

**Minutes of the Court of Verderers held on 18th October 2023 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 R Manley	DEFRA Appointed Verderer
	Mr A H Pasmore	Senior Elected Verderer
	Mr D Readhead	Elected Verderer
	Mr R Stride	Elected Verderer
	Mr C Chatters	Natural England Appointed Verderer
	Mr M Gammon	Forestry Commission Appointed Verderer
	Vacant	National Park Appointed Verderer
IN ATTENDANCE	Miss S Westwood	Clerk to the Verderers
	Mr J R Gerrelli	Head Agister

IN COMMITTEE in the Library

2023/13110 NATIONAL PARK APPOINTED VERDERER RESUME

The Official Verderer reported that the NPA will be considering their appointments to outside organisations this morning and that according to the published meeting papers, Ann Sevier is the only nomination for position of NPA Verderer. It is anticipated that formal notification of the NPA's appointee will be received prior to the November Court.

2023/13111 MINUTES OF THE LAST MEETING RESUME

The minutes of the last Court, held on Wednesday 20th September 2023, were approved and signed by the Official Verderer.

2023/13112 NEW DECLARATIONS OF INTEREST RESUME

None.

2023/13113 CONDITION OF STOCK – REPORT BY THE HEAD AGISTER RESUME

The Head Agister said that the Agisters are well into the drifts and the ponies which are coming in look really well. The weather conditions this summer have meant the grass has kept growing.

There is a slight issue with Strangles which has appeared in a few places on the Forest. It has not spread widely, but Ashurst Drift was cancelled. The Livestock Society has decided that regrettably the October Beaulieu Road Sale will be online only. A decision about the November sale will be made later although it is felt the situation is unlikely to improve as the virus is continuing to meander around. Consideration may be given to holding a sale in December.

The cattle are looking really well. A lot are going home now. The TB testing window for the Forest herd is open. Some commoners are getting their animals in because of the acorns although the acorn crop is patchy and not as heavy as anticipated. A good number of pigs are out with the usual problems with poor fencing meaning a few pigs are escaping from the Forest.

Mr Readhead said he has never seen the animals on the Forest looking so good.

The Head Agister left the meeting.

2023/13114 MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2023</u>	<u>2022</u>
Forest Ponies	4877	4632
Forest Cattle	2895	2503
Forest Donkeys	104	122
Forest Pigs	148	0
Forest Sheep	0	0
Total Forest Stock	8024	7257
Common Ponies	603	619
Common Cattle	1197	814
Common Donkeys	106	107
Common Pigs	35	14
Common Sheep	163	162
Total Common Stock	2104	1716
Ponies, Cattle & Donkeys on the Forest	7876	7257
Ponies, Cattle & Donkeys on the Commons	1906	1540
Total Ponies, Cattle & Donkeys	9782	8797
Total Stock – Forest & Commons	10128	8973

2023/13115 MARKING FEES FOR 2024

There is naturally some concern regarding increasing marking fees as they went up this year. However, the Court's budget is not looking good. The OV felt that it is a mistake not to increase the marking fees by a modest amount each year. It was, however, pointed out that there is a ceiling which cannot be changed without a byelaw amendment.

The Clerk will calculate the increase if the current CPI rate of 6.7% is applied.

2023/13116 BREACHES OF THE BYELAWS RESUME

None

MATTERS ARISING FROM THE PREVIOUS MEETING

2023/13117 A326 UPGRADE RESUME

The Official Verderer reported a meeting with HCC is scheduled for the 26th October. Mr Chatters undertook to circulate a note.

Action CC

2023/13118 STALLION GRAZING RESUME

It is hoped a decision will be made soon.

Action RD

2023/13119 SHOBLEY/FOREST OAKS

RESUME

The OV provided an update and will provide a further report at the next Court.

Action OV

OPEN COURT

**IN ATTENDANCE: Mr Craig Harrison, Deputy Surveyor
Mr Paul Grugeon, Land Agent**

The Head Agister opened the Court with the usual proclamation.

ANNOUNCEMENTS & DECISIONS

2023/13120 VERDERERS GRAZING SCHEME ENHANCED PAYMENTS

In June we heard a presentment from Mr Adam Coutts, a Commoner whose stock grazes the Northern National Trust Commons. Mr Coutts is unhappy about what he believes is the unfair distribution of financial support provided to commoners under the Verderers' Grazing Scheme.

The Court understands Mr Coutts views, but it is simply the case that other owners of common land within the Forest were not in a position to contribute funds towards an additional cattle supplement which was paid to commoners whose animals graze the Crown Lands. The supplementary payment, which was over and above the usual annual payments, came from the Verderers VGS fund. Animals which graze land which is not in the VGS, cannot receive payments unless funding is provided by the land owner.

Unless a new agri-environment scheme can be secured which covers the whole Forest, this inequality will regrettably continue.

2023/13121 CLAYPITS BOTTOM

Following Mrs Farrand's presentments in our July and September Open Courts, the Deputy Surveyor said that the proposals for Claypits Bottom were discussed and agreed at the May New Forest Freshwater and Wetlands Restoration Forum. It is understood that while the view of the Forum was not agreed unanimously, the proposals were supported by a majority of Forum members.

Geological reports were carefully considered and when the works were undertaken, care was taken to ensure that no damage was caused to the area of geological importance. We were told the proposals were also discussed at Quadrant Meetings and the Consultative Panel. An explanation of the work carried out at Claypits Bottom, and the reasons why they were needed, is available on the Verderers' Higher Level Stewardship Scheme web pages online.

2023/13122 AVERAGE SPEED CAMERAS ON THE B3078 ROGER PENNY WAY

Firstly, we want to thank Mrs Gilly Jones for the excellent job she is doing to reduce road traffic incidents involving the commoners' animals. She has done more than anyone else to help reduce animal accidents.

Following the completion of a feasibility study led by Hampshire County Council, the only barrier, other than the availability of funding, to installing Average Speed Cameras on the B3078 Roger Penny Way is the Joint Operations Unit for Roads Policing (JOU) interpretation of Department for Transport Guidance which, in their view does not support their introduction. We continue to pursue this at the highest

level in the hope of obtaining either clarification from the Department for Transport or an amendment to the guidance.

2023/13123 REPORTING OF ROAD TRAFFIC COLLISIONS BY DRIVERS

The issue of drivers delaying the reporting of accidents is extremely concerning, as is the failure by some drivers to report accidents at all. The Accident Report we are about to hear will sadly confirm that last month's data seems to indicate a very worrying increasing trend.

Whilst the law says drivers must report an accident as soon as practicably possible, and in any event within 24 hours, in the case of an RTC involving an animal which may be badly injured, the report should be made immediately. Under the Animal Welfare Act, there is an obligation to reduce suffering. We are writing to Hampshire Police asking if consideration can be given to taking drivers to task who don't report animal RTC's promptly. Prosecuting drivers for hitting animals has not been encouraged because it may discourage them from reporting accidents, and the Court continues to support this position, where a collision is reported promptly. A driver who reports an accident in a timely manner is almost never prosecuted, unless of course he/she is guilty of some other offence. The likelihood of police taking action for another reason may, of course, be why some drivers don't report accidents. They can, however, make an anonymous call, in order to avoid unnecessary suffering to the unfortunate animal involved. Leaving an animal laying for hours in a ditch with broken limbs is not acceptable.

2023/13124 BEAULIEU VILLAGE SPEED LIMIT PROPOSAL

The Animal Accident Reduction Group (on which Mrs Jones sits) met last month and the question of reducing the speed limit to 30 mph in Beaulieu Village on the road up to Hilltop was discussed. From an animal accident perspective, that particular stretch has not been identified as an area that has a significant prevalence of animal casualties and the Group decided, therefore, not to pursue that suggestion.

2023/13125 LICENSING OF COMMERCIAL DOG WALKERS

Forestry England has advised that it does not intend to progress this at this time. The Court will continue to encourage it to review its position.

2023/13126 AGRI-ENVIRONMENT SUPPORT PAYMENTS TO COMMONERS

The Forest Farming Group continues to explore possible future schemes to support commoning. The aim is to support commoning in a fair but sustainable way, to ensure the optimum number of animals are depastured in order to maintain the Forest's natural environment.

2023/13127 PUMPKINS

Halloween is in a few weeks' time. In the past, people have thought that discarding pumpkins on the Forest is helpful to the animals. It isn't and pumpkins can in fact be harmful when eaten by livestock, although they are thankfully usually uninterested in them. As a result most pumpkins are just left to rot and therefore constitute fly tipping so, we therefore ask members of the public to please not leave pumpkins on the Forest.

2023/13128 CLOCKS CHANGE

The clocks change on Saturday 28th October which means it will be dark at commuter time. Historically, the winter months always bring a spate of road accidents involving Forest animals as drivers tend not to adjust their driving habits as they travel on the unfenced roads in the dark. PLEASE slow down when you drive on the open Forest roads. If a vehicle is coming towards you your ability to spot an animal on the verge or in the carriageway will be compromised. Hitting a large animal will result in significant damage to your vehicle and will delay your journey. At worst, drivers and their passengers may be quite seriously injured and will more than likely suffer from the effects of shock.

We've all been blinded by oncoming lights. Please slow down.

ANIMAL ACCIDENT REPORT

2023/13129 THE ANIMAL ACCIDENT REPORT FOR SEPTEMBER 2023

The Agisters attended 12 accidents in September this year compared with 6 in the same period last year.

5 ponies, 1 cow, 1 pig and 3 sheep died.

2 ponies and a cow were injured.

2 ponies reportedly in road accidents couldn't be found.

9 accidents happened in the dark, the other 3 in daylight.

5 drivers failed to report having collided with a commoners' animal.

The total number of animals killed and injured in the year to date is 35, compared with 33 in the same period last year.

PRESENTMENTS BY THE PUBLIC

**2023/13130 ASHURST HOSPITAL
Presentment by Mr Richard Reeves**

This presentment is made on behalf of the New Forest Association in regards to the future of the Ashurst Hospital site.

The site was originally part of the open waste and commonable lands of the New Forest. In 1836 and 1848, two grants were made of this land to the New Forest Poor Law Union for the erection of a workhouse and associated agricultural plot. These grants included a reverter to the Crown once the land was no longer required for that purpose. In 1948, the land was transferred to the National Health Service. The Crown's right of reverter may be lost, but this does not have any bearing on the common rights which have been held in abeyance since 1836 and 1848 respectively. The Verderers have always maintained that the land is subject to common rights and, in 1988, they were able to recover an undeveloped parcel of the land. In 2019, the remaining enclosed land was identified for development in an Additional Site Allocation to the Local Development Plan when the Verderers again reiterated that the land is subject to common rights. I will now cover three aspects, the principle, the land, and the heritage.

Firstly, the principle. Last month, at a National Park Authority Planning meeting a dual application was made by Southampton NHS Trust to extend the existing hospital on the one part and demolish the old workhouse buildings and sell the land to a private developer for the development of a 70-unit care home on the other. While the hospital extension cannot be a cause for argument, the outline plan indicates that the care home development would encroach upon some of the currently undeveloped lands nor return any land to the Forest. This disregards the commoners' interest, diminishes the Forest and is purely for short-term commercial gain. Surely, this proposal should not sit lightly with any authorities with an interest in the New Forest.

Secondly, the undeveloped and/or easily recoverable land amounts to a little under 4 acres which should be returned to the Open Forest with the restoration of common grazing and public access. As to the other previously developed parts, about 3 acres, the NHS might be best advised to provide exchange land so as to secure itself unencumbered freehold.

Thirdly, heritage value. The vast bulk of the original structure, built in 1836, to the design of Sampson Kempthorn, remains (he was the lead architect in the workhouse movement). Another important historical player in this movement, the Rev. Herbert Smith, is also intrinsically linked to this site (his published output helped shaped societal views regarding the deserving and undeserving poor). This contrasts with the factually incorrect evidence supplied in the heritage consultant's report to the NHS. To demolish a structurally sound historic building, important on a local and national scale for a care home development is little short of vandalism. I would suggest it be retained and developed to meet the local affordable housing need (if the NHS can really find no reasonable use), rather than being sold off to meet a rather oversupplied (though perhaps more lucrative) demand for care homes. An application for listing the workhouse buildings is currently pending in the offices of Historic England.

In summary, we are in the absurd situation whereby a government agency is seeking to demolish significant built heritage to facilitate selling off part of the New Forest to a private developer, thereby denying commoners grazing land and the local population additional open space, all within the core of the National Park. I therefore ask the Verderers to seek redress in these matters. Thankyou.

Mr Parry Norton added that the CDA supports this presentment.

2023/13131 GRASS CUTTING RISKS WITHIN CRICKET GROUNDS
Presentment by Mrs Jacquie Vanderhoek – read by Mr Andy Parry-Norton

'Prior to Bartley Cricket ground being opened to livestock at the beginning of October I observed a huge pile of the seasons grass cuttings stored by the tree within the ground. I was concerned to see this method of storage over the Summer Season especially as stock do manage to enter the grounds on some occasions as witnessed recently at Cadnam Cricket ground, prior to it being officially opened to stock out of season.

At Bartley it appears the stack of cuttings was not removed prior to it being opened around the beginning of October as I observed the remains of the pile, presumably eaten, trodden in and scattered around the area. Dry remnants of the cuttings could be seen scattered but underneath was decomposed matter because of its long storage time.

I raised concerns with my agister in case there were any cases of colic reported in the area.

I would like to raise such concerns about the responsibility of storage and disposal of cuttings and its implications on the health of commoners' animals.'

Mr Parry-Norton said the CDA supports this presentment.

2023/13132 THE NATIONAL TRUST - A RARE AND ENDANGERED FOREST RESIDENT
Presentment by the New Forest Commoners' Defence Association, Andrew Parry-Norton (NFCDA Chairman)

'The New Forest is renowned for its rare and endangered species; many plants, birds and animals are in serious decline. Probably the rarest in the Forest is the National Trust. Sightings have become extremely infrequent since Lock Down.

As one of the larger land owners in the Forest the lack of engagement at all levels will have a detrimental effect on the Forest and the Commoning community. The National Trust no longer has a dedicated team to manage their land holdings; staff have left and are not replaced. Contact with a warden is virtually impossible.

I enclose and read out, an extract from an email sent to one of our committee members from a member of staff from the NT

"We are not currently in a CS agreement (the old HLS agreement funded the works we did on the commons but we are not in one currently) and there is no management plan for the commons and hasn't been since the old HLS ran out."

We, the CDA, understand that a management plan is not required by law but as a public charity that should be a bare minimum. The law does require that SSSI's are maintained and improved, they are not allowed to fall into unfavourable conditions, a management plan is critical to this obligation.

We request that the Verderers take a very strong stance with the NT, remind them of the obligations to the Commons and the Commoners. Insist that they engage in talks regarding potential future schemes and most importantly take proper care of their land holdings. Thank You.'

2023/13133 CLAYPITS
Presentment by Mrs Ailsa Farrand

'Official Verderer, Verderers, Ladies and Gentleman - I am Ailsa Farrand, a commoner, the vice Chair of the New Forest Equestrian Association representing them on the New Forest Consultative Panel for nearly 20 years, and I sit on the Freshwater and Wetlands Restoration Forum.

Referring to the July minutes recently posted, they state that a response would be drafted to my July presentment and a copy supplied to the DS who is requested to come to the court with any comments. I have not had any communication relating to my July (or September) presentments.

However I would first like to point out an error and a mis-representation in the July Verderers Court minutes. Firstly the statement that the Claypits Bottom site was discussed and approved by the Freshwater and Wetlands Restoration Forum is incorrect.

- Claypits Bottom was not discussed at that FWRF meeting - although I flagged up the need for a site visit due to its importance.

- Picket Mire was discussed and has now been carried out. I invite anyone who knew the Picket Mire site before the work to see how one hole has been turned into a series of knick points with clay and infill materials on the surface.

The importance of the Studley Wood Geological feature was highlighted when the Forestry Commission (as it was then) commissioned a survey by a specialist company in 2010 on the feature. This Report was not made public, until obtained under a Freedom of Information request. It detailed how rare and important the site was in Europe and the only one of its type in Southern England. The works at Claypits Bottom are already eroding and presumably the infill materials will be washed down to the site as with the previous repairs.

Secondly, in the July minutes there is clear criticism of myself and one other for opposing works which is an unfair representation. I have only voted against one motion when at a meeting of the FWRF. That was a proposal removing the need for consensus in the Forum which was put down - thus ensuring that every vote is a 'fait accompli' for those involved with spending the HLS funds. There has only been one meeting held this year and the next one is not even scheduled yet. I am very much in favour of stream restoration if supported by the necessary required information that shows it will be beneficial.

The Claypits Bottom site was subject to a refusal of Planning Permission in 2016, (so how can heavy machinery and untested materials be allowed to infill - yet again - the headwaters of Latchmore Brook which a Southampton University Geologist dated as pre English Channel).

Also my query that a specific HRA of the potential effects of the sediment flows on the stream flora and fauna, (it is known that rare fauna and flora were present in and beside the stream at the site) has not been addressed at Claypits Bottom. It would be extremely helpful if all maps, surveys, instructions to contractors, costs in relation to this work could be made available.

The agreed 8 point strategy of the "New Forest Freshwater and Wetland Habitats Restoration Strategy 2019 " is being ignored - with my apologies for repeating just the first Principle:

"Set clear objectives and expected outcomes with timescales. Cost and implement a survey and monitoring programme to collect the baseline and post-restoration evidence necessary to robustly check outcomes are being met."

As the National Audit Office reported in their letter of 31 July 2017: "It is important that scheme benefits are measured and evaluated against baselines to inform the design of future projects and that sufficient attention is given to post-project evaluations to assess value for money."

The public attend the court regularly because they care about the Forest and want to hear it is being looked after to the highest possible standard. I ask that the Official Verderer as Chair of "The Verderers of the New Forest Higher-level Stewardship (HLS) Scheme" ensures that every possible measure is taken to protect this precious place which has the highest designations of protection by at least following the agreed points of the strategy of the FWRF. Thank you for your attention'

The Head Agister closed the Court

IN COMMITTEE (in the Library)

CONSIDERATION OF PRESENTMENTS

2023/13134	GRASS CUTTING RISKS WITHIN CRICKET GROUNDS	DISCHARGE
	Mr Grugeon will remind the Cricket Clubs of their obligation to keep their grounds tidy and safe for livestock.	
2023/13135	ASHURST HOSPITAL SITE REDEVELOPMENT	RESUME
	Mr Pasmore said that if the new development is sufficiently close in its future use to the original grant, it is probably acceptable. He said he will look at Mr Reeve's presentment and also the planning application which can be found on the NFNPA's online planning portal.	Action AHP
	Mr Grugeon said the original planning application included affordable housing but it has been modified to a 70 bed nursing home for patients needing a high level of care and supervision.	
	The OV declared an interest in this subject in view of his connection with Hampshire County Council. He added that HCC is currently consulting on the permanent closure of two care homes within the District and, if the closures are confirmed, will be looking for a site for a new larger one in their place.	
	The common rights argument is not a planning matter. The Clerk will write to NHS Property Services. Mr Grugeon will advise her who he is in touch with. The letter will setting out the concerns which were raised in the presentment. Mr Grugeon requested a copy. The Clerk will also suggest the NHS carries out a common rights search.	Action PG Action Clerk
2023/13136	THE NATIONAL TRUST	ACTION
	The Court recognises the CDA's concern. A letter will be sent to the NT encouraging it to engage locally and reminding it of its responsibilities as respects the management of its New Forest Commons.	Action OV/CC/Clerk
	It was further suggested that the NT should be invited to join the Court for lunch twice a year with a meeting afterwards in order that management of its landholding in the New Forest can be discussed. The Land Agent is Mr Oliver Cooper.	
	Mr Chatters was asked to assist in drafting a paragraph regarding the NT's responsibilities as respects managing the SSSI and he said he will consult NE in that respect.	Action CC
2023/13137	CLAYPITS BOTTOM	DISCHARGE
	The Court has nothing to add following Mrs Farrand's latest presentment. Mrs Farrand will be invited to correspond with FE.	Action Clerk
	The Court asked the DS to confirm that the subject was in fact discussed at both the Fresh Water and Wetland Restoration Forum and the Consultative Panel. A copy of the minutes of both meetings	Action FE

is requested. The DS suggested wetland restoration should be discussed at the HLS Board next week.

MATTERS ARISING

2023/13138 TEMPORARY FENCING OF TERRESTRIAL RESTORATION SITES DISCHARGE

The DS confirmed a list has now been drawn up.

2023/13139 BIG FEAT RUNNING EVENT RESUME

Mr Pasmore repeated his concerns that the event runs through the tranquil areas. He felt they are being targeted and inappropriate events are being permitted.

The DS said the event started on HCC land and FE was consulted. FE takes the view that the event covered an appropriate route and the HRA raised no concerns.

Mr Pasmore's view is that Habitats Regulations Assessment (HRA) is not sufficiently wide ranging when undertaken in the New Forest. It considers the ecology but not the aesthetics. In response the DS said the HRA assent covers a specific set of nature conservation interests. It was then suggested to the DS that the HRA does not address the impact of interaction between humans and livestock.

The DS was asked to provide a copy of the HRA for the Big Feat Event as well as the route. The same was requested for the forthcoming large orienteering event which will be held in the same area. A copy of the Tranquil Areas Map was also requested. These papers are requested before the November Court.

Action DS

2023/13140 INCLOSURE PLAN DISCHARGE

Mr Deakin said he is not meeting with FE until after the drifts have finished. This item will be discharged for the time being.

Action
RD/FE

2023/13141 DENNY LODGE WATER SUPPLY RESUME

Full proposals are required from FE before consent can be given. In the meantime, some members of the Court will undertake a site visit.

UTILITY PROPOSALS

2023/13142 DE-MINIMIS-CONSENTS - UTILITY PROPOSALS AGREED BY THE DE-MINIMIS COMMITTEE DISCHARGE

DM0179 - Kier on behalf of SWW Water Connection to field. Brooklands Farm, Ringwood Road, South Gorley

DM0180 - SGN - gas connection Tanglewood, Forest Road, Nomansland

2023/13143 UTILITY PROPOSALS FALLING OUTSIDE THE SCOPE OF THE DISCHARGE
DE-MINIMIS COMMITTEE

The proposals were approved subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing.

Openreach Brockenhurst V7008 - Burley Road and South Weirs duct and boxes

Openreach Cadnam FTTP Toms Lane Corner, Minstead. 1 new pole. (Not FE)

CAMPSITES

2023/13144 WARDENS ON CAMPSITES DISCHARGE

The Court thanked Mr Grugeon for the time he spent searching through FE's archives for the authority for Setthorns campsite to remain open all year round. Unfortunately, his search proved fruitless but the Court confirmed it is willing to accept that consent effectively exists due to the established long term, year round use of that campsite.

The consent for additional Wardens (over and above the two who are authorised to stay on site all winter) to reside on Setthorns Campsite over winter has also not been located.

2023/13145 CAMPSITES – ROUNDHILL END OF SEASON CLEARANCE RESUME

Mr Deakin reported that whilst Roundhill Campsite is now closed, some 2 dozen bins remain on site.

In addition, the temporary fence erected to protect the Warden's units on this site is still in situ. It is accepted that the term 'temporary' was not actually defined when permission was granted. The Court asked that Camping in the New Forest make a formal application if it wishes the fence to remain. The Court will insist that at least two gates must be locked open to allow for stock to range freely within the enclosure.

Action
PG/CNF

Finally, there are a number of pitch-size areas on the campsite which are bare earth with no evidence of any vegetation, indicating that caravans/tents were not moved off those areas in accordance with the conditions under which the campsites are permitted to operate. Mr Grugeon was asked to investigate and report back. The campsites which are closed must all be demobilised properly.

Action
PG/CNF

SSSI RESTORATION WORKS

2023/13146 THE REPAIR & MAINTENANCE/ENHANCEMENT LIST RESUME

The list was noted.

- 2023/13147 LOST LAWNS CONSULTATION – BALMER LAWN DISCHARGE
- The proposals for Balmer Lawn were approved. Members of the Court wished to thank the people involved in delivering the project for a job well done.
- 2023/13148 WOOTTON DISCHARGE
- Some minor maintenance is required which doesn't require discussion at the Forum.
- 2023/13149 ANSES WOOD DISCHARGE
- This will be on the November Court Agenda for consideration.

ENCROACHMENTS

- 2023/13150 ENCROACHMENTS LIST RESUME
- The list was noted.
- 2023/13151 DORRIDGE HILL DISCHARGE
- The hedge restoration debris reported to have been dumped could not be found. Mr Pasmore was asked to provide a location plan. Amy Howells – FE Estates Officer, will then investigate further and take the necessary action. Action AHP
- 2023/13152 GRAVEL AT LINWOOD DISCHARGE
- Amy Howells (FE) is dealing with this and the gravel will be removed. Action FE
- 2023/13153 BARTLEY CC GRASS CUTTINGS DISCHARGE
- As mentioned earlier in the meeting, Mr Grugeon will write to the Cricket Club. Action PG

ITEMS REQUIRING ACTION BY FORESTRY ENGLAND

- 2023/13154 ACTION LIST DISCHARGE
- The list was noted. The DS said he will discuss with his team, how the list can best be kept up to date. Action DS

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

- 2023/13155 CADNAM CRICKET PITCH ARTIFICIAL WICKET AND OUTFIELD BOUNDARY FENCE RESUME
- The Court agreed the request by Cadnam Cricket Pitch to construct an artificial wicket.
- The CC would like to alter its outfield fencing to more robust post and rail with stock netting. The Court will insist it has gates that can be locked open. A full proposal is required. Action PG

2023/13156 DRAGONS TEETH ON THE ROAD TO BOLDERWOOD, CLOSE TO THE NEW FOREST INN DISCHARGE

The DS said the dragons teeth are doing their job in protecting the verges and that the traffic issues are a matter for HCC Highways and so complaints should be directed to them. There is some verge damage on the other side of the road so dragons teeth, especially near the culvert, would help. FC will liaise with local stakeholders if any works are proposed.

2023/13157 BURLEY CRICKET CLUB RAILINGS DISCHARGE

Burley Cricket Club replaced its fence last year with mobile railings. They need painting black as agreed. Mr Grugeon said he is already in touch with the Club about it.

2023/13158 ACCESS TO STOCK POUNDS DISCHARGE

Overgrown vegetation is interfering with the access to some of the pounds very difficult and FE was asked to undertake some clearance work after location information is provided by the Head Agister. The DS suggested liaising with Dave Morris direct so he can consider and programme the works.

Action
DS/Clerk

The Deputy Surveyor and the Land Agent left the meeting

MATTERS ARISING FROM EARLIER IN THE MEETING

2023/13159 REPORTING OF ROAD TRAFFIC COLLISIONS BY DRIVERS RESUME

Mr Gammon said he has spoken to Hampshire Constabulary Country Watch regarding this. He was assured that they look at the circumstances of each accident but it is not always easy for the Police to prosecute. They have to prove that a driver's lack of action caused unnecessary suffering. If a driver does not report the accident him/herself but a driver following does so very quickly, then the suffering caused to the animal is no worse than if the driver had reported the accident him/herself. Mrs Jones has also spoken to the Police about the issue.

It was agreed that despite the very helpful actions of both Mrs Jones and Mr Gammon, the OV should write to the Chief Constable to express the Court's concerns.

Action EH

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2023/13160 SHOBLEY/FOREST OAKS RESUME

As reported earlier in the meeting, matters have progressed. A recent letter will be circulated to members of the Court but at present it is subject to legal privilege and must remain confidential.

Action
EH/Clerk

HIGHER LEVEL STEWARDSHIP SCHEME & THE VERDERERS GRAZING SCHEME

2023/13161 STALLION FUTURITY SCHEME FUNDING DISCHARGE

It is not a condition of the funds provided by the HLS for the stallion futurity scheme that colts in the scheme have to be available to run on the Forest. The scheme is to support the breed as a whole.

REPORTS FROM EXTERNAL COMMITTEES & WORKING GROUPS

2023/13162 NEW FOREST DOG GROUP SEMINAR DISCHARGE

The seminar was primarily aimed at professionals such as vets, groomers, pet shops etc. All those present seemed keen to do the right thing and everyone was encouraged to use the word 'Forest' in place of 'Park'. Mr Manley said that the Head Agister gave an excellent presentation. Mr Jake Moore represented the Commoners and his presentation was also extremely good. Concerns include notices to dog walkers which need to be more obvious, an example is the one at Hatchet Pond which cannot be seen clearly from the edge of the pond and the possible impact dogs treated with flea and worm treatments who then enter watercourses.

2023/13163 CYCLING GROUP DISCHARGE

Mr Gammon and Mr Manley sit on this group. The group is talking about compliance. Mapping is awaited.

2023/13164 FOREST FARMING GROUP DISCHARGE

Dr Ferris reported on a recent meeting. Discussions continue regarding the level of funding which will be available for the PA2 Study. The consultants have provided answers to the supplementary questions that they were asked to consider. It is hoped an application can be made to Defra soon.

STAFF MATTERS

2023/13165 STAFF COMMITTEE RESUME

The minutes of the last Staff Committee meeting had been circulated.

2023/13166 FENCING OF CAMPSITES RESUME

The open Forest campsites causing increasing conflict with depastured stock and commoning. When identified, the owner of an animal which causes injury will always be first in line if a claim for personal injury/damage is made by an injured party. However, the Agisters are extremely concerned that they may be vulnerable as a result of a decision they make regarding what action should be taken in respect of an alleged troublesome animal. Mr Deakin said the Agisters need strong guidance from the Verderers in order to provide greater protection. He felt the current situation cannot continue.

The future of camping on the open Forest and whether the campsites should now be fenced was discussed with differing views expressed.

However, there are significant difficulties should it ever be agreed that fencing be introduced, not least the legislation that protects the common land of the New Forest.

It is recognised that the campsites represent a significant income stream for FE. It was suggested that in the case of a commoner being subject to a claim for injury/damages caused by an animal in his ownership, he/she could, in turn, sue FE. Mr Gammon felt that is possible with the commoner joining FE as a co-defendant. The Official Verderer said he does not support fencing. He said the dangers to the public are on the open Forest generally. Some other members of the Court disagreed and feel fencing may be the only option. At present FE benefits from the campsite and other recreational activities and the commoners suffer.

Several actions were agreed.

Action
OV/MG/RD
/Clerk

A letter formally outlining the Court's concerns will be sent to the DS. The SAC plan which includes closing at least 3 campsites will be mentioned.

Action RD

Mr Deakin will look at a policy to assist the agisters.

Action
CC/RD

Camping in the New Forest will be asked to be clearer how they address and deal with issues involving stock on their campsites.

OTHER ADMINISTRATIVE MATTERS

2023/13167 FINANCIAL STATEMENT

RESUME

The Financial Statement was noted.

2023/13168 BUDGET & FIVE YEAR PLAN

DISCHARGE

The OV stressed the need to look for savings. Insurance is one area which needs reviewing. The Clerk asked whether the Court would still be able to continue to assist the Police with funding the Speed Camera Van and she asked for a decision at the November Court.

Action
OV/Clerk

Action All

TRAINING & HEALTH & SAFETY

2023/13169 COW INCIDENT

DISCHARGE

A dog walker on the Old Snake Road in Ashley Walk had a problem with a roan cow. No injuries resulted. It is thought the cow probably had a calf hidden nearby. The incident has been recorded.

2023/13170 DISPLAY SCREEN EQUIPMENT WORKSTATION ASSESSMENTS

DISCHARGE

A couple of issues have been identified which Mr Deakin is considering.

Action RD

2023/13171 STOCK POUND SHOOT GATES

DISCHARGE

A couple of chute gates on the pounds need repairs following the drifts.

Action
RD/Agisters


ANY OTHER BUSINESS

- 2023/13172 MEETING WITH THE ANIMAL AND PLANT HEALTH AGENCY (APHA) RESUME
- Mr Deakin and the Head Agister met with veterinary representatives from APHA. It became clear they did not possess a clear understanding of the Forest and a lot of explanation was required, which the APHA staff said they found helpful. Some of their proposed amendments to the TB Plan were felt to be impractical. APHA will send comments to Tina Woodley. The Plan will then be reviewed and maybe subject to some amendment.
- Action
RD/JRG/TW
- 2023/13173 NEW COURT PHOTOGRAPHS DISCHARGE
- A new set of photographs for the website and other publicity opportunities is required and the Clerk will arrange a photographer for December Court Committee day.
- Action Clerk
- 2023/13174 SHOBLEY / FOREST OAKS RESUME
January
- It is agreed that a show of appreciation should be made for the actions taken by Mr James Young and Mr Michael Eccles in helping to ensure the abatement of the encroachment at Shobley. A small presentation in Court, probably next year, will be arranged.
- Action
OV/RD
- It was agreed that Mr Young and Mr Eccles should never have been put in the position they were, and future legal challenges should be led, wherever legally possible, by one or more of the Forest organisations, not individual commoners.
- 2023/13175 NEW FOREST SHOW REVIEW RESUME
December
- Mr Deakin suggested the easiest way of undertaking this review is for members of the Court to email the Clerk with comments.
- Action All
- 2023/13176 THE 1964 COMMONS AGREEMENT DISCHARGE
- It was agreed that when the marking fees are announced next month, commoners will be reminded that the 1964 Commons Agreement comes to an end on 31st December 2025.
- Action
OV/Clerk

The Clerk left the meeting

- 2023/13177 SALARY REVIEW AND AGISTERS' HORSE EXPENSES DISCHARGE
- The Official Verderer presented the recommendations of the Remuneration Committee held on Monday 2nd October. After discussion a vote was taken and the recommendations of the Remuneration Committee were unanimously approved.

The meeting ended at 13:44 hrs


15th December '23.