

MINUTES of the Court of Verderers – Wednesday 15th July 2020

At the time of this Court, the UK is in the grip of an outbreak of a novel Coronavirus, known as Covid-19. Government is easing the restrictions but the advice remains that the population should avoid meetings where the disease could potentially be passed from person to person. For this reason, once again, the Verderers did not meet in Open Court or in person in Committee.

**Items included in these minutes were discussed in a virtual online meeting via ‘Zoom’.
The following is a record of what was agreed.**

PRESENT ONLINE	Lord Manners	Official Verderer
	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	Mr A B Dowsett	Forestry Commission Appointed Verderer
	Mr J Greenwood	Elected Verderer
	Cllr Edward Heron	National Park Appointed Verderer
	Mr R Manley	DEFRA Appointed Verderer
	Mr A H Pasmore	Senior Elected Verderer
	Mr D Readhead	Elected Verderer
	Mrs D Westerhoff	Natural England Appointed Verderer

APOLOGIES	Miss D Macnair MBE	Elected Verderer
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IN ATTENDANCE ONLINE	Miss S Westwood	Clerk to the Verderers
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IN ATTENDANCE ONLINE	Mr Bruce Rothnie	Deputy Surveyor of the New Forest
UP TO MINUTE 2020/11121	Mr Paul Grugeon	Forestry England Land Agent (New Forest)

2020/11142 MINUTES OF THE LAST MEETING RESUME

The Minutes of Court held on Wednesday, 17th June 2020 were approved and will be signed by the Official Verderer at the earliest opportunity.

2020/11143 DECLARATIONS OF INTEREST RESUME

Declarations of interest can be found on the Verderers’ website – www.verderers.org.uk. No new declarations of interest were made today.

2020/11144 CONDITION OF STOCK – HEAD AGISTER’S REPORT RESUME

After the extremely dry May and the lack of Spring grass , the stock was slow to pick up in condition, but finally the rain came and the grass has come through, and the stock on the whole have been remarkably quick to put on condition. Overall, they now look quite good.

The mares with foals reflect the difficulties of the Spring, and in any group of ponies it is easy to spot the one with a foal. However, most of what I have seen are OK, and have plenty of milk for their foals.

As always there are a few ponies that for various reasons lose condition rapidly, even at this time of year, and these are removed as and when.

Hopefully the summer will be a good growing season this year.

The one issue we have had to deal with over the last few weeks is the condition of some of the cattle, and several commoners have been asked to remove cows that were seen to be below an acceptable standard. Most of these have calves on them, some were turned out too early when there was no grass, but one of the problems is that some of these cattle are just the wrong type to do well on the Forest, too much of a dairy type to cope

with the poorer quality forage available on the Forest. Those commoners with cattle identified as below standard have been contacted and the cows in question removed. This has happened in several different areas of the Forest, North and South.

Finally, all 10 stallions selected to go onto the Forest ran out for the allotted time, and were removed by the agreed date.

Mr Deakin added that more cows have been removed this year than usual but he felt the conditions on the Forest are reasonable for the time of year.

2020/11145 REPORT ON MARKING FEES RECEIVED **TO DATE** AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2020</u>	<u>2019</u>
Forest Ponies	4961	4946
Forest Cattle	4798	4304
Forest Donkeys	138	132
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	9897	9382
Common Ponies	824	758
Common Cattle	2166	1636
Common Donkeys	132	136
Common Pigs	78	41
Common Sheep	223	211
Total Common Stock	3423	2782
Ponies, Cattle & Donkeys on the Forest	9897	9382
Ponies, Cattle & Donkeys on the Commons	3122	2530
Total Ponies, Cattle & Donkeys	13019	11912
Total Stock – Forest & Commons	13320	12164

2020/11146 BYELAW ENFORCEMENT RESUME

No byelaw breaches were reported.

2020/11147 ANNOUNCEMENTS & DECISIONS RESUME

The Announcements and Decisions were approved.

THE ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER, RTA REPORT AND PRESENTMENTS were published on the Verderers' Website after this meeting.

2020/11148 REQUEST FOR VERDERERS' OPEN COURTS TO BE HELD ONLINE
Presentment by Dr Tony Hockley – former Chairman of the New Forest Commoners' Defence Association

In May we received a presentment from Dr Hockley, the then Chairman of the Commoners' Defence Association.

In his presentment Dr Hockley asked that we hold our open Courts in some virtual form. He rightly emphasised the importance of our open Courts

We have continued to receive presentments by email which are posted promptly onto the Verderers website so they can be viewed by members of the public. Our response to presentments is also posted promptly on the website.

Whilst we continue to keep the matter under regular review, we do not think it appropriate at this stage to try to attempt virtual open Courts. We are, of course, committed to reinstating our traditional open Courts as soon as it is safe and feasible to do so.

ANIMAL ACCIDENT REPORT

2020/11149 THE ANIMAL ACCIDENT REPORT FOR JUNE 2020

The Agisters attended 4 accidents in June, which is the same number as in June last year.

2 ponies and a cow were killed. Another cow was uninjured.

2 accidents occurred in daylight and the other 2 in the dark.

All 4 accidents were reported by the drivers involved.

The total killed and injured to date is 24, compared with 40 in the same period last year.

PRESENTMENT BY THE DEPUTY SURVEYOR

The following Presentment was received by email

2020/11150 PANNAGE SEASON 2020

In accordance with the provisions of Section 7 of the New Forest Act 1964, the Verderers have been consulted with regard to the dates of the pannage season and I hereby formally notify the Court that the season will commence on **Monday 14 September 2020** and that it will end on **Sunday 15 November 2020**, 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

2020/11151 CYCLING

Presentment by Mrs Mary Gray, New Forest Commoner

Mrs Gray referred to a letter in the local press calling for more cycle routes. However, she felt strongly that these should not be on the Open Forest. Mrs Gray suggested Hampshire County Council should look at the possibility of creating additional cycle paths alongside the fenced roads, such as that between Lyndhurst and Ashurst. This would keep cyclists, particularly families, away from vehicles and enable them to safely enjoy the beautiful views.

2020/11152 PONDHEAD STREAM RESTORATION

Presentment from Mrs Sally Tear, New Forest resident

Pondhead HLS Wetland Restoration project: Planning Application Number 15/00294 – Approved 27 June 2016.

Specifically works to Site of Special Scientific Interest (SSSI) Unit 387 Matley Inclosure Bog completed September 2018

Presentment to follow your June response to my Presentment of 20 May 2020

'Dear Verderers

In my electronic Presentment to the Court of 20 May 2020 I outlined the damage done to Matley Inclosure Bog (RAMSAR, SAC, SSSI Unit 387) during the works to the above "wetland restoration" project. I read your response with increasing incredulity.

I commissioned an independent, highly qualified ecologist to comment upon your response. He explained that merely driving over a bog will compact and damage it. Digging it up, releasing its stored CO₂ and infilling it with anything means that you have irreparably damaged it. A bog is an homogenous entity which takes thousands of years to form as it deepens only by about 1mm a year. This is clearly why Natural England (NE) confirmed via email in 2015 that there would be no activity within the SSSI Unit 387 bog. (See email from NE: Attachment 1) Yet Forestry England's (FE) response assumed that they were allowed to be on that part of the Pondhead site.

Forestry England's (FE) planning permission was to work on the stream (SSSI Unit 562) in order to restore its "natural hydrology". Raising the stream bed level was intended to help keep the bog from drying out. The works should therefore have taken place on the grass covered stream banks and spoil heaps. Instead the (SSSI Unit 387) bog was merely used as access to the furthest point within the works. The unauthorised works have unlawfully dried out a swathe of this SSSI Unit bog, at least a large digger's width and working space wide (about 4m) and most of the riverine bog's length (450m long).

I attach photographs comparing the peat/mud stream created by the heavy plant and diggers in 2018 and the same point in 2020 showing the resultant drying out of the bog. (Photographs 1a & 1b and 2a & 2b)

Your response assumed that FE were allowed to be in the bog using their 'standard practice'. The "standard practice" they describe is that for top soil as detailed in their "method statements" for the HLS Wetland Restoration planning applications, not peat bogs. No qualified ecologist would countenance digging up any peat bog, let alone one with such a high level of national and international ecological designation. As I say, Natural England (NE) anticipated works to the stream, but confirmed in writing that the bog (SSSI Unit 387) would not be touched (Attachment 1).

Back in 2015 I had many issues with the Pondhead planning application 15/00294/FUL. The NFNPA and FE's response to any ecological query was that Natural England (NE) had approved the project, and that their's was the last word; I therefore corresponded with various parts of NE. I highlighted the lack of site specific understanding in the application and complete lack of base data for SSSI Unit 387 (Matley Inclosure Bog). I eventually received the very clear response that for the revised application there was "no longer any work proposed within unit 387". (Attachment 1: Email to me of 30 April 2015 from Andy McDonald the then manager of Natural England, Dorset, Hampshire and Isle of Wight).

Following the previously mentioned email from NE, I met with Peter Greenslade (at that time Lead Adviser Hampshire and Isle of Wight, Natural England) and Nick Wardlaw (at that time HLS Contract Manager, Forestry England) at the Pondhead site. Among the many details of the project we discussed I asked how it would be possible to carry out the works on the stream within the riverine woodland bog without damaging the alder bog trees and bog within SSSI Unit 387. I was given a very simple answer: A mini-digger would be used. It would be able to operate predominantly on the drier downstream right side of the stream and only where absolutely necessary on the mire fed bog side (downstream left) on the skinny but dry stream bank to remove the spoil heaps (those dry areas were, in early 2015, between 30cms and a maximum of 5m wide).

What happened between the NE and FE's considered theory of May 2015 and the practice in September 2018? A 3.5 tonne mini-digger is mentioned the application "Construction Plan Method Statement", but the contractors seem to have defaulted to the 13 tonne digger for the entire Pondhead project. Despite walking past the works on a daily basis, I never saw a mini digger on site.

The theory of working predominantly on the far, drier stream bank (downstream right) was ignored and replaced by the more pragmatic move of ploughing a 13 tonne digger and other heavy plant into the wettest part of the bog on the mire side. Irreparable damage to the most ecologically valuable element of the Pondhead area has occurred and Natural England's advice have been ignored. Yet FE sought to dismiss my Presentment, patronisingly dismissing their mistaken behaviour as "standard practice". Apparently FE's "standard practice" takes no account of whether they are digging up soil or a SSSI Unit peat bog.

Photograph 3. shows the digger on the wettest, most valuable (downstream left) side of the stream. Photograph 4. shows the same digger on the drier, (downstream right) side of the stream where the bulk of the works to the stream should have taken place. (Photographs 3 & 4) They used the length of the SSSI Unit bog as access, damaging it in order to create two "remeanders" which already need repairing!

Throughout the 3 year HLS Pondhead works the wettest parts of the access tracks were protected with wooden boards in order to limit damage. When working on the Parkhill Lawn and "drain" elements of the project the contractor would stop work at the merest hint of drizzle for fear of damaging the land, yet they were allowed to act like a "bulldozer in a china shop" in the wettest, most ecologically precious part of the project. Something has gone very wrong here.

The Verderers Court members are all people who in different ways are interested in and know about land issues, within or without the New Forest. I find it hard to believe that you, like me, were not horrified at my previous Presentment and photographs. I think that it is fairly common knowledge that peat bogs are ecologically valuable, delicate habitats. I would imagine that any “normal” person or body damaging a bog of this kind, especially with its SSSI, RAMSAR and SAC levels of designation might be expected to be prosecuted by the Environment Agency.

In not applying sufficient rigor to planning and executing this component of the project FE should admit that they have made a grave mistake. Blithely to dismiss the obvious transgression rather implies that they consider themselves above the law on all of the HLS projects. They have been given precious taxpayers’ money carefully to improve ecology on sensitive sites, but appear to do on site whatever is pragmatic once the planning permission has been given.

The New Forest HLS Partners have received £22m of taxpayers money between 2010-2021, a period of austerity for most of the country. The bulk of this money has been given to FE for “wetland restoration” projects. The HLS Pondhead application and works took place from 2014 to 2018, over 5 financial years, yet you cannot break down the amount spent on the Matley Inclosure Bog element? Why not? Elementary accounting controls should render this easy. Perhaps FE are not only above the law but also consider themselves exempt from public financial accountability?

I would be happy to meet anyone on site to walk through what has changed. Hopefully the photographs will help. With the best will in the world, if you did not know this site before the works, it is hard to discern what damage has been done – you cannot see something which is no longer there! Damage has occurred with apparently no regret and no apology for the breach. Your response provided a jumble of non-answers to a very serious allegation. It is a tragic indictment of the way in which this limb of the project has been mis-managed and contracted.

I attach a marked up photograph of the post-works damage by Holmhill Passage bridge showing the damaged area and one of the elements I assume FE wish to “repair”. (Photograph 5)

I ask the Verderers

1. to confirm that FE’s stated “standard practice” is for top soil and stream beds, NOT peat bogs.
2. to explain how Natural England’s (NE) very clear operational plans to improve the SSSI units status, which appeared to be understood and shared by Forestry England (FE) in 2015, were ignored on site in 2018?
3. to ensure that FE not be allowed to return to this site to do anything unless or until they specify what and how they are going to access the site and carry out ‘repairs’ – no more heavy plant in the SSSI Unit bog please!
4. to specify under which form of contract these jobs are let between FE and the contractor?
5. provide FEs officers’ daily notes on their interaction with the contractors, (particularly those which give consideration to the bog or NE advice).

6. please confirm whether the Verderers who visited the site and found no “cause for concern” saw the gouges out of the new remeanders, and the newly arrived gravel banks that have pushed off the now exposed pink clay plugs, each of which were clearly visible at the time of their visit? I assume these are what FE wish to return to repair. Visiting the site alone without knowing how it was beforehand is a waste of time.
7. to invite Peter Greenslade of NE who was familiar with the site, or an independent, fully qualified ecologist to assess the site.

I ask the Verderers, as New Forest HLS Partners to ask Forestry England to respond in detail to the above.’

Encl.

1. Attachment 1: Email from NE of 30 April 2015
2. Attachment 2: 7 Photographs –
 - a. Photographs 1a & 1b: River of mud created by the works within the SSSI Unit 387 bog 2018 and comparison to the same place in 2020
 - b. Photographs 2a & 2b: River of mud further downstream 2018 to 2020 comparison
 - c. Photographs 3 & 4: Digger operating within the bog (downstream left of the stream) and the digger on the dry far lawn (downstream right of the stream) Both 2018
 - d. Photograph 5: Marked up current panoramic photograph of the area around Holmhill Passage bridge

2020/11153 MINISTER’S MANDATE TO THE FORESTRY COMMISSION

Presentment by Mrs Charlotte Lines, Chairman, New Forest Commoners Defence Association and practising commoner

‘The Commoners’ Defence Association asks that the Court reaffirms the importance it attaches to the Minister’s Mandate. The mandate has been described by ministers as the Forestry Commission’s “licence to operate” on the Crown Lands with the New Forest.

As the Court will be aware the Mandate sets three objectives for the Forestry Commission’s management of the New Forest on behalf of the Crown. The primary objective is conservation, including support for commoning. The second is engagement. The third is “efficient management ... insofar as is consistent with the first and second”. These objectives are repeated in government guidance to the National Park Authority.

We are deeply concerned that the Forestry Commission has reversed these priorities. Three recent decisions, in particularly, have led to this conclusion.

1. Ending rent subsidies for the Crown properties within the Forest. We only became aware of this dramatic change from established policy dating back to the New Forest Review Group when tenants were told that they would be moved to rents at market levels for Britain’s least affordable national park.
2. Putting keepers on furlough in March 2020, despite obvious landscape risks during the lockdown. This decision was explained on the basis that Forestry England (not the Forestry Commission) now relies mainly on trading income to fund its local work, not on the Treasury support to the Forestry Commission.
3. The decision to abdicate management of the campsites. The Court was told by the Forestry Commission at the start of this public-private partnership that: “the relationship between the management of the sites and the local Forestry Commission should not alter much”. Recent events have shown this to be untrue. There is no longer local input into important management decisions.

Those of us who thought that the change to “Forestry England” was simply a re-badging exercise appear to have been much mistaken. Building the business brand and its revenue streams has become the primary focus. The conflict with the Minister’s Mandate is obvious and deeply worrying.

¹ Minister’s Mandate to the Forestry Commission: <https://www.realnewforest.org/wp-content/uploads/2018/12/Ministers-Mandate-1999.pdf>

¹ House of Commons, Hansard, 24th July 2006, Vol 449, Col 714

¹ Verderers Court, 19th January 2005

We ask that the Court:

1. Demands a restatement of commitment to the Minister’s Mandate from the Forestry Commission, the National Park Authority and from ministers.
2. Places a copy of the Mandate on its website, because it appears to have been removed from the Forestry Commission website.’

2020/11154 RECREATIONAL PRESSURES – VERGE PARKING
Presentment by Mrs Lyndsey Stride, Commoner

‘Over the past few weeks there has been a significant increase in the number of people accessing the New Forest for recreation. It is understandable that many people see the Forest as a safe space to walk and meet with friends and family. I would like to commend the National Park Authority and Forestry England for their efforts via social media in trying to get across the key messages and their partnership working with the emergency services targeting verge parking and fires.

However, it seems Forestry England staff are overwhelmed by the immense task they face. On just one day this weekend we came across a campervan parked on the verge, with the residents opening the curtains after waking up, and we had great difficulty accessing Denny campsite with the tractors, hay bob and baler, as cars were parked in front of the barrier. The owners, who were picnicking nearby, appeared after we had negotiated the very tight gap and refused to move as they said many others were verge parking too. A fire engine would not have got through to the properties at Denny or to a forest fire. Dragons teething at Denny has exacerbated the problems and it isn’t clear to visitors that there are properties beyond the barrier. I could go on...

Whilst there is constant criticism of the general public, who simply want somewhere to go, to get out of the town where there is no space and few places to play, there seems to be no real response to the problems locally. Keepers and rangers are run ragged and a new normal is being established with many visitors damaging and destroying that which they have come to enjoy. Often without even knowing that their actions are causing harm.

We need some creativity to solve the problem. People park on the verges because the car parks are too small to accommodate the massive demand. Telling people to go to a different car park if it is full is pointless if every car park for five miles is full. People give up after a while, with hungry kids excited to be out for the day, in the end they just do what others are doing and pull up on the verge. This weekend every car park on the Bolderwood Road was full with significant double verge parking at Millyford Bridge, which we have never seen before. Every car park on the Beaulieu Road was full, with chaos at Bolton’s Bench and Denny campsite. No doubt these scenes were replicated across the Forest.

Nothing will change over the coming months with social distancing in place, children unable to go to football training, families unable to meet at home and staycations promoted by the government.

I urge the Verderers and Forestry England to urgently address the lack of car parking in the most popular parts of the Forest. The campsites are empty, they have roads and hard standing in many places, they can be locked at night and during the week when demand is low and can be easily policed by rangers and Keepers. Whilst some would be inappropriate to use, others would give visitors what they are looking for: Somewhere to park, picnic and play in the open. Holmsley, Ocknell, Ashurst & Holland's Wood would all absorb people. As we move to a natural capital approach to grants and management we have to become more responsive to the pressures on the Forest. And remember that public money for public goods means delivering a positive experience for all Forest users, whilst protecting the precious habitats, wildlife and traditional commoning practices of the New Forest.'

CONSIDERATION OF PRESENTMENTS

2020/11155 CYCLING

DISCHARGE

Whilst the Court agreed with Mrs Gray that additional cycle paths alongside the fenced roads would be welcome in order to improve connectivity, their provision has been previously investigated and a number of issues were identified that are likely to make this difficult to achieve.

The verges are all designated SSSI sites, containing a variety of important habitats, particularly around Cadnam. Tree roots will quickly create very uneven surfaces. Additionally, members of the Court wondered how much use such paths would actually see. It is thought the Ashurst to Lyndhurst path is in fact rarely used. Most cyclists want to be on the Forest.

The Court once again expressed its serious concern that cycling off the waymarked routes in the Forest is out of control and will only get worse.

Cllr Heron added that he is concerned that the Verderers' Court comes across as being anti-cycling. He said that he doesn't believe that is the case. The Court is anti out of control cycling and is of the view that there is no point in engaging with other authorities and cycling bodies on the subject of providing additional cycle routes in the Forest, until it can be shown that the current network can be properly controlled. If additional cycle routes are provided when there is no effective control, they will only exacerbate the existing widespread trespass by cyclists riding all over the Open Forest.

Mr Grugeon added that this issue is not unique to the New Forest. He said the problem occurs anywhere where there are open, attractive, wooded areas. He felt a carrot and stick approach is required. Additional routes could be provided, particularly for local cyclists, which would provide more of what they would like but only if more effective means can be found to control cycling where it is not permitted or appropriate.

2020/11156 PONDHEAD STREAM RESTORATION

RESUME

Three Verderers have now visited the site. The Official Verderer and Mr Dowsett attended together, Mrs Westerhoff went on her own and Mr Pasmore met Mrs Tear separately.

Action DS
/HLS Team

The Deputy Surveyor said he will ask the HLS team to look again at the details of the work which was carried out, with particular regard to the allegation that irreparable damage has been caused to the SSSI. He will discuss the findings with the Official Verderer prior to responding to the presentment, in order to ensure that all Mrs Tear's questions are answered fully. The HLS Team will also be asked to confirm the cost of the Pondhead

	<p>project. The Official Verderer will write to Mrs Tear about the answer provided to one of her questions in her May presentment.</p>	Action OV
2020/11157	<p>THE MINSTER'S MANDATE TO THE FORESTRY COMMISSION</p> <p>If the Mandate is not on the Verderers' website, it will be added. With respect to Forestry England's website, the Deputy Surveyor said that it is likely a lot of local information was removed from the website when the branding was converted from Forestry Commission to Forestry England. He undertook to investigate whether the Mandate can be put back on.</p> <p>It was noted that the Mandate has never been relevant to the New Forest National Park Authority as that organisation did not exist at the time it was drawn up.</p> <p>The Deputy Surveyor said he will respond directly to the CDA and provide a copy to the Official Verderer.</p>	DISCHARGE Action DS Action DS
2020/11158	<p>RECREATIONAL PRESSURES ON THE FOREST & VERGE PARKING</p> <p>The Deputy Surveyor said using the campsites for car parking has been given careful consideration but there are a number of reasons why it is felt it would not be appropriate. Included, are how car parking would be effectively policed, given that there are no car free defences between hardstanding areas and grazing and how overnight camping could be prevented. Forestry England and other agencies are requesting Camping in The Forest to reconsider its position and open the campsites for the remainder of this season. A further complication is whether FE has the authority to use the campsites for activities other than camping during what would normally be the camping season. Mr Grugeon will check the lease and advise the Deputy Surveyor. There is also the question of whether the campsites are actually in places where additional parking is required. Much of the verge parking is taking place in areas well away from the campsites. Examples being anywhere where there are bodies of water or popular picnicking and walking areas.</p> <p>With respect to Denny, it was suggested that the recently erected barrier, intended to restrict access by non-residents to the private properties and prevent inappropriate parking, may have exacerbated the problems brought about by the current situation, which of course could not have been foreseen.</p>	RESUME Action PG
<p>NEW SUBMISSIONS AND OTHER MATTERS RAISED BY FORESTRY ENGLAND</p>		
2020/11159	<p>BT OPENREACH PROPOSED FIBRE TO THE PREMISES (FTTP) IN BURLEY – VARIOUS LOCATIONS</p> <p>Because there is the potential for long runs of duct, these proposals are too large to be considered under the de-minimis system.</p> <p>Openreach has offered to arrange a site visit which will be accepted. Mr Deakin said he had a look round Burley at the weekend and he feels very little grazing will be impacted by the proposals but he found it difficult to see from the plans provided, exactly what works will be undertaken where.</p> <p>The Court delegated the final decision making to Mr Dowsett and Mr Deakin who indicated they are happy to attend a site visit. They requested the presence of Forestry England's Estate Officer.</p>	DISCHARGE Action PG/RD/BD

DE-MINIMIS CONSENTS RECORDED AT THIS COURT

2020/11160 DE-MINIMIS CONSENTS APPROVED DISCHARGE

DM0086 - Burley re-lining/improvement works to sewer. Work in manholes only

DM0087 - The Drift Inn – New electricity supply

DM0088 - Shepherds Copse, Newtown Lane, Mockbegger – new electricity supply

MATTERS ARISING FROM MINUTES OF PREVIOUS COURTS OF CONCERN TO FORESTRY ENGLAND

2020/11161 IPLEY CROSSROADS RE-ALIGNMENT RESUME

A site visit with representatives from HCC was attended by the Official Verderer, Mr Deakin, the Clerk and the Head Agister.

The meeting was arranged primarily to discuss the reptile fencing and relocation, however the discussions led onto the road realignment proposals including the mitigation being offered by HCC. Those present were satisfied with the proposals and as no presentments objecting to the work have been received, subject to agreeing Heads of Terms, which are now being drafted, consent was given. The three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing apply.

HCC will be starting work on the reptile fencing very soon and they hope to start work on the road in September/October this year.

HCC agreed to redesign the road junction at Wilverley to ensure that large vehicles, including timber lorries can safely negotiate what will be a fairly tight turn without creating a hazard to other road users or causing damage to surrounding verges.

2020/11162 CROWN FREEHOLD PROPERTIES RESUME

The Deputy Surveyor said this is still with Defra.

2020/11163 A31 CATTLE GRIDS RESUME

No further progress has been made. Highways England (HE) continues to refuse to accept responsibility for all but 6 cattle grids on the grounds that the others sit on land that it does not own.

Sir Desmond Swayne MP has written to the Minister for Transport, adopting the Official Verderer's suggestion that HE should, in the short term at least, maintain the grids as it always has. as a practical interim measure to ensure the safety of the motoring public. No response has been received.

2020/11164 MANAGEMENT OF THE PUBLIC INCLUDING COMMERCIAL DOG WALKING RESUME

The Deputy Surveyor apologised for not having progressed the question of commercial dog walkers, which is due to the responses to the Covid-19 pandemic. He went on to say that any regulation of commercial dog walking will be part of the general management of public activities on the Forest. He said that in an effort to manage the current additional visitor pressures on the Forest, some FE staff have been out on the Forest for very long hours.

Work on enforcement options has been undertaken by Hampshire County Council but it has stalled. The DS asked if Cllr Heron could arrange for the early work by Hampshire County Council to be released. There is a general view that organisations need tools that can be deployed now, quickly and effectively.

Action EH

Commercial Dog walking will be included on October's Court Agenda as a separate item.

Referring back to the issue of cycling, discussed earlier in the meeting, the Court felt strongly that we are where we are because illegal cycling has never been effectively managed. There are significant concerns that little is being done to address what is an ever increasing and serious issue.

2020/11165 FOOTPRINT ECOLOGY REPORT

RESUME

This report is felt to be very good. Mrs Westerhoff provided a useful note which she had circulated to the Court prior to this meeting. The report provides recommendations on the mitigation measures that are needed to alleviate potential recreational pressure on the Forest from new housing developments and the Court hopes that the opportunity to take action will not be missed. Forestry England (FE), which manages the greater part of the land within the New Forest will have to manage this pressure and needs support from developer funding contributions to help deliver actions to mitigate the impacts on the Crown Lands. The Court believes FE must be brought into the discussions with the National Park's Planning team. The Court further believes developers should support FE in addition to providing some mitigation within or adjacent to their developments.

Action DS

2020/11166 TRAIL RUN EVENT FROM HOLLANDS WOOD CAMPSITE AND THE VERDERERS' CONSENT FOR SUCH ACTIVITIES.

RESUME

The Deputy Surveyor said he has consulted the Memorandum of Understanding that exists between Forestry England and the Verderers but it is rather out of date with respect to this type of event. He said it is not clear where large scale events would fit. It was suggested the MoU should be reviewed. The Official Verderer and Mr Deakin both said they will look at it.

Action DS/OV/RD

2020/11167 CARAVANS IN OCKNELL CAMPSITE

DISCHARGE

The caravans left on 9th July.

SSSI RESTORATION WORKS

2020/11168 REPAIRS AND MAINTENANCE LIST / ENHANCEMENT WORKS RECORDING SHEET

RESUME

The current list was circulated.

There was some concern that some of the works listed go beyond maintenance. If they represent fundamental substantial changes to previously agreed works, members of the Court felt strongly that they should be brought back for proper consultation and not just included on the list. The Wootton side drains are a specific example. Mr Deakin said if the works as per the brief description in the list are carried out, there is a danger they may interfere with what was originally agreed.

The Official Verderer said if the list contained more details of the works due to be carried out, that would help everyone to understand exactly what is intended and would hopefully put minds at rest.

Action DS

2020/11169 HABITAT RESTORATION AT WOODCRATES – PHASE 2

RESUME

The Official Verderer said it has been established that additional works are proposed and a site meeting is therefore required. The Deputy Surveyor agreed.

Action DS

ENCROACHMENTS INVOLVING FORESTRY ENGLAND

2020/11170 ENCROACHMENTS LIST

RESUME

The current encroachments list had been circulated.

2020/11171 TRAVELLERS ON GODSHILL CRICKET PITCH

DISCHARGE

A group of Travellers have moved onto Godshill Cricket Pitch. Mr Grugeon commented that a barrier in the area had been left unlocked. He asked that everyone be extra vigilant at this time regarding ensuring barriers are kept locked. The Official Verderer said he will ask the Assistant Clerk to add a note to the Court's Twitter page. It was suggested the CDA could also help via its social media.

Action OV

Mr Deakin remarked that he has come across a number of metal barriers which are not locked. He felt a general reminder would be good.

Action PG

ACTION LIST

2020/11172 ACTION LIST

RESUME

The Action List had been circulated.

COVID-19

2020/11173 COVID-19 AND THE IMPACT OF THE VIRUS ON FORESTRY ENGLAND IN THE NEW FOREST

RESUME

The Deputy Surveyor said the protocol for the operation of the Queen's House should be finalised shortly. Once it is, it will be shared with the Clerk. A return to normal working hours and normal occupation of the Queen's House is not expected for a number of months and then only in a phased way.

Action DS

ANY OTHER BUSINESS OF CONCERN TO FORESTRY ENGLAND

2020/11174 BT OPENREACH ENFORCEMENT UNDERTAKING

DISCHARGE

The Clerk reported that resolution of the dispute between Forestry England, Natural England, the Court and BT Openreach is imminent. Openreach has written setting out how it intends to prevent damage being caused to the New Forest SSSI when future works are carried out. Natural England has indicated it is satisfied with the undertaking and final sign off by Forestry England is imminent. Subject to those two organisations feeling Openreach will in fact take steps to ensure there are no further problems, the Court will also consider the matter to be resolved.

2020/11175	RE-SURFACING OF KINGS COPSE ROAD	DISCHARGE
	<p>Mr Grugeon explained that some 40 to 50 years ago, the residents of Kings Copse Road attempted to repair the road surface with tarmac. The result is there are now numerous large pot holes and the road requires resurfacing. The road forms part of the official cycle network and Forestry England has a duty to ensure the surface is of an acceptable standard for use by cyclists. Whilst FE would not normally permit the use of tarmac and the Court would not approve it, given that this road is already partially tarmacked, it was agreed that re-tarmacking is the only reasonable way of achieving a satisfactory and economic repair. FE has agreed to contribute towards the cost of the works with residents providing the remainder of the necessary funding. The Court insisted that if the work is to go ahead, the following specification must be adhered to:-</p> <ul style="list-style-type: none"> • The tarmac must not extend beyond the junction leading to Roughdown. • The tarmac surface must not exceed 12 ft in width. • An additional 1 ft 6 in of hoggin gravel is permitted on either side of the tarmac to allow vehicles to pass. • Ditch to ditch, the road must not be wider than 15 ft at any point. <p>Mr Grugeon will report back to the staff involved in the project. If the tarmacked surface extends beyond 12 ft, FE funding will be withheld.</p>	Action PG
2020/11176	WAGON RIDES – REPLACEMENT ROUTE MAP	DISCHARGE
	<p>The Clerk explained that due to staff changes, an administrative error had resulted in Forestry England submitting the wrong map with the request for consent to the wagon ride routes for a further three years. A copy of the correct map was circulated prior to this meeting. Unfortunately, the map is of poor quality. The Court approved the wagon rides using the correct route map but asked that the map be reproduced in a clearer form for the file. The Clerk said she will ensure that is done.</p>	Action Clerk
2020/11177	MINSTEAD CRICKET CLUB – LICENCE RENEWAL	DISCHARGE
	<p>Minstead Cricket Club’s licence expires in December 2020. Mr Grugeon sought the Court’s permission to commence negotiations for a renewal.</p> <p>Mr Pasmore expressed concern that the club house has become untidy with a number of extensions which may not have been approved. Mr Grugeon was asked to provide Mr Pasmore with a copy of the licence in order that he may satisfy himself that the Club has been managing its premises in accordance with the licence.</p>	Action PG Action AHP
2020/11178	GIBBET WOOD	RESUME
	<p>The fence around this small fenced area is in a very dangerous state. It has been reported before. It is understood the fence was originally erected to protect a cicada population but it is thought that they are no longer there. The Court requested the fence be either taken away completely or repaired and maintained in a stock proof condition. The Deputy Surveyor said he will take it up with Natural England. Mr Deakin added that the fence is doing</p>	Action DS

no good and on stock welfare grounds it should be removed immediately. It can be rebuilt if it is felt it is still needed.

2020/11179 POWERED SKATEBOARDS

DISCHARGE

Mr Dowsett advised the Court that powered skateboards are being ridden on the Forest. They have already been seen on the Forest. They are capable of significant speeds. The Deputy Surveyor thanked Mr Dowsett for the information.

2020/11180 RECREATION MANAGEMENT STRATEGY

RESUME

The Official Verderer gave the following report of the discussions at the most recent meeting of the RMS group:

Verge parking:- HCC has failed to produce a paper on what measures could be taken to control verge parking and obstruction of gateways. This is despite pressure from Cllr Edward Heron and the Official Verderer. The OV drafted a letter which was sent by the NPA to HCC explaining the importance of this work. HCC dismissed the issue as minor environmental damage. The NPA letter explains that it is not minor but one of the linchpins of the recreation management strategy. Without effective controls there will be widespread environmental damage. In view of the failure of HCC, the OV suggested to the RMS group that it rows its own boat and commission advice from an independent highways consultant on what can be done. The suggestion was adopted. The OV further suggested that if bespoke legislation is needed, we should not rule out that possibility

Action RMS
Group

Local Development Order:- This is under discussion between the NPA and Natural England. The NPA is being constructive and imaginative. NE is being pressed very hard by Mr Oliver Crosthwaite Eyre, the Chairman of the NPA and the OV to find a way forward.

Mr Crosthwaite Eyre is standing down as Chairman of the NPA and thus of RMS.

The OV stressed that education has failed. Visitors need a clear set of rules as to how to behave all of which will have excellent justification. The rules need to be coupled with an appropriate enforcement regime that has teeth. In short, the Government needs to decide whether the Forest is a giant play area to be damaged, or an area of international conservation importance, shaped and managed by commoning.

The Deputy Surveyor and Mr Grugeon left the meeting

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2020/11181 SHOBLEY, PART OF HIGHTOWN HILL, ENCROACHMENT

DISCHARGE

The Clerk reported that she believes the encroachment has now been abated. Mrs Westerhoff said she will inspect the area and report back.

Action DW

OTHER AGENDA ITEMS

2020/11182 FOREST FRIENDLY FARMING GROUP

RESUME

Mr Greenwood reported on the latest meeting of the Group. An ELMS pilot is not considered appropriate whilst the HLS rollover continues. It is

thought perhaps the National Trust or Hampshire County Council may investigate that option for their own land.

Defra's online ELMS consultation does not lend itself to responses from the Forest because of the Forest's unique situation. A response will therefore be made by letter. Mr Greenwood will circulate the draft response produced by Julie Melin-Stubbs from the NF Land Advice Service on behalf of the FFFG. Mrs Westerhoff kindly agreed to collate comments from members of the Court, from which a draft will be prepared. Responses to Defra's consultation must be made by 31st July.

Action JG

Action DW

2020/11183 ENGLAND TREE STRATEGY

RESUME

Mrs Westerhoff agreed to read through the strategy and produce a draft for comment.

Action
DW

2020/11184 BT OPENREACH PROPOSED NEW CONNECTION TO MALWOOD WALK STABLES, MINSTEAD

DISCHARGE

The Court was happy to delegate the final decision in respect of BTOR's proposal to lay 232m of new duct with associated joint boxes to Mr Deakin and Mr Dowsett. The Clerk will ask BTOR to provide some dates for a site visit.

Action Clerk

HIGHER LEVEL STEWARDSHIP SCHEME & VERDERERS' GRAZING SCHEME

There was nothing to report at this meeting.

MATTERS ARISING FROM EXTERNAL COMMITTEES & WORKING GROUPS

2020/11185 FRESHWATER & WETLAND RESTORATION FORUM

DISCHARGE

The Official Verderer reported that the forum has met after a long interval, for a brief catch up meeting. The next step is a webinar on 31st July from the Evidence and Monitoring Sub-Group which will hopefully set out clear guidance on the way forward.

The Forum was reminded of the key principles behind the strategy: –

- Improve wetlands
- Naturally functioning
- Integrated catchment approach
- Good quality (not quantity) evidence
- Clarity as to what data is needed
- Appropriate analysis
- Baseline data
- Consultative process

The role of the forum is intended to comment and make recommendations. The communication subgroup will ensure effective dissemination of messages about the benefits and risks of restoration in The New Forest.

2020/11186 WHITE TAILED EAGLES

DISCHARGE

Mrs Westerhoff said there are 9 new young eagles on the Isle of Wight which will be released later this summer. Of the 6 birds which have so far been released, 4 are known to have survived. 3 are currently in Yorkshire and the 4th has remained on the Isle of Wight. Of the other 2, 1 bird died

and the autopsy which was carried out was inconclusive, the other bird has disappeared.

FINANCIAL MATTERS

2020/11187 FINANCIAL STATEMENT RESUME

The Financial Statement was noted.

STAFF MATTERS

2020/11188 STAFF COMMITTEE RESUME

The Staff Committee minutes had been circulated.

2020/11189 DRIFTS DISCHARGE

Mr Deakin said he is arranging a meeting with the Agisters, Mr Greenwood and Mr Readhead, to be held in the garden at Mr Readhead's home. The meeting will discuss and hopefully decide on the best way forward as respects drifting this year. The ongoing Covid-19 restrictions and the high number of people who are expected will be on the Forest this summer will dictate what is possible. However, some drifts are considered to be essential in order to ensure the welfare of stock. Action RD

2020/11190 POSSIBLE APPRENTICE AGISTER DISCHARGE

Age-wise, the Agisters are all within 10 years of one another. At present there seems to be a dearth of obvious candidates. Mr Deakin and the Head Agister are proposing to produce a discussion document. The question of funding for an apprentice will be considered. It is not envisaged that anything will happen quickly. Action RD/JRG

2020/11191 FEEDING AREAS RESUME

The results of the feeding area inspections will be brought to the September Court. Action RD

2020/11192 INCIDENTS BETWEEN STOCK AND THE PUBLIC DISCHARGE

There was one incident at Hatchet Pond where a pony was demanding food but it was not considered to be serious enough to order the removal of the pony, the identity of which was not 100% certain. There has been a suggestion that the Ice Cream Vendor may be feeding ice cream cones to the ponies. The Clerk has asked Forestry England's recreation team to issue a reminder to ice cream vendors that they must not, on any account, feed the animals.

HEALTH & SAFETY

2020/11193 COVID-19: VERDERERS & STAFF RESUME

It is felt there is no need for the admin staff to return to the office yet. Working from home seems to be satisfactory. Government guidance is still to work from home if you can. Before any decision is made about staffing the office, it will be necessary to consider the protocol being produced by Forestry England for the future operation of Queen's House. During the post Covid-19 recovery stage, staff will be asked what they would like to do in the future.

2020/11194 AGISTER ROBERT MATON DISCHARGE

Agister Maton is recovering at home. The Clerk confirmed the details of his accident have been reported to HSE under RIDDOR.

ANY OTHER BUSINESS

2020/11195 FUTURE MEETINGS OF THE OPEN COURT DISCHARGE

The Official Verderer said he feels it should be possible in time for Open Courts to be held in some form in order to allow members of the public to make presentments. He added, however, that it is likely this will be some time in the future. The situation will be kept under review.

2020/11196 FUTURE NATIONAL PARK CHAIR DISCHARGE

Mr Oliver Crosthwaite Eyre is due to step down from the Chairmanship of the National Park Authority by the end of August. His replacement has yet to be announced. The current Deputy Chair is Patrick Heneghan who is a Secretary of State Appointee. In any event, Mr Heneghan will replace Mr Crosthwaite Eyre on the RMS Group. Mr Greenwood commented that Mr Heneghan has attended the last couple of Forest Farming Group meetings although he did not contribute to the discussions. The next NPA Chair will be chosen at the AGM in a couple of months' time. In the meantime, Mr Heneghan will take the Chair. Mr Gavin Parker is potentially the next Deputy Chair.

2020/11197 RAGWORT DISCHARGE

A discussion took place regarding pulling of ragwort. Some members of the Court felt that pulling every last plant in a given area is a bit excessive. In any event doing so, leaves no food for the Cinnabar Moth and the many other moth and invertebrate species associated with it.

2020/11198 KINGSTON GREAT COMMON FENCE RESUME

Mr Deakin reported that recently, two ponies have been entangled in wire thought to have come from the fence erected across Kingston Great Common by the owner of the common, Mr Richard Lowndes. One of the ponies had to be humanely destroyed, the other is being treated for cuts to her fetlock caused by the wire. Mr Deakin said he has inspected the fence and he believes 98% no longer has any wire. There is, however, a combination of plain and barbed wire at the Knaves Ash end of the fence, some of which has been coiled up and tied to posts. Two strands of loose barbed and plain wire remain which are extremely dangerous. The Clerk had a discussion with Mr Lowndes regarding his fence but it was not helpful. The RSPCA has been informed that the fence is a serious welfare issue but there has been no further communication.

2020/11199 FILMING OF MARE AND FOAL DISCHARGE

Mr Deakin advised the Court that a mare and her foal are being followed and filmed. This is not thought to be a commercial activity and the owner of the mare and foal are involved.

The video conference ended at 13:15 hrs with thanks to the Clerk for arranging the meeting in this way.