumed at a later date.

Action MS

2013/6830 REPLACEMENT OF VOLUNTARY DONATION METERS

DISCHARGE

The Forestry Commission wishes to replace voluntary donation meters in 8 car parks. Attrition due to vandalism and ageing technology has led to depletion of these meters. The FC intends to replace the meters at Bolderwood, the Reptile Centre, Blackwater, Wilverley (x 2), Whitefield Moor, Hatchet Pond and Boltons Bench. The meters will be inserted into the existing PIP infrastructure.

Subject to funding, the FC may also take the opportunity to change some of the interpretation within the information panels to take into account the refreshing of the meters and the opportunity to reinforce messages around protecting the Forest, although this may not occur at the same time.

The new meters will be solar powered and technologically up to date, but will not require any additional services to them.

The Court was happy to approve the proposals, but asked for further details of the solar panel if the appearance is significantly different. The Court agreed that Mr Dowsett should liaise with Mr Gary North (FC) and if he is happy with the design then the replacements may go ahead.

Mr Street confirmed that people are very happy to contribute via the meters and often ask what they should do if the meters are not operating. The Court enquired how much the meters raise each year and if the information is available, on what it is spent.

2013/6831 ICE CREAM SALES

RESUME

There was some confusion about which vans visit multiple sites and the Court asked for clarification. The siting of two of the vans was also queried. The Wilverley van is parked on grass and it was suggested it should go on the hard standing of the car park. The Bolderwood van is supposed to be in the inclosure, but is always in the car park. The latter was not a particular concern of the Court, but it was agreed by Mr Street that the details in the application and licence should be accurate. The matter will be resumed at the October Court.

Action MS

2013/6832 SSE PROPOSED UNDERGROUND ELECTRICITY SUPPLY TO SKYLARK FARM, COACH HILL, BURLEY

DISCHARGE

The Official Verderer declared an interest in this submission on the grounds that the applicant had discussed it with him personally, and he left the room.

The request for a new underground cable from an existing pole was approved subject to the usual three conditions.

2013/6833 SSE PROPOSED UNDERGROUND ELECTRICITY SUPPLY TO DISCHARGE  
NETHERWYLDE, NEW GROUNDS, GODSHILL

The request for a short length of new underground cable to provide an additional electricity service at this location was agreed subject to the usual three conditions.

2013/6834 PROPOSED COMMUNITY BUILDING, FOREST FRONT RECREATION DISCHARGE  
GROUND

Technically this land still falls within the New Forest perambulation and is subject to common rights. Practically, however, it has not been grazed for many years. The location does not lend itself to grazing of livestock because it is cut off by the A326.

A management licence for 60 years was granted in 1967 for 31.37 acres of land. Rights included laying out playing fields and camping grounds and the right to construct buildings for clubhouses and youth and similar organisations. The licence was granted to allow the area to be managed for the benefit of the local residents. The current use includes a nature reserve area, playground and sports pitch. The licence was assigned to the Parish Council from New Forest District Council in 2001.

A request for consent to build a new single storey community building with an approximate footprint of 200m<sup>2</sup> has now been received.

The Court gave careful consideration to the proposals. However, it was agreed that it is desirable to resolve the issue of a piece of land which remains subject to common rights, but is not available for grazing.

The Court therefore decided to withhold consent for the time being and asked the Forestry Commission to investigate the possibility of a formal land exchange. Mr Street agreed to look into the feasibility of this suggestion.

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

2013/6835 HIGHWAY REPAIRS RESUME

A paper entitled Working on Roads in the New Forest was circulated to members of the Court. It is proposed that this paper, which forms a set of instructions as well as information, will be handed to all Hampshire County Council Highways contractors working within the Forest. It is hoped that the new instruction/information paper will stop some of the damaging works that have been undertaken in recent months. Members of the Court were asked to consider the content of the paper and bring back any comments to the October Court. This paper will be referred to in the main Maintenance Agreement which is still being drafted.

Action  
All Verderers  
MS

#### **LINWOOD ROAD**

It is understood that Mr Richard Deacon, commoner, who lives in Linwood Road, may have met with one of the Highway Engineers recently. Mr Deakin said that he hoped that the Engineer would consult with the Court prior to undertaking any work on the edges of the road.

#### BALMER LAWN ROAD

Works under and adjacent to the railway bridge - Mr Deakin repeated his earlier opinion that the work on the Balmer Lawn Road where it passes under the railway line should have had consent from the Verderers. Whilst it is accepted that something needed to be done to repair erosion of the road edges at this location, the result is very urbanising and in future the Court expects to be consulted on such works, prior to them being carried out. Consent from the Forestry Commission is also probably required. The Clerk will send an email to Mr Richard Bastow at Hampshire County Highways Department setting out the Court's concerns.

Action  
Clerk

#### B3054 BEAULIEU TO LYMINGTON

The Official Verderer reported that a road sweeper was driven along the road and some of the stones from the recent re-surfacing were removed from the verge. However, it was rather late. In future, if top dressing is to be undertaken, Hampshire County Highways is requested to ensure that the road edges and verges are swept much more quickly, before too many chippings end up on the verges. The Clerk was asked to email Richard Bastow on this subject as well.

Action  
Clerk

#### LUCKY LANE, PILLEY

Mr Gerrelli reported that a new water main has been laid in Lucky Lane. However the trench has been in-filled with hoggin only. The correct method of working whereby the turf is stripped, put to one side and placed back in situ when the trench has been in-filled has not been followed. The road surface has also been extended. Mr Street will contact Sembcorp.

Action  
MS

2013/6836

#### 40 MPH ROUNDELS

DISCHARGE

The Clerk read from a response she received from Mr Richard Bastow at Hampshire County Highways Department....

'In answer to your question re the placing of roundels; within the New Forest 40mph zone we have specific approval and authorisation from the Department for Transport for the use of roundel markings rather than repeater signs in recognition of the unique nature of the area. This is because use of the roundel carriageway marking is a departure from the requirements of the Traffic Signs Regulations and General Directions which would normally require signs mounted on poles or other street furniture.

The 40mph roundels within the New Forest 40mph zone are, in the main, placed at regular intervals of not more than 500m. Although there are some locations where the Department for Transport authorisation is less flexible and requires roundel carriageway markings to be placed at specific locations. The roundels are intended to be a regular reminder of the speed limit.

The requirement for signing, and in this case carriageway marking, a speed limit is that this reminder should be placed at regular intervals up to a maximum distance dependant upon the posted speed limit. as detailed in Chapter 3 of the Traffic Signs Manual.

The above may mean that some are placed on the approaches to bends but they should also then appear on the longer straight stretches.

It could possibly be argued that having a roundel near a speed reducing feature, such as a bend, means that it is more likely to be seen by a driver'.

2013/6837 A31 FENCING WORKS INCLUDING VGS FUNDING OF FENCING DISCHARGE  
UPGRADE

The work that was agreed at the last Court does not appear to have commenced yet despite it reportedly being urgent.

Mr Gerrelli expressed concern about the VGS funding the fencing upgrade. The Official Verderer said it would be discussed further once the Highways Agency's contractors, Enterprise Mouchel, has provided the costings.

2013/6838 DRIFT MANAGEMENT DISCHARGE

The new signs have been purchased and are in use. The new drift management system is working well.

2013/6839 DRIFT FENCING DISCHARGE

Foxhunting Inclosure needs some stock fence or post and rail added. This will be referred to the Staff Committee.

2013/6840 REPAIRS TO HAMPSHIRE COUNTY COUNCIL HIGHWAYS FENCING RESUME  
OF THE A ROADS

A satisfactory response to the complaint that many repairs are sub-standard is still awaited. Action Clerk

2013/6841 VINNEY RIDGE TO BLACKWATER DRIFTWAY DISCHARGE

Mr Stride reported that the drainage that can be done, has been done. However, it has not resolved the problem. The proposal now is to move the (Dames Slough) fence by a chain or so in order to create a driftway where the ground is a little drier. In turn this should help protect the mire, but if additional mire restoration work is required, it could be a project under the HLS.

2013/6842 LYNDHURST SEWAGE WORKS SCREENING RESUME

Further information is awaited. Action MS

2013/6843 NEW FOREST NATIONAL PARK AUTHORITY – LANDSCAPE ACTION DISCHARGE  
PLAN

Mrs Westerhoff said she is pleased to report that the NPA appears to have taken into account almost all the Verderers' comments.

## SSSI RESTORATION WORKS

2013/6844	SNAGGING LIST	RESUME
	<p>It was reported that a new debris dam has appeared close to the bridge in Queen's Bower. It was originally agreed that this stream would be kept clear of dams to protect the adjacent lawn and the Forestry Commission is asked to clear the blockage as soon as possible</p>	
2013/6845	PROPOSED CHANGE TO ACCESS STRUCTURES AT AMBERSLADE AND BROOMY INCLOSURE AS PART OF THE REMEDIAL WORKS	DISCHARGE
	<p>The proposals shown on the revised map provided by the Forestry Commission, which included the replacement of a wooden bridge with a vented causeway, were approved.</p>	
2013/6846	CLIVE CHATTERS' OBSERVATIONS ON THE REPORT BY TOM LANGTON (MAY 2012) ON THE LATCHMOOR PROJECT	DISCHARGE
	<p>It was suggested that Mr Chatters may like to make a presentment at the next Court.</p>	Action DW

## ENCROACHMENTS

2013/6847	ENCROACHMENT LIST	RESUME
	<p>An updated list was provided. The Forestry Commission is successfully abating a number of illegal encroachments, mostly involving fences, new gates and unauthorised resurfacing of land belonging to the Crown.</p>	

## ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2013/6848	FALLEN TIMBER	RESUME
	<p>The Verderers' Staff Committee has three criteria which, if met, results in a request for fallen trees to be removed. They are as follows....</p> <p>If the tree is...</p> <ul style="list-style-type: none"><li>• A danger to Forest stock</li><li>• Blocking tracks</li><li>• Damaging the grazing</li></ul> <p>An oak at Parc Pale has been removed, but a considerable amount of brash has been left which is damaging the lawn.</p> <p>The Denny Lawn tree is apparently due for removal this week.</p> <p>The Court asked for clarity as respects the rules for clearing deadwood from the Forest. Mrs Westerhoff said there was an amendment in the SAC plan covering this subject and the Clerk was asked to find the plan and the amendment. Mr Stride felt the SAC plan needs to be revisited as in his opinion the amount of dead wood left lying on the Forest is unacceptable. Everything now gets left. Fallen trees are just pushed to one side. The Court agreed with Mr Stride and it was pointed out that some of the wood is health and safety issue. On a recent drift, a rider collided with a piece of spiny oak which penetrated her boot and leather</p>	Action Clerk

chap causing an injury to her ankle joint, which required hospital treatment.

2013/6849 BURLEY ROAD, BROCKENHURST – PINCH POINTS DISCHARGE

The pinch point (No.4) nearest to Ford Cottage will be moved because it is causing problems. Implementation of the other recommendations contained in the HCC Executive Member for Economy, Transport and the Environment's decision paper will follow once HCC Highway Authority has completed the legal process to extend the 30 mph speed limit out of Brockenhurst to North Weirs. This is unlikely to happen before the end of 2013.

2013/6850 SHAPPEN BOTTOM WELL DISCHARGE

Miss Macnair reported that the well at Shappen Bottom has a rotten cover. Mr Street said he will arrange to get it dealt with. Action MS

2013/6851 APPLESLADE POUND DISCHARGE

There is a dangerous chestnut tree overhanging the pound.

The pound cannot be used, and therefore the drift cannot take place, until the tree is removed.

Mr Stride said he will arrange for the tree to be looked at. Action RS

2013/6852 LOOSE BT CABLE LONGDOWN TO DECOY POND DISCHARGE

Mr Stride said he can show Mr Street the location of the loose BT cable which is not far from Decoy Pond. The cable is believed to be 'live'. Action RS/MS

2013/6853 BRAMSHAW GOLF COURSE RE-DESIGN DISCHARGE

Mr Street reported that an architect has been instructed by the Golf Club to look at the course. The Forestry Commission is expecting a response by the end of the month. The matter will be resumed in due course. Action MS

2013/6854 WHITE POLES BETWEEN THE CROW ROAD AND LONG POND DISCHARGE

Mr Street assured Miss Macnair that the four tall white poles will shortly be removed. They were erected for health and safety purposes during timber extraction work in the area in order to prevent the timber/lorries coming into contact with overhead power lines.

2013/6855 SLUFTERS POUND DISCHARGE

In response to a request by the local Agister for an additional gate, Mr Stride offered the suggestion that during the drift, someone could stand in the gap! The suggestion will be considered further by the Staff Committee. Action RD/ Staff Cttee

2013/6856 BT CABLE TO GAZA AVENUE DISCHARGE

Mr Street advised the Court that as yet the Heads of Terms required by the FC have still not been signed by BT.

2013/6857 SIGHT LINE FENCING – MAINTENANCE RESUME

The Official Verderer asked Mr Street for maintenance of these short stretches of fence which were erected in places where stock may exit onto a road from blind accesses. A list has been drawn up by Mr Draper and this will be sent to the Deputy Surveyor. Action CD

**Mr Street & Miss Jones left the meeting**

**OTHER MATTERS ARISING**

2013/6858 MEMBERSHIP OF EXTERNAL COMMITTEES & WORKING GROUPS DISCHARGE

The various vacancies resulting from Mrs Thorne's term of office coming to an end and Mr Pasmore's retirement were discussed and new representatives agreed. The Clerk will update and circulate the matrix. Action Clerk  
The Clerk will also let the relevant committee secretaries know the names of the new Verderers' representatives.

2013/6859 AUDITED ACCOUNTS DISCHARGE

The audited accounts were considered.

Mr Readhead proposed they be accepted and Mr Gerrelli seconded the proposal which was carried unanimously.

The Official Verderer signed the accounts.

2013/6860 HOT BRANDING DISCHARGE

Mrs Thorne (former Defra Verderer) is continuing to represent the Court and the New Forest during the drafting of a code of practice for hot branding. One of the conditions of the new code is that a list of people judged competent is held. The Staff Committee will discuss how best to take this forward. Action RD/  
Staff Cttee

**OTHER AGENDA ITEMS**

2013/6861 REVIEW OF FORESTRY FUNCTIONS AND ORGANISATIONAL ARRANGEMENT FOR THEIR DELIVERY IN ENGLAND – FINAL ANALYSIS AND REPORT & TOWARDS A NEW PUBLIC FOREST ESTATE MANAGEMENT BODY RESUME

The response drafted by the Official Verderer was circulated. Subject to the inclusion of a paragraph on tranquillity, the response was approved by the Court. Action OV

2013/6862 DRAFT DEER MANAGEMENT STRATEGY DISCHARGE

Mr Dowsett had submitted a collated Verderers response to the FC draft deer management strategy. One aspect to be welcomed is the improved maintenance and repair of inclosure fencing to keep out Forest livestock. The Verderers Court should now be on the list of stakeholders for deer management matters.

The Official Verderer thanked Mr Dowsett for his work on this subject.

2013/6863 INDEX OF COURT MINUTES DISCHARGE

There is an increasing need to be able to search the Court minutes for historical information and decisions. The current index only goes back as far as 1990 and is simply a list showing the title of each minute and the number and date of the Court. Mr Anthony Pasmore has been approached with a view to creating a more detailed index of the minutes. In addition, it is felt that scanning all the minutes by using OCR (Optical Character Recognition) software in order to create an electronic record of all the minutes would result in an extremely valuable and useful resource. Mr Pasmore has provided an estimate for the work. The Official Verderer suggested that in order to complete the scan and index of the minutes from 1877 to the present day, the sum of £15,000 should be set aside.

Mr Readhead proposed that this sum, £15,000, should be made available to fund the project, but that a review should take place after 6 months to ensure the work is progressing satisfactorily. Action Clerk

Mr Stride seconded the proposal which was carried unanimously.

#### **THE HIGHER LEVEL STEWARDSHIP SCHEME & THE VERDERERS' GRAZING SCHEME**

2013/6864 RPA INSPECTION RESUME  
November

The RPA announced an inspection with two days' notice. It is expected that they will be here until Christmas.

2013/6865 USE OF CHEMICALS ON THE GOLF COURSES DISCHARGE

All chemicals used on the golf courses must have prior approval of Natural England. A check is to be made to ensure compliance. Action MS

2013/6866 COLIN DRAPER'S REPLACEMENT RESUME

Interviews were held recently and a suitable candidate has been identified. The successful applicant has been offered the position verbally and she has accepted.

The Official Verderer told the Court that there were over 200 applicants. From those 11 were selected for interview. 1 failed to turn up. From the 10 interviewees, 2 candidates were very impressive. The successful applicant has relevant experience having been involved in a number of environmental projects plus a pony grazing project in Essex. She has been on a fixed term contract with the Environment Agency which comes to an end next year.

#### **FINANCIAL MATTER**

2013/6867 FINANCIAL STATEMENTS FOR JULY AND AUGUST RESUME

The financial statements were noted.

## STAFF MATTERS

- 2013/6868 REMUNERATION COMMITTEE RESUME
- It was agreed the remuneration committee should meet and Mr Deakin was asked to organise a meeting. Action RD
- 2013/6869 LAND ROVERS RESUME
- In view of the problems that are being reported with transfer boxes on some vehicles, the Agisters' Land Rovers will be booked in for an end of warranty period inspection. It is imperative that the inspections are carried out at least one month prior to the end of the warranty and Mr Draper will be asked to contact Ottos with a view to booking the vehicles in. Action CD

## HEALTH & SAFETY & TRAINING

- 2013/6870 HEALTH & SAFETY REVIEW RESUME
- The review is now complete.
- 2013/6871 HEALTH & SAFETY TRAINING RESUME
- Health & Safety Consultant Julie Brown attended the last Staff Committee meeting to go through the health and safety policy and documentation with the staff. The only matter outstanding is the Lone Working procedure. Action RD

## ANY OTHER BUSINESS

- 2013/6872 NEW FOREST GOLF CLUB DISCHARGE
- Mrs Westerhoff said that she is due to visit the Golf Club with a view to considering the works the Club is proposing. The Court agreed that Mrs Westerhoff should be authorised to make decisions on behalf of the Court on minor works. Mrs Westerhoff will report back as and when necessary.
- 2013/6873 WELFARE TOUR OF THE FOREST – 6<sup>TH</sup> DECEMBER 2013 RESUME  
December
- Mr Deakin advised the Court that this autumn's welfare tour will take a different form. Instead of touring the Forest, a visit to the stallions in Cadland Manor will be followed by a demonstration of hot branding.
- 2013/6874 ANIMAL ACCIDENTS DISCHARGE
- The CDA is keen to generate publicity ahead of the clocks changing, regarding the need for extra driver vigilance in order to avoid animal accidents.
- PS Louise Hubble from Countrywatch has indicated that her team are willing to co-operate in a speed monitoring event at which speeding tickets will be issued to any motorist found exceeding the speed limit by the prescribe amount or, in some cases, drivers may be given the opportunity of meeting the commoners who will provide information on animal accidents. A similar event has been held in the past which was deemed to be a success. It is hoped that the press/TV and radio will give coverage to the event. The Court agreed that the Agisters should assist with the event. Action Clerk

MINUTES of the Court of Verderers held on Wednesday 18<sup>th</sup> September 2013 at 9.30 a.m. in the Verderers' Hall and the Library, the Queen's House, Lyndhurst.

2013/6875 MARKING FEES FOR 2014 RESUME

Marking fees will be reviewed at the October Court.

2013/6876 PONDHEAD LAWN RESUME

Mr Stride expressed concern at the deterioration of Pond Head Lawn. Work on the lawn was due to be incorporated into the stream restoration project for the area but that project has yet to be undertaken.

It was agreed that Jane Smith (FC) should be asked when the work is likely to be undertaken. The problem at Queen's Meadow will be mentioned at the same time. Action Clerk

The Official Verderer reminded the Court that major wetland restoration projects are on hold whilst the Forestry Commission tries to work out how to deal with the need for planning permission for projects that we have been led to believe until now did not need such permission. However, concern was expressed that maintenance appears not to be being undertaken either.

There was no further business and the meeting closed at 13.47 hrs.