

**Minutes of the Court of Verderers held on Wednesday 20<sup>th</sup> November 2024 at 9.30 a.m.  
in the Verderers Hall, the King's House, Lyndhurst**

PRESENT	Mr E Heron	Official Verderer
	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	Dr G Ferris	Co-opted Elected Verderer
	Mr A H Pasmore	Senior Elected Verderer
	Mr R Stride	Elected Verderer
	Mr C Chatters	Natural England Appointed Verderer
	Mr M Gammon	Forestry Commission Appointed Verderer
	Miss A Sevier MBE	National Park Appointed Verderer
	Mr R Manley	DEFRA Appointed Verderer
	Mr D Readhead	Elected Verderer
IN ATTENDANCE	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister
APOLOGIES	None	

**IN COMMITTEE in the Library**

2024/13749	MINUTES OF THE LAST MEETING	RESUME
	The minutes of the last Court, held on Wednesday 16 <sup>th</sup> October 2024 were approved, and signed by the Official Verderer.	
2024/13750	NEW DECLARATIONS OF INTEREST	RESUME
	There were no new declarations of interest.	
2024/13751	CONDITION OF STOCK	RESUME
	The Head Agister commented that the recent cold weather has been something of a shock. It has been dry and mild for most of the Autumn but it has now turned wet and cold and that is inevitably having an impact on the condition of the animals. Due to strangles, a number of drifts had to be cancelled which has resulted in more foals than usual being left on mares. Those mares are losing condition rapidly. The Agisters and commoners are doing their best to catch these animals as quickly as possible.	
	A lot of cattle are now home but there was a lot of grass on the Forest and few acorns so some herds have stayed out longer than usual.	
2024/13752	STRANGLES	RESUME
	There are fewer cases of strangles in the North of the Forest although there are still one or two in the Ogdens area.	
	Strangles has been seen in a mare and her foal at Culverley and a mare caught at Balmer Lawn showed symptoms a few days after being taken home.	
	It is to be hoped that the colder weather will result in an end to strangles for a while.	

2024/13753 BLUE TONGUE

RESUME

The Forest now falls within the restricted zone which includes most of Hampshire and some of Wiltshire. Salisbury Market, however, remains out of the zone. Being in a restricted zone means that stock can be moved within the zone but not outside it. Animals can be sent direct to slaughter to specified abattoirs. If Salisbury is included, stock from the Forest will be able to be sold through the sale, but will still not be able to leave the restricted zone.

It is hoped that with the onset of colder weather, there may be a vector free period, when restrictions can be lifted, possibly after Christmas. However, restrictions can be reintroduced if new cases are identified.

2024/13754 INCIDENT AT GODSHILL ON MONDAY 21<sup>st</sup> OCTOBER

DISCHARGE

The Head Agister gave a brief report.

A few days before the incident, advice concerning cattle depastured on the Forest was sent to all cattle owners whose names appear on the marking fee register as part of routine communications.

Consideration will be given to whether a byelaw review is needed.

2024/13755 MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR

RESUME

	<u>2024</u>	<u>2023</u>
Forest Ponies	4951	4912
Forest Cattle	2518	2875
Forest Donkeys	124	119
Forest Pigs	311	334
Forest Sheep	0	0
Total Forest Stock	7904	8240
Common Ponies	578	619
Common Cattle	411	1197
Common Donkeys	93	106
Common Pigs	62	52
Common Sheep	121	163
Total Common Stock	1265	2137
Ponies, Cattle & Donkeys on the Forest	7593	7906
Ponies, Cattle & Donkeys on the Commons	1082	1922
Total Ponies, Cattle & Donkeys	8675	9828
Total Stock – Forest & Commons	9169	10377

2024/13756 MARKING FEES MAXIMUM LIMIT

RESUME

The marking fees are rapidly reaching the maximum permitted by the byelaws. The Clerk was asked to contact DEFRA to discuss reviewing the byelaws.

Action Clerk

2024/13757 BREACHES OF THE BYELAWS

RESUME

There are no new byelaw breaches.

## OPEN COURT

**IN ATTENDANCE:** Mr Craig Harrison, Deputy Surveyor  
Mrs Joan Clark Land Agent, South East England

The Head Agister opened the Court with the usual proclamation.

### ANNOUNCEMENTS & DECISIONS

#### 2024/13758 VERDERERS' ELECTION

There are FOUR candidates standing for election this time. The Election takes place on Tuesday 26th November and electors may vote at any of the four polling stations which are situated in Fordingbridge, Ringwood, Lyndhurst and Lymington between the hours of 10.00 a.m. and 8.00 p.m.

Please remember when attending a polling station to vote, electors must take their polling card with them. As long as you take your card with you when you go to vote, additional ID is not required. If anyone hasn't yet received their polling card, please contact our office immediately. We hope as many people as possible who registered their right to vote will turn out.

We respectfully ask that candidates standing for election, or any others persons, DO NOT use this Open Court for electioneering purposes! Also, we take this opportunity to remind anyone making a Presentment that the law relating to defamation does apply to any statements made in this forum!

#### 2024/13759 MARKING FEES FOR 2025

For 2025 the marking fees will be:-

The marking fee for ponies, cattle and donkeys on the Forest will be increased by £1.00 to £29.00 per head.

The Common rate of marking fee, for those commoners whose animals qualify, will be £14.50 per head for ponies and donkeys and £3.63 per head for cattle, which is 1/8th of the Forest fee.

Marking fees for sheep increase by £1.00 per head. Sheep on the Forest will therefore be £12.00 per head and on the Commons, it will be £6.00 per head.

The marking fees for pigs also increase by 50p per head on the Forest, to £5.00. On the commons they will remain unchanged at £2.50 per head.

Please remember that marking fees are due from the 1st January. Under our Byelaws, the deadline for payment of all marking fees for continuously depastured animals is 31st March.

If not paid by 31st March, you will not be eligible to join the Verderers Grazing Scheme. Marking fees for animals which are not continuously depastured are due before the animals are turned out. It is the responsibility of commoners to volunteer payment of marking fees, not the responsibility of the Agister to chase you for them.

2024/13760 WHITE LINES ALONG THE EDGES OF THE UNFENCED ROADS

Whilst white edging lines can help with making animals more visible in the dark, they may also actually encourage motorists to drive faster as they also make it easier to see edge of the road in the dark. HCC usually only repaints them because a road safety issue is highlighted or because this is requested by a Parish Council or member of the public. Requests for lines to be repainted can be submitted to the County Council via their website at [www.hants.gov.uk/roads](http://www.hants.gov.uk/roads).

2024/13761 BACKUP LAND SURVEY

A short questionnaire has been sent to commoners via the verderers email system aimed at assessing the scale of backup grazing across the local area. It is aimed at assessing the need for such land in each parish. At present there is no information held on backup land use, so there is no way that planners can challenge developments that threaten access to it and ensure the future viability of commoning. No-one else will bother to collect the information, so we need to do it ourselves.

In the past commoners have been in competition with recreational horse keeping for grazing, but now there is ever greater pressure on undeveloped land: for housing and commercial developments and increasingly for solar and wind farms, woodlands and other 'green' uses. The small rents that commoners are able to pay for access to grazing are easily outbid by commercial profits and government subsidies which are threatening the very future of commoning in the New Forest.

So, please complete the form if you already have it. It is completely anonymous, only asking for the parish in which your holding and land is situated, so no person or piece of land will be identified.

A reminder will be sent out in the next week or two in case you can't find the original.

Please fill it in! It only takes 5 minutes.

2024/13762 OUR CLERK

As announced recently, it is with great sadness that we must say goodbye and thank you to Sue Westwood following nearly 30 years of dedicated and loyal service to the Court. The contribution Sue has made to the Court, Commoning and the Forest is too immense for me to articulate.

Her knowledge, experience and guidance has been invaluable to me, as I know it has been to my predecessors, and I am personally grateful for the support that she has offered me since my appointment. We wish Sue all the very best for the future.

2024/13763 FORESTRY ENGLAND PRESENTMENT TO THE VERDERERS COURT  
18/09/2024 – A PROPOSAL FOR PROMOTING RESPONSIBLE CYCLING AND  
IMPROVING THE NEW FOREST OFF ROAD CYCLE NETWORK

Thank you to everyone who has made a presentment or sent in a written representation concerning Forestry England's proposals to extend the waymarked cycle network. The Court is unlikely to be in a position to make a decision until at least February next year.

## **ANIMAL ACCIDENT REPORT**

2024/13764 THE ANIMAL ACCIDENT REPORT FOR OCTOBER 2024

The Agisters attended 16 accidents in October compared with 11 in October last year.

5 ponies died.

1 pony, 1 pig and 2 cows were injured.

2 cows escaped injury and in 5 incidences the animals reportedly involved in an accident could not be found.

4 accidents occurred in daylight, 1 at twilight and the remaining 11 in the dark.

2 drivers have failed to come forward.

The total number of commoners animals killed and injured this year is 40. That compares with 43 in the same period last year.

## **PRESENTMENTS BY THE DEPUTY SURVEYOR**

2024/13765 FORESTRY ENGLAND PRESENTMENT TO THE VERDERERS COURT 18/09/2024 – A PROPOSAL FOR PROMOTING RESPONSIBLE CYCLING AND IMPROVING THE NEW FOREST OFF ROAD CYCLE NETWORK

When we brought the proposal for improving the management of cycling to the September Verderers Court, we knew this would be a subject of interest for many. This has been reflected in the range of views and responses to it from forest organisations, community and cycling groups and local residents. Thank you for the informative feedback.

The issue of cycling in the New Forest has been much debated over the years and often views can become polarised. The recent collaboration has helped share different perspectives and problem solve together. Compromises have been required by all parties and they are reflected in the proposal.

I'd like to reiterate the primary reason why this proposal has been put to the Court – to improve the management of cycling in the New Forest.

It includes improvements in the network that will make a step change in the management of cycling in the forest, striking a balance between achieving the health and societal benefits of cycling and better protecting the special qualities of the New Forest. It is important to recognise it is a package of measures that are all needed to achieve an improvement for the Forest.

Collectively, these measures represent a considerable investment in the Forest and the way recreation is managed. Many require collaborative working and funding. Further discussions and consents will need to take place before they can be delivered. Despite these challenges, there is real engagement and commitment by local partners to work together to do this and achieve the benefits this proposal offers.

2024/13766 80TH ANNIVERSARY OF D-DAY AT CANADIAN WAR MEMORIAL

You see today there are Canadian military flags in the Court. On the 10th November, a ceremony took place at the Canadian War memorial in the New Forest to mark the 80th anniversary of the 3rd Canadian Infantry Division's presence in the area for D-Day preparations.

The ceremony was attended by around 80 people. As well as members of public, there was attendance from Forestry England, Verderers and two 3rd Division officers who had travelled over from Canada.

Two flags were given on behalf of Brigadier-General S.G. Graham and a letter commending and thanking the New Forest community's efforts to preserve the Division's legacy. They will be stored in the display cabinet at King's House and going forward, the flags will be used at the memorial on special occasions.

Thank you to Rick Manley, Richard Daponte, Sam Jones and Marcus Reeves for supporting the 10th November event and setting up the flags and letter in court today. I'll now provide some of the history...

In 1944 the 3rd Canadian Infantry Division were camped in Highland Water Inclosure preparing for the D-Day landings. On the 14th April, the Rev. R. Keith Perdue of the Canadian Chaplain's Service chose Mogshade Hill to hold Church Services for his men. He bolted together a pine cross and set up a flag covered altar. With the ground falling away the cross stood out against the skyline and the site was used for Church Services until the men left for the Normandy invasion.

In 1949 the Deputy Surveyor of the New Forest suggested to the Canadian High Commissioner in London that the memory of this incident should be perpetuated with a more robust New Forest oak cross and inscription, as the pine cross was falling into decay.

In 1960 a more solid & permanent memorial was built. In 1969 the plaque - having become weather worn over the years - was removed, refurbished and replaced in a new concrete plinth by the Bournemouth Branch of an ex-serviceman's association. At the same time the Forestry Commission renovated the fencing and levelled the area around the Cross.

Forestry Commission & England have been tending the site since that time, in recognition of the importance of that moment. The cross that stands at Mogshade is still held together by the original bolt used in 1944.

It is right and fitting that the actions and bravery of the 3rd Canadian Infantry Division - and all Allied troops based in the New Forest - are forever remembered to secure the freedoms we enjoy today.

## PRESENTMENTS BY THE PUBLIC

2024/13767 GRAHAM FERRIS & DAVE READHEAD

Presentment by Mr Andrew Parry-Norton, Chairman New Forest Commoners Defence Association

'This court is the last for Graham Ferris and Dave Readhead, both have contributed hugely to the Forest and Commoning. They have played active roles in the CDA committee and represented the Commoners interests in their role as Verderers.

Their commitment and knowledge will be greatly missed and a simple thank you seems inadequate.

The CDA wishes them both well for the future, we owe you both a debt of gratitude and a well deserved rest, although I have no doubt we will still see you out and about.'

2024/13768 FOREST FARMING GROUP – RESPONSE

Presentment by Mr Andrew Parry-Norton, Chairman New Forest Commoners Defence Association

'At last month's court, a presentment was made with reference to the Forest Farming Group and the survey it commissioned. I would like to clarify a number of points that were raised and give an informed response.

The consultation meeting held on the 9th September, it was conducted on behalf of the Forest Farming Group (FFG) by New Park Consultancy and was promoted by public notice, published in the Lymington Times and sent out by various emails via the Verderers / CDA mailing lists. A number of visual posters were displayed at the New Forest Show. This conforms with the requirements set out by DEFRA.

The following survey was aimed at everyone who occupies land or property in the New Forest, which has the rights of common, practicing and non-practicing. This statement was made very clear at the open meeting.

Of the 139 responses to the survey, 14 confirmed they were not exercising their rights of common. This is just over 10% of all respondents.

The study encompasses all stakeholders with a legal interest; this includes the many landowners, Natural England and the National Park Authority.

The survey was designed to answer questions that were required of the PA2 feasibility study with an outcome of giving guidance to a suitable Agri-environmental scheme. The survey gave the opportunity to respondents to recommend a timescale for a future scheme, 30 years being only one of those options.

The feasibility study has a very broad remit and is certainly not a small undertaking but it has to stay focused on the questions it has to answer.

The results of the survey will be made available in due course.'

2024/13769 CADNAM CRICKET GROUND FENCING

Presentment by Mr Tony Vanderhoek

'Good morning Verderers and members of the public.

On behalf of my wife Jacqui Vanderhoek I am reading her presentment titled:

Safety concerns regarding condition of Cadnam Cricket ground fencing.

I am concerned about the hazardous nature of the fencing at the Cricket Ground as it fails to prevent cattle and ponies entering when closed to livestock. Once the animals enter they cannot work out how to get out and become distressed when the herd leaves. The ponies and cattle then create further damage to the fencing and struggle to get through it.

The wooden posts are frail and much of the fence has been flattened on several occasions, leaving plain wire and netting at hazardous angles whilst stock trample over it.

Plain wire and netting is at present pulled outwards in places, acting as the perfect animal snare.

Those responsible for such fencing have a duty of care to our livestock. There must be improvement to its maintenance to ensure the fencing is fit for purpose.

2024/13770 BRIDGES

Presentment by Daisy Slocombe on behalf of the Young Commoners

'Dear Official Verderer, Verderers and members of the Court, my name is Daisy Slocombe and I am here today to represent the Young Commoner's Committee.

We want to raise our concerns, with you, about bridges in the New Forest.

We are concerned how these changes Forestry England are proposing will affect the way we enact our rights to common. For example, when we need to check our stock, particularly in the winter when we would do this from horseback and need access over many of the rivers in the forest, which could be flooded, bridges are the only safe option. We would like to understand Forestry England's thought process on how they have chosen which bridges will be maintained as access for horse riders and which won't. It doesn't seem as though they have taken into account our imperative requirements to manage our stock throughout the year.

Equally, it is paramount that we have access to all areas of the forest for emergency access. What do Forestry England suggest we do when we have an injured animal stuck on one side of a non-accessible bridge?

It is unclear how Forestry England anticipate preventing livestock from using bridges that are no longer suitable for equestrian access. If for example, Forestry England have said bridges are only suitable for pedestrians and one of our livestock crosses that bridge and gets stuck, because the bridge isn't up to spec for the weight of a pony or cow, who is legally liable?

As we know, livestock have a haunt, their areas are shared with their offspring within their herd. Many of their haunts will utilise bridges to access the whole area. We know from historic evidence from when the roads were fenced that ponies' haunts can be significantly affected by changes in access. At that time there were ponies that became poor in winter because they could no longer access their winter forage. Our concern here is that this could become a welfare issue.

Our committee is appreciative of the few bridges which have been repaired and the high quality of work which has been actioned. The bridge at Witybeds being an example.

The Young Commoners' committee would like to see a copy of the map showing which bridges will remain in situ and of those which ones have vehicle access and equestrian access. We ask the Verderers to request such a map from Forestry England and share it with the relevant stakeholders, such as ourselves, who need to see and comment on the final plan.

This is yet another restriction on commoning that as Young Commoner's we are gravely worried about our future in the forest.'



2024/13771 AGGRESSIVE COWS  
Presentment by Susan Melliush

I reported the following to Sue Westwood at the Verderers office on Monday 30th September 2024 via phone.

My words to her after my terrifying experience and on learning that owners are only ADVISED to take cattle with new borns off the forest were 'What are you waiting for, someone to be seriously injured or killed'? Well, now someone has been killed.

Something has to be done to prevent this happening again, because it will.

I was walking my dog on the forest as I do every day, when literally we were charged at by a brown and white cow. I can only imagine she must have had a young calf nearby who we hadn't seen. The cow saw us first. I had no idea she was there. I would always avoid cows on the forest as they often have young calf's and I'm well aware of the danger this poses. I now know the calf was so new born it hadn't even been tagged!

I ran and hid behind a gorse bush, she ran after me. When I thought she had gone I ran again, only to be chased again. This happened 4 times, she wasn't giving up. She was relentless in her pursuit of me. The only reason I was able to get away was because she saw another walker and did the same to her. (She also reported it to the verderers office). I have no doubt this cow could have killed me, had she not seen the other walker. I have no idea how I would have got away. I was terrified. Ironically, I met up with a friend later that day who farms in Pembrokeshire. They never graze cows with new born calf's in fields with footpaths due to the dangers.

I had a conversation with Robert Maton who said the cow gets 1 chance – not sure how you know which cow you've given a chance to if it happens again! Surely the answer would be to not have them on the forest in the first place, just for those short few weeks just before and after birth. There are many many incidents that you are unaware of where people have been charged by cows and some now don't walk on the forest. I cannot believe how many people have been in contact with me regarding this.

To be told the owner went up to the cow after the incident with his dog and everything was fine is just an insult! If he went into my field with his dog I'm not sure my horse would be that happy, but obviously he is fine with me and my dog!

Your comment about this lady's death being a 'wake up call' for commoners to keep their cows in at this time! – maybe it would be if they had the land to keep the cows on, but apparently not everyone has! I was told the owner of the cow in question does not have land. I always thought people who had forest rights had to have land to keep their animals on in case they were injured etc.?

So many people have contacted me, having heard about what happened to me. All have had encounters with cows who, like myself, had not seen them, but the cow saw them first and charged. I asked why they hadn't reported it but many didn't really know who to report it to and just accepted it had happened, they hadn't been trampled and hadn't been killed BUT now somebody has. I have to add, all those it has happened to, including myself are now too scared to walk on the forest (all live, like myself on the forest) that's no way to live.

Everybody loves seeing all the animals on the forest. We respect them, keep our distance and train our dogs to do the same. All I am asking is that for those few short weeks where a cow's hormones and maternal instincts make them dangerous (and let's face it, they are) they are kept safely off the forest to enjoy that time with their

calf without the stress of seeing walkers and dogs. It would make the forest a safer place for walkers and their dogs too.

That poor 80 year old lady killed at Godshill cricket pitch didn't stand a chance. At 80 she probably couldn't run and I don't imagine there are many gorse bushes to hide behind! What a terrible way to lose your life! Especially when it is preventable!

Local farmer has also said they don't leave cows who are about to calf on the forest for the very reasons I am here today.

More people have contacted me regarding their experience with cows on the forest. Sadly, some have said they are too scared to report it!

BBC News:

Calls for warning signs about livestock to be put up following the death of an elderly woman thought to have been trampled by cows.

Pamela Joyce Barnwell was 88 when she died on 21st October. Kevin Parker had been charged at by a cow in the same place a few days before. Sadly the cow was able to do it again, if it was the same cow, with more devastating consequences, which puts into question your policy of giving a cow a 2nd chance!!

Signs – How on earth is this going to stop people being killed? They are not going to make any difference. The cow who has hidden her calf sees the walker first and charges. A warning sign is not going to stop that or help anyone! Who thinks up these ridiculous ideas! I can only imagine someone sitting in an office who knows nothing about livestock. Maybe the cow will read the sign and think again!! A ridiculous statement but just as ridiculous as a sign warning of the dangers around cows with young calf's – what exactly would the sign say? A warning sign is admitting there is a problem!

What are you waiting for? Surely one fatality is one too many? We need change now! One small simple change – Keep cows and calf's off the forest in those first few early weeks. It's not asking for much but I believe it will save lives.

I truly believe I would have been killed that day had circumstances been different! It terrified me so much that I can no longer walk on the forest. That says everything – you can't avoid or prevent aggression from a cow who has a calf hidden and you happen to walk too close to it. As you know the cow is often nowhere near her calf. I would think some people have avoided the cow only to walk very near the calf which then causes the problem! There is absolutely no way to avoid this! Well, there is – removing the danger!

The countryside is supposed to be a place for the enjoyment of everyone – I ask you make it just that – a safe place for everyone! Man and beast!

2024/13772 FRIENDS OF THE NEW FOREST (NEW FOREST ASSOCIATION) BYELAW WATCH  
Presentment by Sarah Richards, Vice Chair

'Official Verderer and Verderers and the members of public attending court today, I am Sarah Richards, Vice Chair of the New Forest Association, also known as the Friends of the New Forest. I am giving this presentment on behalf of the association to report our research on the forest byelaws.

All forest organisations recognise that managing growing levels of recreation is vitally important to the conservation of the forest as an internationally important nature rich

habitat. The New Forest Association (NFA) believes that such regulation needs to be based on evidence and has thus been monitoring compliance with the primary sources of recreational regulation namely the Forestry Commission Byelaws as well as the recently introduced PSPOs. The most significant of these are prominently reflected in the New Forest Code.

The Verderers may recall that the New Forest Association ran a Byelaw Watch in 2022, and we presented to the court our results showing widespread breaches. Since then, we have conducted two further surveys. In 2023 we asked commoners about the impact of the most common breaches on commoning and during July – September 2024, we re-ran the Byelaw Watch. Sadly, we find that compliance has not improved and significantly impacts on commoning.

The 2023 commoners' survey received 106 responses and was followed up by in depth interviews with commoners from across the forest. The most common breaches observed related to feeding and petting of stock and illegally parked vehicles which was closely followed by off-track cycling and a worrying level of wildlife disturbance. These breaches also had the most significant adverse impact on commoning with stock petting and feeding most prominent at 32%, off-track cycling at 15% whilst illegal parking and stock worrying were both at 13%.

Commoners' general observations referred to the adverse effect of recreation for example 'High impact on the forest fauna and flora which in turn affects our stock' and behaviour which showed a 'Total disregard to authority: the keepers need to act.' Our 2024 Byelaw Watch received over 150 reports and recorded over 3,500 individual breaches of the byelaws. The most frequently reported breaches were:

Ubiquitous dog waste and litter (with over 2,000 individual items recorded)  
Pony petting and feeding (with a combined total of 401 instances) and  
Widespread cycling off the cycle network (over 330 instances)

Recorders were encouraged to submit narrative detail of their observations and these are very worrying, including:

A tiny little girl petting and feeding a donkey  
A child trying to pet an angry cow  
Bikes being ridden through a stream off the cycle network  
Cycling across the heathland  
Electric bikes being used off the cycle network  
Wild camping in Brinken Wood  
A discarded used condom and nappies

It was worrying to hear, that one recorder, who attempted to talk to cyclists who were away from the cycle network, and was told "I will cycle where I like".

We encourage the Statutory Bodies to take further steps to educate and guide the public on the effect of these breaches but also and importantly to follow this up with enforcement. It is our belief that education will only solve part of the problem, it will only work for those that care and will not combat the sense of self-entitlement encountered by our watchers. We note previous Verderers' requests to this effect. We thus fully support:

- The current PSPOs and steps to extended them with resources devoted to education, monitoring and enforcement.
- Campaigns against litter, particularly dog waste which could be led by NFNPA with the assistance of forest dog organisations eg NFDog. The work that NFDog is doing on poo pickup is to be commended.

- The immediate adoption of the Cycle Code, the Cycle App corrections and increased network guidance to cyclists advocated by the Deputy Surveyor. These measures should not be dependent on the proposed extensions to the cycle network. They are essential to responsible recreational management. Selective enforcement of more flagrant breaches would also address the arrogance of those who believe they can do what they like.

I will conclude this presentment with thanks to Jo Ivey and Tary Dempsey for their work and support for the Byelaw Watch, all the commoners who replied to the survey and all the people who took part in the Byelaw Watch.'

2024/13773 RECREATION PROPOSALS AND MANAGEMENT STRATEGY  
Presentment by Brian Tarnoff, local resident

Good morning, last month I confused all but a few people here. While many were either supporting the FE backed Cycle Working Group proposals for offroad cycle network changes on the Crown Lands without any acknowledgement of the impact of those changes, while others picked rather easily picked holes in the well meaning but poorly presented scheme. I did neither but simply asked the Verderers to await feedback from both the Access Forum and the Recreation Management Strategy Advisory group, both of which are still to consider the detailed route extensions.

My complaint was not about the proposal or anything about the Cycle Working Group, but the way in which Forestry England has brought this forward, not just not bringing the proposals to those required advisory groups in a timely fashion, but the lack of necessary detail.

The extended routes were published as one map of the whole Forest with over 30 squiggles showing the routes. No rationale, no risk, habitat and tranquillity impact assessments, no note of current suitability, condition, safety, need for investment and maintenance of any route. Just squiggles. If in my professional life I'd submitted a such a thin project specification, I would have been fired on the spot.

These aspects of the proposals may well have been considered by the Cycle Working Group, but they are not evident in the current documentation.

Forestry England's remit for the Forest, as expressed in the Minister's Mandate puts Conservation as the primary objective. Even without this, legally within the National Park, and as members of in the Park's Partnership Plan, this is also the case. Some ecologists including those from the NFA have judged some routes unsuitable. Forestry England have ecologists and have access to Natural England who could weigh in, but not even a preliminary report has been shared.

This puts the Verderers in an uncomfortable position, not having received a fully vetted proposal, they may be the ones who have to say "no" to some of the routes, which both FE and NE would have had to block.

Forestry England and the Verderers are partners in the National Park Authority's Recreation Management Strategy. This acknowledges that we've inherited an outdated infrastructure of car parks and campsites. The planned solution is a new spatial strategy to determine better locations, but no criteria or evidence base for such a plan has been revealed. Any proposals built on the old infrastructure only serves to promote continued use and therefore a perceived need. Without a coherent Strategy all proposals for recreation including the current cycling proposal are hopelessly undermined. For example: investing time, effort and public money promoting routes to and from car parks that may be for good reason be shut in the near future.

Inevitably, cyclists may be frustrated. I hope they will be patient, but also acknowledge that the New Forest is not a leisure park, but land with the status and management of a National Nature Reserve, with livestock and working Forestry. Legal and policy protections for habitat and the other special qualities of the National Park, will rightfully limit recreation. A proper Recreation Management Strategy could include a successful, practical, sustainable, and well considered review of cycling provision on the Forest. I ask that the Verderers encourage their partners in FE and the National Park to deliver one.

2024/13774 FORESTRY ENGLAND PRESENTMENT TO THE VERDERERS COURT  
18/09/2024 – A PROPOSAL FOR PROMOTING RESPONSIBLE CYCLING AND  
IMPROVING THE NEW FOREST OFF ROAD CYCLE NETWORK

A number of presentments were heard today on this subject from those listed below. Copies of the presentments are appended to these minutes.

1. Sarah Nield Friends of the New Forest (New Forest Association) Chair
2. Richard Taylor, New Forest Cycling Working Group (NFCWG) Chair
3. Professor Bob Damper, Lifelong cyclist and resident of Hampshire for 44 years. NFCWG member
4. John Dickinson, Greener Brockenhurst Community Environmental Action Group
5. Henry Mellor, personal presentment
6. Tim Kilsby, longtime resident of Brockenhurst, cyclist and walker
7. John Jackson, resident of Sway
8. Martine, resident of Sway
9. Sarah Olden, New Forest Off Road Club
10. James Aldred, freelance wildlife cameraman and writer
11. Jo Lankester
12. Sue Fenn New Forest Off Road Club – Written presentment not provided
13. Lynn Chapman, rider of an electric bike
14. Colin & Annie Palmer
15. Rob Crates, Forest resident and business owner
16. Nick Wood, joint owner of Lyndhurst B&B
17. Jane Such, volunteer British Cycling ride leader and cycle coach and Bikeability Instructor teaching Hampshire school children to ride safely on the road
18. John Kernick, resident of Hampshire
19. Margaret (& Derek) Bunyard
20. Sue Barrett, resident of Ringwood

2024/13775 ELECTED VERDERERS DAVID READHEAD AND GRAHAM FERRIS

It is with sadness that we will be saying goodbye to Dave and Graham today as this will be their last Court before they stand down on Election Day, 26th November.

Dave joined the Court in 2011 and has stood for election twice during that period. Graham was co-opted to the Court in January 2021 following Elected Verderer Miss Dionis Macnair's decision to stand down.

Dave and Graham have given a significant amount of their time to their duties as Verderers and we are very grateful, as we know are the commoners who they have represented.

Richard Deakin presented paintings by local artist, Peter Frost to Mr Readhead and Mr Ferris.

Mr Readhead said it has been a pleasure and an honour to serve the Court. He said he has done his best and thanked everyone for their support.

**The Head Agister closed the Court****IN COMMITTEE (in the Library)**

**In Attendance: Mr Richard Burke, District Recreation Manager/ Recreation Management Strategy - New Forest - South England Forest District joined the meeting for Minute No. 13715**

**CONSIDERATION OF PRESENTMENTS**

2024/13776 FORESTRY ENGLAND PRESENTMENT TO THE VERDERERS COURT 18/09/2024 – A PROPOSAL FOR PROMOTING RESPONSIBLE CYCLING AND IMPROVING THE NEW FOREST OFF ROAD CYCLE NETWORK RESUME

It was agreed that because of the number of presentments concerning the cycling proposals, they will be appended to the minutes, rather than be included in them. OV/DS

Further discussions with Forestry England will be taking place concerning Habitats Regulations Assessments and to agree a way forward.

**Mr Burke left the meeting**

2024/13777 FOREST FARMING GROUP DISCHARGE

This presentment was for information and requires no further action.

2024/13778 FRIENDS OF THE NEW FOREST (NEW FOREST ASSOCIATION) BYELAW WATCH DISCHARGE

It was agreed it will be interesting to see the final results. There are significant concerns over the lack of byelaw enforcement.

2024/13779 AGGRESSIVE COWS DISCHARGE

In the Official Verderers' response to this presentment in January, he will explain what the Verderers can legally do as respects the control of depastured stock. Any animal is a potential risk and it is not possible to guarantee safety.

2024/13780 CADNAM CRICKET CLUB FENCE DISCHARGE

Mr Stride will inspect the fence and FE will be asked to ensure its tenant maintains the fencing to a stock proof standard.

**MATTERS ARISING**

2024/13781 BRIDGES RESUME

The DS repeated his earlier statement that FE is undertaking a strategic review of bridges, to determine their purpose and associated weight/specification requirements; also their current condition. Some bridges may be considered for removal, in discussion with Verderers. He added that some repairs and upgrades have been carried out to the pedestrian bridges (those bridges <1.5m wide), including decking upgrades that meet minimum

weight requirements for equestrian needs, but the pedestrian bridges still don't fully meet the specifications for a Bridleway standard bridge e.g. handrail heights, access ramp, grip deck. A copy of the list as well as a plan was again requested, to be provided before the December Court.

Action DS

Mr Deakin repeated his concerns about bridges which have been used by horse-riders for years but have recently had signs put on them saying they are unsafe. He said again, that the Agisters cannot be asked to ride across a bridge that has a sign on it saying it is unsafe to do so, even if they have used the bridge for years without any problems. Some bridges are essential and if they cannot be ridden across, animals will be left out and may lose body condition because the bridge is the only route for driving those animals in on horseback. Apart from compromising animal welfare, that will be a public relations disaster and Mr Deakin said he will consider that to be FE's fault. It was then suggested that with appropriate training the Agisters could potentially ride across such bridges. In response, the Clerk remarked that the Agisters probably have more experience than anyone when it comes to riding across bridges! The issue was delegated back to the Staff Liaison Committee. An announcement will be needed in the January Court and it is hoped some progress will have been made by then. The DS said the addition of signage is a requirement resulting from investigations into two potentially serious incidents involving equestrians and bridges, originally designed for pedestrian use that don't meet current bridleway specifications.

Action RD &  
RS

## 2024/13782 ACCESS LICENCE TO A NEW COMMONERS' DWELLING

DISCHARGE

Mrs Clark said that FE is looking for a way forward as respects the particular access licence that is causing concern.

Action JC

It was suggested that access licences could be made dependent on occupation of a property being by a practising commoner. It was felt, however, that this may not be easy to achieve now, and enforce in the future.

**CAMPING**

## 2024/13783 SALES FROM CAMPSITES

DISCHARGE

Confirmation was sought that it is FE's understanding that items for sale from campsite offices should be for the benefit of those camping onsite and not the general public. The DS confirmed this.

## 2024/13784 HOLMSLEY WINTER WARDENS

DISCHARGE

The Court agreed that 3 wardens' units may remain on Holmsley CS over this winter. This is not a permanent permission.

**UTILITY PROPOSALS**

## 2024/13785 DE-MINIMIS-CONSENTS - UTILITY PROPOSALS AGREED BY THE DE-MINIMIS COMMITTEE

DISCHARGE

DM0214 Southern Water. On open Forest just outside The Pig Hotel, Brockenhurst. Repair leak on 3" main.

2024/13786 UTILITY PROPOSALS DISCHARGE

It was agreed that a time limit should be applied when the office asks members of the Court for views on utility proposals. It was decided that a minimum of 7 days will be allowed for responses from the time that the office emails the details, up to a maximum of one month. This is assuming the information provided is sufficient to fully consider the proposals. This will apply to both de-minimis proposals and those requiring consideration by the whole Court. If, at the end of the time period, no comment has been received, the office will assume it can give consent. All decisions on major works will be recorded in the Minutes as they are now, with a record of de-minimis decisions kept by the office.

### SSSI RESTORATION WORKS

2024/13787 SSSI REPAIR & MAINTENANCE/ENHANCEMENT LIST RESUME

There have been no changes to the list.

2024/13788 LONGDOWN MIRE DISCHARGE

The restoration proposals for Longdown Mire, details of which were set out in a paper produced following a site visit on 29<sup>th</sup> October, were approved.

### ENCROACHMENTS

2024/13789 ENCROACHMENTS LIST RESUME

The list has not changed.

2024/13790 SHEEPWASH COTTAGE, EAST END DISCHARGE

The Clerk has written to the property owner.

### ITEMS REQUIRING ACTION BY FORESTRY ENGLAND

2024/13791 ACTION LIST DISCHARGE

Nothing new has been added to the Action List.

Mr Pasmore asked that if the sheeting he reported at North Bentley is not removed by the December Court, can it please be added to the Action List. The DS agreed but said the work is in progress and should be completed shortly.

Action FE

### ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2024/13792 DAMAGE CAUSED BY TIMBER EXTRACTION AT LINFORD DISCHARGE

Members of the Court were dismayed at the extent of damage caused recently when timber was extracted at Linford.

The DS said the area has now been cleared. Work will be required to level the ruts before the area is left to recover.



2024/13793	HCC CYCLE ROUTES INCLUDED IN THE LCWHIP	RESUME
	Mr Chatters commented that two open Forest routes included in HCC's Local Cycling and Walking Infrastructure Plan cross the Forest. He asked whether they are being considered in FE's cycling proposals?	Action DS
2024/13794	BALMER LAWN BRIDGES	DISCHARGE
	FE is proposing to remove a couple of bridges from Balmer Lawn and to replace some others with culverts.	
	The proposals were considered acceptable from a stock management point of view and agreed, but Mr Deakin asked that it be noted that culverts still need maintaining, albeit not usually as often as bridges.	

#### **ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND**

2024/13795	ELECTRIC FENCE ON PRIVATE PROPERTY BOUNDARY AT FRITHAM	DISCHARGE
	In response to a query, it was agreed that an electric fence on a permanent fence is acceptable although it should carry warning signs.	
2024/13796	THANKS FOR HELP ON THE DRIFTS	DISCHARGE
	Mr Deakin thanked the DS for the assistance provided by FE staff at this year's drifts. The Rangers and Keepers have been extremely helpful in closing relevant car parks and parts of the cycle network as necessary as well as managing the public.	
2024/13797	OCKNELL ARCH REPAIRS	DISCHARGE
	The DS confirmed that his staff are involved in this, and the proposals are acceptable. Protection for Forest stock is included.	
2024/13798	DENNY LODGE WATER SUPPLY	DISCHARGE
	Mrs Clark reported that the work to upgrade the water supply to Denny Lodge is almost complete. Mr Deakin thanked FE, saying the work that has been undertaken is very tidy and very good.	
2024/13799	OUTGOING VERDERERS	DISCHARGE
	The DS wished Mr Readhead and Mr Ferris all the best for the future.	

**There being no other business involving Forestry England, the Deputy Surveyor and Assistant Land Agent left the meeting.**

**Mr Manley gave his apologies and also left the meeting.**

#### **BREAK FOR LUNCH**

**Representatives of the National Trust joined the Court for a discussion immediately after lunch. They then left and the Court Committee resumed.**

**MATTERS ARISING FROM EARLIER IN THE MEETING**

2024/13800 CYCLING

RESUME

A further brief discussion took place on the way forward. The Court may consult an expert on Habitats Regulations Assessments if agreement with FE over the more sensitive proposed cycle routes cannot be reached.

Recreation is known to affect the habitat and FE will need to show that the additional routes will not result in a greater negative impact. There is also the question of how impact from the new routes will be monitored and what will happen if the monitoring that is carried out shows that damage is being caused.

The Court has serious concerns over health and safety and liability in the event of an accident suffered by a cyclist using an open Forest route.

There is concern that the proposals only form part of a larger plan which should be considered in its totality.

It may be necessary to arrange meetings to discuss individual routes.

**ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND**

2024/13801 FURZEY LAWN LANE

DISCHARGE

The Clerk reported that Mr Young (CDA) is waiting for the bracken to die back before taking photographs of the fence to ascertain the extent of the encroachment. Once that has been done, a decision will be taken as to the best course of action.

**MATTERS ARISING**

2024/13802 SPEED CAMERA VAN

DISCHARGE

The question of whether the HLS/VGS can assist with future funding has yet to be confirmed. It was agreed, however, that the Speed Camera Van will be funded for a further year (2025).

**OTHER AGENDA ITEMS**

2024/13803 HIT &amp; RUN REWARD CLAIM

RESUME

The Court agreed to pay a reward of £2,000 to witness who came forward with information leading to the identify of a driver who killed a pig. The witness will be asked if they are willing to provide a short statement for the press.

Action Clerk

Mr Deakin will ascertain whether the CDA is willing to contribute towards the reward. As a pony was not involved, the NFPB&CS will not be asked to contribute.

Action RD

2024/13804 VERDERERS' ELECTION

DISCHARGE

The Clerk gave a brief report.

509 commoners registered to vote at this 2024 Verderers' Election. It is a disappointing total, given that there are in the region of 700 commoners paying marking fees and a lot of effort was put into trying to increase the electorate. A few forms were received too late to be included.

There are 4 candidates standing for election this year.

The four polling stations, at Lyndhurst, Lymington, Fordingbridge and Ringwood will be open from 10.00 a.m. until 8.00 p.m.

The count will be held in the evening in the Library in King's House and the results will be announced by the High Sheriff, Mr Jonathan Whitaker JP DL, in the Verderers' Hall afterwards.

NFDC's expertise in helping run the election this time has proved to be invaluable and it is hoped that they will be able to help again in three years' time.

2024/13805 CONSULTATIVE PANEL, ILLINGWORTH PANEL AND FFG PA2  
SUB GROUP REPRESENTATIVES

RESUME

With Mr Ferris and Mr Readhead stepping down, new replacement representatives from the Court are required on these panels.

It was decided it would be beneficial to wait until next month's Court committee, when the results of the forthcoming Verderers' Election are known, before representatives are appointed.

#### OTHER ADMINISTRATIVE MATTERS

2024/13806 FINANCIAL MATTERS INCLUDING THE FINANCIAL STATEMENT

RESUME

The Financial Statement was noted.

2024/13807 DEPOSIT ACCOUNTS

RESUME

The OV commented that the accounts show a deficit again and an operational loss. He suggested consideration should be given to alternatives for investing the money that is currently in bank deposit accounts. He went on to suggest that NFDC could be asked if it can help with treasury management as this may increase the interest received. This was agreed.

Action OV

It was also decided that a reserve policy should be drawn up. The future of the Railway Fund should also be considered.

**TRAINING & HEALTH & SAFETY**

2024/13808 ACCIDENT ON DRIFT DISCHARGE

A commoner was knocked unconscious on a drift which has resulted in him being unable to drive for 6 months. This brings home how important it is for every effort to be made to ensure the health and safety of everyone involved in the management of the Forest livestock, especially at pony drifts.

2024/13809 CATTLE DISCHARGE

Mr Deakin reported that an Agister has expressed concerns at the Court's lack of a written policy for dealing with reports of aggressive cattle. Mr Deakin felt that in fact, a significant amount of discussion has taken place over the years on this subject and it has always been agreed that having hard and fast rules is not necessarily appropriate because every situation is different. Unfortunately, there is no doubt that malicious reports are sometimes received from members of the public who are frightened of cattle and want them removed from the Forest. At the same time, it is imperative that an animal that is clearly exhibiting aggressive behaviour is swiftly removed from the Forest.

Under the present system, when a report of an aggressive animal is received, the Agister will discuss the information available with a Verderer, usually the Chairman of the Staff Liaison Committee. If the animal has been identified, its owner will be informed at the earliest opportunity. Subject to the information provided and 'testing' of the animal by the Agister and its owner by approaching it to gauge it's reaction, with or without a dog, (depending on the details provided) a decision will be made as to whether the animal should be removed from the Forest, permanently or temporarily, or moved to a different area.

The Court does not have the power to order the removal of an animal "in case" it might cause a problem to members of the public. It is extremely difficult to strike a balance between protecting the public and protecting the rights of the commoners to depasture their stock.

**ANY OTHER BUSINESS**

2024/13810 NEW TECHNOLOGY FOR THE AGISTER TEAM RESUME

Microsoft 365 is now installed on the office PC's. An option under this software is Microsoft Forms. The OV and Mr Deakin are keen that the Agisters undertake more of their reporting electronically. This could be achieved by the provision of iPads for each Agister.

It was agreed that 2 iPads with robust carry cases should be purchased to trial.

Action  
RD/Clerk

2024/13811 REVIEW OF THE BYELAWS RESUME

Mr Pasmore said that the byelaws should be reviewed. This was agreed and the Clerk said she will find out whether her previous contact in DEFRA is still in post and available to assist.

Action Clerk

**STAFF MATTERS**

- |            |  |                   |
|------------|--|-------------------|
| 2024/13812 | STAFF LIAISON COMMITTEE MINUTES  | DISCHARGE         |
|            | The minutes were noted.  |                   |
| 2024/13813 | PROVISION OF A DEFIBRULATOR TO BE AVAILABLE ON DRIFTS  | RESUME            |
|            | The practicalities of this suggestion will be discussed by the Staff Liaison Committee and a recommendation brought back to the Court.   | Action RD         |
| 2024/13814 | THE AGISTER TEAM   | RESUME<br>January |
|            | Employing an apprentice agister was originally considered pre-Covid but since then, has not been progressed. At that time, Mr Deakin suggested that if implemented, the scope of the position should be expanded beyond only Agister duties and include skills which may be useful to FE as there is no guarantee of a placement with the Court at the end of the person's apprenticeship. The Court agreed. | Action OV         |
| 2024/13815 | PERSONAL DEVELOPMENT INTERVIEWS (PDI's)  | RESUME<br>January |
|            | Personal Development Interviews (PDI's) are the modern alternative to Performance Reviews. The OV suggested these may be introduced in the New Year.   | Action<br>OV/RD   |
| 2024/13816 | HR / REMUNERATION COMMITTEE  | RESUME            |
|            | Following the HR Committee's review of staff salaries and the agisters' horse expenses, the Official Verderer presented a recommendation. After discussion, a vote was taken and the recommendations were unanimously approved.  |                   |
|            | A further confidential recommendation from the HR Committee relating to a staff matter was proposed by the OV and seconded by Mr Deakin. The recommendation was also agreed unanimously.   |                   |

There being no further business, the meeting ended at 15:50 hrs



18/12/24