

**Minutes of the Court of Verderers held on 20th September 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

2023/13040	NATIONAL PARK APPOINTED VERDERER	RESUME
	The Official Verderer reported that regrettably the NFNPA is not yet in a position to appoint a representative to the Court. It is hoped it will be able to in October.	
2023/13041	MINUTES OF THE LAST MEETING	RESUME
	The minutes of the last Court, held on Wednesday 19 th July 2023, were approved and signed by the Official Verderer.	
2023/13042	NEW DECLARATIONS OF INTEREST	RESUME
	None.	
2023/13043	CONDITION OF STOCK – REPORT BY THE HEAD AGISTER	RESUME
	The Head Agister commented that on occasions this summer, we seem to have had every season in one day! Everything is growing very well on the Forest which is very green and the very good condition of stock reflects that. The drifts have commenced and the ponies coming in look exceptionally well. The cattle are thriving as well. Quite a few pigs are being marked although there aren't quite as many acorns as was originally feared. Some young trees have a lot of acorns whereas some of the older ones haven't. The foals are looking very well.	
2023/13044	DRIFTS	DISCHARGE
	The Head Agister reported that on the whole the drifts are going well. One didn't go as well as hoped, but the Agisters have received plenty of help.	
	There are a lot of people about on the Forest and the roads have been very busy. A cycle event clashed with one of the drifts and there was a Triathlon on the day of the Dur Hill Drift which we didn't know about. The participants were, however, very accommodating.	

The odd person has parked outside a closed car park and at Longdown a runner was aggressive towards a Ranger. As the person was remonstrating with the Ranger, a group of ponies came running past and the runner realised the danger, apologised and said on reflection, he could understand why he had been stopped.

Police attendance at the drift has been greatly appreciated and the Rangers have provided lots of help which is also gratefully received.

2023/13045 PSPO's

DISCHARGE

The Head Agister said that he attended a meeting recently with New Forest District Council and Forestry England. The text system set up to record interactions with the public has recorded 535 engagements in July and August. This equates to 7 or 8 each day.

2023/13046 MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR

RESUME

(This report was not available on the day of the Court but was provided later

	<u>2023</u>	<u>2022</u>
Forest Ponies	4854	4628
Forest Cattle	2817	2488
Forest Donkeys	104	122
Forest Pigs	6	0
Forest Sheep	0	0
Total Forest Stock	7781	7238
Common Ponies	608	619
Common Cattle	1177	814
Common Donkeys	106	107
Common Pigs	22	14
Common Sheep	152	162
Total Common Stock	2065	1716
Ponies, Cattle & Donkeys on the Forest	7775	7238
Ponies, Cattle & Donkeys on the Commons	1891	1540
Total Ponies, Cattle & Donkeys	9666	8778
Total Stock – Forest & Commons	9846	8954

The Head Agister left the meeting

2023/13047 BREACHES OF THE BYELAWS

RESUME

Mr Deakin reported that there are no byelaw breaches requiring action. There have been a few instances which are more of a nuisance such as a riggy steer and a bull which escaped from a field. Both animals were quickly dealt with.

MATTERS ARISING FROM THE PREVIOUS MEETING

2023/13048 COMMONERS' DWELLING SCHEME

DISCHARGE

The Official Verderer said that changes to development contributions are proposed within the Levelling Up and Regeneration Bill. This may provide an opportunity for additional funding to support Commoners's Dwellings in the future.

The OV spoke about the difficulties commoners are having when trying to finance the building of new Commoners' Dwellings. He said additional money from developers might be available to put towards creating a fund from which commoners could borrow. It would provide a special mortgage facility for this purpose only. At present the restrictions on the selling on in future of Commoners' Dwellings, while ensuring the dwellings remain available for commoners in perpetuity, mean that they are not acceptable to commercial mortgage lenders as security.

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

2023/13049 ENCROACHMENTS

In June the Chairman of the CDA expressed concern at the ever increasing levels of encroachment in the Forest.

Forestry England works closely with us in assisting in abating encroachments within the New Forest, when they are on Crown Land. The Court provides its support to the CDA's encroachment committee when encroachments on privately owned land are identified.

When responding to requests for searches of the Atlas of Forest Rights from Solicitors, Conveyancers and others, we explain that portions of land lying outside the hedge, fence or wall of a property in areas to which commoners' stock has access, will be subject to rights of common. This explains that such land must not be fenced or otherwise enclosed, or the grazing diminished in any way, because to do so will constitute an illegal encroachment. Solicitors and conveyancers are asked to ensure their client is aware of the information provided.

Despite these efforts, encroachments remain a serious and increasing concern to the Court.

2023/13050 BRAMBLES AND BRACKEN

In July, we received two presentments concerning brambles and bracken. Forestry England monitors both species and considers works to try to control them via the Open Forest Advisory Committee (OFAC). Control is, however, limited by available resources as well as the measures which are permitted on the SSSI. The Deputy Surveyor said he welcomes specific areas being notified to FE.

2023/13051 FEEDING OF FOREST ANIMALS

Once again, it is the time of year where people may find they have a glut of apples and other fruits. We appeal to residents and other members of the public not to put out anything on the Forest for the animals, especially near or on the roadside. Doing so is extremely dangerous and inconsiderate. It encourages animals to the roadside and puts them at greater risk of being involved in road traffic accidents. Even if it is not by the road, depositing anything for the Forest animals to eat creates a potential risk. Carrots, especially when chopped, represent a real risk of choke and consuming too many apples may give a pony or donkey fatal colic. It also leads to aggression and injury as animals compete for the food.

2023/13052 DRIFTS

The pony drifts are now well underway and we ask the public to avoid the areas where they are being undertaken, the dates and locations of which are notified on the Court's website as well as on social media. The drifts are an essential part of the management of the Forest pony herd and the presence of members of the public is a safety risk, to the public and those undertaking the drift.

ANIMAL ACCIDENT REPORT

2023/13053 THE ANIMAL ACCIDENT REPORT FOR JULY & AUGUST 2023

The Agisters attended 9 accidents in July & August this year compared with 11 in the same period last year.

3 animals died – 2 ponies and a pig.

A pony and a Cow were injured.

In 4 instances no animals were found injured following reports of accidents.

5 accidents happened in daylight, the other 4 in the dark.

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

The total number of animals killed and injured in the year to date is 22, compared with 27 in the same period last year.

PRESENTMENTS BY THE PUBLIC

2023/13054 ANIMAL ACCIDENTS & AVERAGE SPEED CAMERAS

Presentments by Gilly Jones, Commoner and lead on the New Forest Roads Awareness Group

Good morning Official Verderer, Verderers and Members of the Public.

I'm Gilly Jones, Commoner and lead on the New Forest Roads Awareness group.

My presentment this morning is, as always, regarding livestock deaths within the New Forest.

On Sunday 3rd of September, crossing in the B3054, near Norley Wood I saw a colt foal, with an agister aware sticker on. I went up the road to grab the animal accident

sign I had put up the week before, where a mare was killed. Her foal stood over her mother body for hours, not understanding why she wouldn't get up.

The little colt foal had suffered horrific injuries, of which I have supplied you photos of. The attending agister had to put him out of his misery at 7am in the morning, after he was seen and reported at daybreak by a passing member of the public. His mother Jet reenacted what I had seen the week before. She again could not understand why he wouldn't get up. The driver did report this, but many hours later. Leaving him suffering for approx. 9 hours.

Imagine my disbelief, to get a call on Tuesday morning, to hear that Jet had been killed in another RTA at the Norley crossroads on the Monday night. Not only her, but another foal was killed. His mother was also injured.

Again, the driver reported it hours later, maybe because of photos I had posted on social media.

As you all must know, I have been at, over the last decade, some of the worst RTAs within the Forest. Spending my New Years Day 2021 on the side of Roger Penny Way with 4 dead ponies, two of which had been turned inside out, should make you realise, nothing shocks me anymore. But standing with Jet, seeing her broken legs etc seriously broke me.

I want two things to happen out of this. I would like to have support for a major campaign to get people to report accidents immediately, I know that legally they have 24hrs, but leaving livestock suffering like this, should have some kind of recourse. We also need to make sure that Hampshire Police uphold the sharing agreement, and Agisters are given drivers details easily.

I also now strongly urging we relook at the call for Average Speed Camera, Not only on the B3078 now, but also the B3045. From Dibden Purlieu cattle grid to Bull Hill grid and extend Beaulieu's' 30MPH limit to all of the Estate boundaries.

I am aware that there may still be work looking into this, but if there is I am not being kept in the loop. Which I am finding frustrating, as I am the one in front of a tv camera or on a radio station, trying my hardest to spread the messages about safer driving within the Forest. I think it is getting to a stage where it is disrespectful to myself and the teams I work with. If we do have a feasibility study, and ASC's are rejected, the study must come up with other options.

We do have an Animal Accident Reduction Group meeting next week, and I hope that just maybe I can get some answers there.

The NPA have printed cards with the numbers to call, what 3 words is an app that is now known to help call takers locate accidents. The Young Commoners are changing the signage within the Forest. Op Mountie is out as much as we can. Villages are restarting Community Speed Watches. Local residents are now invested in helping the cause.

Annoyed about this situation as I am, I still want to end on a positive, accident figures are still going the right direction, and so much work is going on to reduce them, but we are heading into winter, and the darker mornings and evenings.

Please for the sake of the livestock, can we investigate the problems I have highlighted and look into how we can improve what we are doing.

Thank You.

2023/13055 CLAYPITS BOTTOM NEAR BRAMSHAW TELEGRAPH
Presentment by Mrs Ailsa Farrand

Further to my presentment in July - when I asked that the infilling works at Claypits Bottom should be halted – work had started there without warning two days before the Court – and without the Freshwater and Wetlands Restoration Forum seeing any information (despite my numerous requests), and my asking why the HLS was not adhering to the strategy unanimously agreed by the Forum and the HLS Board in 2019.

It appears that this SSSI site has again been repaired with clay untested for compatibility with the different freshwater and marine clays in this area, which includes the unique Studley Wood geological SSSI immediately downstream, on a site that had planning permission refused in 2016.

The claim that mitigation measures exist against damaging the internationally important geological site immediately below these works has never been disclosed. The latest works area ends as the stream enters a deeper section which still shows the remains of previous attempts at repair, leaving wooden stakes exposed, and old heather bales where there is nothing to stop the latest infill material washing downstream as before into the Studley Wood site.

Surely this requires closer scrutiny by those responsible for these proposals, including a specific HRA assessment of the potential effects of the sediment flows on the stream flora and fauna?

The Official Verderer as Head of the current 5-year extension of “The Verderers of the New Forest Higher-level Stewardship (HLS) Scheme” is asked to ensure that the necessary ecological and geological safeguards are implemented for these works. He is also asked to ensure that there is full transparency regarding the operation of the Scheme in line with the National Audit Office 2017 recommendations regarding improving monitoring, local communication on planned schemes, their impact, and the remediation of sites within the community.

2023/13056 SUBSIDY PAYMENTS TO COMMONERS
Presentment by Mrs Bickford-Smith, Farmer (Commoner – not currently practising)

My name is Immy Bickford-Smith. I have lived in the New Forest for more than 30 years and I'm a farmer. There appears to be confusion about past subsidy payments and uncertainty about how New Forest farmers should be supported in the future. Some background information may be of assistance.

During the Foot and Mouth (FMD) crisis of 2001 more than 1000 New Forest cattle were slaughtered on the Defra 'welfare scheme' – not because the disease got here but mainly due to inadequate holdings and lack of 'back up' land when stock had to be removed from the common land for disease control purposes.

Forest Friendly Farming was set up as a direct result of that disaster and I was part of the marketing and development group that came up with the idea of the 'Producers Directory' and the 'New Forest Marque'. We promoted Quality not Quantity of stock for the long term sustainable future of farming and commoning. [*1]

In 2003 a Countryside Stewardship Scheme (CSS) was introduced in the New Forest and the Agreement with Defra included:

“The advice of English Nature is that stock numbers should not be allowed to fall below 3,500 or exceed 7,000. At these limits the mosaic of New Forest habitats

would be destroyed or severely damaged and additionally, at the higher limit there would also be concern for animal welfare.....There is no ecological justification for supporting more than 5,000 cattle/ponies on the Open Forest."

The scheme paid £60 per animal turned out to graze for a minimum specified period.

5,000 individual animals was also the figure recommended by the Illingworth Report (1992) as being the appropriate stocking level [*2]

The Single Payment Scheme (SPS) farm subsidy "Flat Rate" 'Entitlement to payment' was gradually phased in between 2005 and 2012 to replace production based farm subsidy. [*3] In March 2005 the Minister announced that one 'eligible hectare' of New Forest common land and one 'Entitlement to payment' would be allocated for each Livestock Unit (LU) grazed in the New Forest in 2004.

1 cow = 1LU and 1 pony or donkey = 0.6 LU. The Press Release explained the "SPS Entitlement to payment" was expected to be worth between £200-£220 p.a. [*4]

Some 450 farmers declared their New Forest statutory registered rights of common as 'land at their disposal' on their SPS Application forms.

But only 260 were granted a share of the common land eligible area and subsidy.

158 claims were made based only on ponies grazed in 2004

31 claims were made based only on cattle grazed in 2004

71 claims were made with a mixture of animals.

However - the allocation announced by the Minister only accounted for a small proportion of the subsidy and eligible area available [*5] In October 2007 the Verderers announced that Defra had agreed to treble and backdate payments to the successful Applicants.

The original allocations were increased to 3.03 "SPS Entitlements to payments" and hectares per Livestock Unit. Entitlement values varied each year but in 2013 they were worth approximately £270 each. That provided a payment value of some £800 per New Forest Livestock Unit that year (£270 x 3.03) [*6] But so many were given no share at all of common land farm subsidy.

More subsidy could be obtained with additional ponies or cattle each year and stock numbers increased to 9,000 by the end of the SPS in 2014.

From 2015 the SPS became the Basic Payment Scheme (BPS) and all New Forest common land farm subsidy was paid on a stock headage basis every year. The eligible area was reduced and reallocated in proportion to the number of ponies or cattle used to make claims. By 2020 numbers had increased to nearly 15,000. [*7]

In 2021 a reference amount replaced headage payments but numbers are still significantly higher than the 5,000 individual animals previously desired.

There are several small scale New Forest farmers and commoners with statutory registered rights of common attached to their private agricultural land who refrained from turning out stock and claiming headage payments because of their concerns about the legality of the schemes and/or because of the unprecedented number of animals already turned out. They kept their land in good environmental condition to help increase biodiversity in the New Forest but have been seriously disadvantaged for many years as they were refused any share of common land farm subsidy.

I trust this will not happen again in the future.

Mrs Bickford-Smith had included some additional notes.

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

CONSIDERATION OF PRESENTMENTS

2023/13057 ANIMAL ACCIDENTS & AVERAGE SPEED CAMERAS

DISCHARGE

Everyone agreed that Gilly is doing an excellent job. She has done more than anyone else to help reduce animal accidents.

The OV said that the feasibility study has been completed. The only barrier to installing Average Speed Cameras on the B3078 Roger Penny Way is the Joint Operations Unit for Roads Policing (JOU) position that Department for Transport guidance does not support their introduction. The OV added that he is continuing to pursue this at the highest level in the hope of clarifying the DfT's, position in light of the special circumstances where depastured stock have access to the highway or, if required, obtaining an amendment to the guidance.

The issue of drivers delaying the reporting of accidents is obviously very concerning. 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 RTA involving an animal which may be badly injured, the report should be made immediately. Under the Animals Act, there is an obligation to reduce suffering. It was agreed a letter should be sent to Hampshire Police asking if consideration can be given to taking drivers to task who don't report animal RTA's promptly. The Clerk reminded the Court that prosecuting drivers for hitting animals has not been encouraged because it may discourage them from reporting accidents altogether. The Court agreed, but felt that a substantial delay in reporting an animal injured in a road traffic accident causes unacceptable and avoidable suffering. Therefore, while the Court's position is not changed regarding the prosecution of drivers who report hitting animals, it will support action against those that fail to report promptly.

Action
OV/MG

The Animal Accident Reduction Group is due to meet this month. The Clerk will raise the question of reducing the speed limit to 30 mph in Beaulieu Village. She will also obtain the map showing the locations of RTA's involving Forest animals.

2023/13058 CLAYPITS BOTTOM NEAR BRAMSHAW TELEGRAPH

DISCHARGE

Following the July Court, Mr Chatters visited Claypits Bottom and produced a very helpful report on the work that has been carried out and the results to date.

The DS said that the works were discussed and agreed at the May New Forest Freshwater and Wetlands Restoration Forum. An explanation of the work carried out and the reasons why they were needed is available online. 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. The proposals were also discussed at Quadrant Meetings and the Consultative Panel.

UTILITY PROPOSALS

2023/13063 DE-MINIMIS-CONSENTS - UTILITY PROPOSALS AGREED BY THE DE-MINIMIS COMMITTEE DISCHARGE

DM0177 SSEN Electricity supply from pole in verge to pole on private property - Tanglewood, Forest Road Nomansland

DM0178 Electricity supply including new pole alongside farmhouse on private property - Harveys Farmhouse, East Boldre

DMO179 New mains water connection to Brooklands Fm, R'wd Rd, Sth Gorley

2023/13064 UTILITY PROPOSALS FALLING OUTSIDE THE SCOPE OF THE DE-MINIMIS COMMITTEE DISCHARGE

The following proposal was approved subject to the usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing:

BT Openreach – 1178m cable and 5 joint boxes (in road) - Rhinefield Road along Aldridge Hill to Black Knowle caravan Park, Aldridge Hill, Brockenhurst

CAMPSITES

2023/13065 HOLMSLEY CAMPSITE – REQUEST FOR WARDENS TO REMAIN ON THE CAMPSITE OVER THE WINTER OF 2023/2024 RESUME

The Court expressed concern that this is in effect an extension of what is happening at Setthorns Campsite and that it is intensifying Forest campsite occupation.

Mr Deakin remarked that Holmsley is the one site where campers and animals do not mix and he believes getting rid of all the campsites from the Open Forest won't happen.

The Court, however, was prepared to accept the argument that there is a need to improve security during this coming winter and agreed that 2 warden's units may be placed on the site for this winter (2023/2024). Further justification will be required if this is to be repeated in future years.

It was pointed out that there is a pony drift on Sunday 5th November. The campsite will have been thrown open by that date and so the wardens residing on the site must be aware that animals will be on the site then and for the remainder of the winter.

Mr Chatters asked FE to provide a copy of the agreement that allows residential units on Setthorns during the winter, over and above the warden for that site.

Action PG

SSSI RESTORATION WORKS

2023/13066 THE REPAIR & MAINTENANCE/ENHANCEMENT LIST RESUME

The list was noted.

2023/13067 LOST LAWNS CONSULTATION INCLUDING STRICKNAGE LOST DISCHARGE
LAWN

The proposals were approved. However, Mr Pasmore expressed the view that the areas FE is looking at are too narrow. He said in his opinion there has been no regeneration in the A&O woods for the past 20 years. The DS said he has discussed this with Natural England which at present is happy with the current level of regeneration. Mr Pasmore disagreed and said he believes there should be more than just scientific consideration. He feels the woods are dying and that is a landscape issue which is not given sufficient importance. Mr Deakin felt the proposals are not ambitious enough.

2023/13068 OBER HEATH RESTORATION PROPOSALS DISCHARGE

These proposals were approved.

2023/13069 TEMPORARY FENCING AT PICKET MIRE RESUME

This request was approved. The Court repeated that consideration as to whether temporary fencing will be needed should take place at the time the proposals are drafted.

FE was asked to produce a list of temporary fences. They are only legal where there is a danger or possible source of danger for livestock and/or the public.

Action
DS

ENCROACHMENTS

2023/13070 ENCROACHMENTS LIST RESUME

The list was noted.

Illegal encroachments are increasing. Mr Stride referred to an issue at Graham Lodge where a new car parking space has been created. He added that a horsebox has been parked behind the council houses at Chapel Haye in Burley for years, and he asked whether the land is Crown Land?

Action FE

ITEMS REQUIRING ACTION BY FORESTRY ENGLAND

2023/13071 ACTION LIST DISCHARGE

The list was noted.

2023/13072 DORRIDGE HILL – HEDGE CUTTINGS ON THE OPEN FOREST DISCHARGE

Mr Pasmore reported that a hedge is being restored on Dorridge Hill and hedge cuttings need removing from the open Forest.

Action FE

2023/13073 FLY TIPS

DISCHARGE

Concern was expressed at the time it is taking for some fly-tips to be removed from Forest land. It is thought this may be partly due to a change in staff at the company which is contracted by FE to undertake this work.

Action FE

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2023/13074 CORNERSTONE PROPOSED TELECOMMUNICATIONS MAST SITES

DISCHARGE

Mr Grugeon said he remains in discussion with the mast operators. They have a limit on the time they take to site new masts before they are fined and, as a result, this is now becoming urgent. FE land at Eyeworth is outside the area where a mast is needed. There is a delay on the private land where it was hoped the mast could be sited due to the landowner passing away.

After some further consideration and discussion, a vote was taken (3 against, 1 abstention and 5 in favour) and it was RESOLVED that consent should be given in principle that the mast can be sited on the edge of the car park at Coppice of Linwood on a temporary basis for up to 3 years. Full details will be required before formal consent is given.

Mr Grugeon will seek details from the mast providers and bring a formal proposal back to the Court for consideration.

Action PG

2023/13075 ORIENTEERING EVENT ON OCKNELL CAMPSITE – 5TH NOVEMBER 2023 INCLUDING 3 COMMERCIAL UNITS, 2 FOR FOOD, 1 CLOTHING/EQUIPMENT SUPPLIER

DISCHARGE

FE made enquiries of the Clerk as to the Verderers' views on this event and as a result, the Clerk added this item to the Agenda for this month's meeting.

The event has passed the HRA and therefore FE has given consent. A similar event has taken place in other parts of the Forest for a number of years but with catering only. This time, a total of three trade/commercial units are requested.

Mr Chatters asked to see the HRA. Mr Pasmore requested a copy of the route as he has concerns at its potential detrimental effect on the nearby designated tranquil areas. Mr Stride commented that he believes it is a robust area in which to hold such an event but he also felt it would impact the tranquil areas. He added that whilst there are always people everywhere in these areas, the level would not be to the extent this event will generate.

A vote was taken in respect of the commercial units, the result of which was 5 Verderers voted in favour, 2 voted against and 2 abstained. The Court therefore agreed not to refuse permission.

2023/13076	VERELEY COMMUNICATIONS MAST SITE – BURLEY RADIO STATION – 6902-120652 – DECOMMISSIONING AND REMOVAL PROPOSAL	DISCHARGE
	The proposal to demolish the larger building and fully reinstate the site was approved subject to the usual conditions. The smaller building which houses equipment used by the emergency services communications system will be retained.	Action PG
2023/13077	BIG FEAT RUNNING EVENT	RESUME
	Mr Pasmore raised serious concern about this event which ran through the tranquil area the week before the Court. He asked if FE has any responsibility for the event which it is believed started either from Harry's Field which is private property on the west side of the Forest, or Hyde Common which belongs to Hampshire County Council. FE was asked to investigate and check whether it is something that requires its consent.	Action FE
2023/13078	NEW FOREST CAMPSITES	DISCHARGE
	Mr Chatters asked whether the survey of the campsites which is being carried out can please be shared. The DS said there is more work to be done before the survey is ready. The Court asked for a timetable for completion.	Action FE
2023/13079	INCLOSURE PLAN	RESUME
	Mr Deakin asked who has taken on responsibility for this now that Jonathan Blanco has left FE. A catch-up is requested. Mr Pasmore commented that FE is supposed to give one month's notice to the Verderers "of their intention to inclose, lay-open or re-inclose" any part of the statutory inclosures – S6 of the 1877 Act. FE does not appear to be complying with this requirement.	Action DS/RD
2023/13080	BRIDGES	DISCHARGE
	Mr Stride said he is concerned at the time it takes to approve open Forest bridge repairs. He said he has been undertaking this work as a contractor of FE for 20 years and the FE personnel with responsibility for planning access etc., appear to have limited practical knowledge of the Forest and are simply putting lines on maps. Sometimes the designated access route is totally unsuitable which means a rethink is required and it takes even longer for work to commence. The DS said he will try to find out what is happening.	Action DS
2023/13081	FORESTRY ENGLAND OPERATION CONSTRAINTS	DISCHARGE
	Mr Deakin said he has been told that FE staff have been told that overtime is likely to be stopped. Mr Stride expressed concern that an overtime ban would undoubtedly impact core Forest operations such as burning which is very time sensitive.	
	The DS said that FE's funding is being cut and the present level of activity is unlikely to remain sustainable. Whilst there is no question of redundancies at this time, there is a recruitment freeze. Overtime has actually not been discussed.	

Operations may have to be limited to essential works which are required either due to legal requirements, including health and safety and maintenance of the SSSI. FE is looking at how it can increase its revenue. The OV and DS will discuss how this might impact the Court.

Action
DS/OV

2023/13082 DENNY LODGE WATER SUPPLY

RESUME

Mr Grugeon explained there is a problem with the water supply to Denny Lodge and for the time being bottled water is being provided. A new water tank is required and Mr Grugeon will provide details to the Court for approval.

Action PG

The Deputy Surveyor and the Land Agent left the meeting

Lunch

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2023/13083 SHOBLEY FOREST OAKS

RESUME

The Court agreed that further legal advice must be sought. The OV will contact Shoosmiths for an estimate of the costs. He will also contact the claimants and update them as to the Court's current position.

Action OV

MATTERS ARISING

2023/13084 ANIMALS STRAYING ONTO FENCED ROADS – RISK ASSESSMENT DISCHARGE

Mr Deakin is working on this.

Action RD

2023/13085 STALLION GRAZING

RESUME

Negotiations to secure future grazing for the stallions are ongoing.

Action RD

OTHER AGENDA ITEMS

2023/13086 VERDERERS' ELECTION NOVEMBER 2024 DISCHARGE

The Clerk reported that she has been in discussion with NFDC which has agreed to assist with next year's Verderers' Election. The Clerk will update the Court after she has met again with NFDC.

Action Clerk

2023/13087 VERDERERS' COURT DATES FOR 2024 DISCHARGE

The following dates were approved. All Courts are on the third Wednesday in the month

17th January	21st February
20th March	17th April
15th May	19th June
17th July	No August Court
18th September	16th October
20th November	18th December (Committee only)

2023/13088 BROCKENHURST BUS SHELTER DISCHARGE

The Court agreed Brockenhurst Parish Council's request to site a new bus shelter on NFDC land in Sway Road. The Clerk said the PC had agreed to clear some bramble in the village in exchange for the small area of grazing that will be lost.

2023/13089 FIRE – CLIVE CHATTERS PAPER ON CONTROLLED BURNING DISCHARGE

Mr Chatters' paper explaining the benefits to the ecology of the Forest which result from controlled burning will be published on the Verderers' website. When the burning season starts, mention will be made of the paper on the Verderers' Facebook page.

Action Clerk

2023/13090 REQUEST TO DEPASTURE PIGS UNDER LICENCE DURING THE 2023 PANNAGE SEASON DISCHARGE

A request to depasture pigs from a practising commoner whose property benefits from the right of common of pasture over the Forest, but not the right of mast, was approved. The permission is for this year only.

2023/13091 CHANGES TO CLASS Q PERMITTED DEVELOPMENT RIGHTS DISCHARGE

The OV has drafted a letter to Planning Development Management Department for Levelling Up, Housing and Communities Planning Directorate in London, expressing the Court's extreme concern at the negative affect redeveloping any existing barns into dwellings will have on the availability of properties with outbuildings suitable to support commoning in the future.

The Court feels the proposed change to Permitted Development Rights (Schedule 2, Part 3, Class Q, The Town & Country Planning (General Permitted Development) (England) Order 2015 as amended) does not contain sufficient safeguards to ensure the retention of buildings in agricultural use to ensure sufficient, affordable availability to support Commoning within the New Forest.

The New Forest is by far the most expensive UK National Park, with a current average house price of £650,000. This means that the value of an agricultural building as a dwelling, or dwellings, far exceeds that of it remaining in agricultural use.

Commoning can reasonably be characterised as 'subsistence agriculture' in that it provides little if any net financial income to practitioners and is primarily undertaken as a form of cultural heritage and environmental land management. Therefore, it is reliant on the availability of suitable land and buildings at a sustainable cost, be that for purchase or rent. Alternative, higher value uses for buildings that would otherwise be suitable for Commoning are already a significant issue for the long-term sustainability of the practice, any changes that would increase the loss of suitable land and buildings for agriculture would further endanger the future of this culturally unique and environmentally sustainable form of agriculture.

The Verderers response to question 31 of the consultation, "Do you think that the permitted development right for the change of use from agricultural buildings to residential use (Part 3 Class Q) should be amended to apply in other article 2(3) land?" is therefore No.

Should the Government be minded to extend the scope of Part 3, Class Q permitted development rights to Article 2(3) land, specifically National Parks, the Verderers ask that recognition be made of the unique environmental, ecological and cultural heritage circumstance of the New Forest, and that the New Forest National Park be specifically excluded from the provisions.

2023/13092 WELFARE TOUR OF THE FOREST

RESUME
December

The Welfare Tour will be held on Friday 8th December 2023

HIGHER LEVEL STEWARDSHIP SCHEME & THE VERDERERS GRAZING SCHEME

2023/13093 HLS AGM

DISCHARGE

The OV reported that the HLS AGM held the previous evening at Minstead Village Hall went very well and expressed his thanks to Tina Woodley and all those who kindly help.

Mr Deakin suggested that next time, the OV's speech could be a little more concise and could refer to the displays. The OV agreed.

REPORTS FROM EXTERNAL COMMITTEES & WORKING GROUPS

2023/13094 FOREST FARMING GROUP

DISCHARGE

A couple of consultants are under consideration and some supplementary questions are being submitted to them. A decision as to which consultant will be engaged should be made in the next couple of weeks.

2023/13095 CAMPING IN THE NEW FOREST ADVISORY COMMITTEE

DISCHARGE

Mr Chatters reported that he will be attending the second meeting of this committee tomorrow, 21st September 2023. Mr Chatters was asked to express the Court's concerns that the wardens are not reporting problems with animals to the Agisters or office. This is essential in order to try to avoid serious conflicts. Mr Chatters will write up some notes of the meeting and circulate them to members of the Court.

Action CC

Mr Gammon gave his apologies and left the meeting

STAFF MATTERS

2023/13096 STAFF COMMITTEE

RESUME

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

2023/13097 AGISTERS' AREAS RESUME
December

Mr Deakin said the Agisters' areas have been reviewed and some changes will be made after the end of the drift season and probably before the end of the year.

Action RD

2023/13098 SALARY REVIEW & HORSE EXPENSES RESUME

The Remuneration Committee is due to meet shortly.

Action
REMCO

The last communication from HMRC indicates that providing proper justification can be made, the Court does not need to seek permission if it wishes to increase the level of expenses paid to the Agisters in respect of the cost of maintaining two horses which their contracts stipulate they must keep in order to satisfactorily undertake their duties.

OTHER ADMINISTRATIVE MATTERS

2023/13099 FINANCIAL STATEMENT RESUME

The Financial Statement was noted.

2023/13100 BUDGET & FIVE YEAR PLAN DISCHARGE

The Official Verderer and the Clerk are updating the Five-Year Plan/Budget.

Action Clerk

2023/13101 AUDITED ACCOUNTS DISCHARGE

The Audited Accounts for 2022/2023 were approved. The Official Verderer will sign them. Once counter signed by the Court's Auditor, they will be posted on the Verderers' Website.

Action
OV/Clerk

TRAINING & HEALTH & SAFETY

2023/13102 PONY DRIFTS DISCHARGE

There have been several falls on the drifts which need recording in the Accident Book.

2023/13103 DRIFTS AND RECREATIONAL EVENTS DISCHARGE

A cycling event that the Agisters were unaware of clashed with the Dur Hill Drift. Fortunately, the organisers and participants were very cooperative. The timing of the event and the help provided by the event's Marshalls ensured there were no issues.

The Drift List is published on NFDC's Safety Advisory Group (SAG) website.

Anyone organising a public event to be held in the New Forest should contact NFDC's SAG. The SAG will then assess the public health and safety implications of that event. If the event is very small, with less than 200 predicted attendees and it has no high risk activities, it

does not have to be notified but organisers are asked to contact SAG if they are unsure.

Following a review of the organisation of an event, the SAG issues green, amber and red safety certificates but if a red notice is issued (indicating the health and safety risk is high), insurers may decline to offer cover to the event organisers.

The OV said he will ask the Leader of the Council if there is more that can be done to highlight the drifts to event organisers. Action OV

ANY OTHER BUSINESS

2023/13104 A326 UPGRADE RESUME

Mr Chatters asked whether any progress has been made with respect to discussing the potential impact on the Forest of the proposed upgrading the A326. In reply, the OV said that the Head of Integrated Transport at HCC has said he is happy to meet. Action OV

2023/13105 VERDERERS' WEBSITE DISCHARGE

Mr Manley remarked that the photos on the website are out of date. The OV suggested some new photos are taken on the December Court Committee day. Action Clerk

2023/13106 NEW FOREST SHOW REVIEW DISCHARGE

Mr Deakin suggested a wash-up/review meeting to discuss this year's New Forest Show should be organised. It was agreed this will be arranged. Action RD/Clerk

2023/13107 MARKING FEES FOR 2024 RESUME

Marking Fees for 2024 will be on the October Court Agenda. Action Clerk

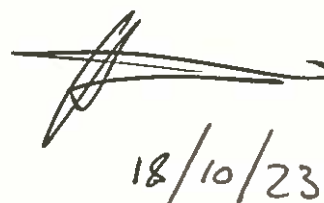
2023/13108 RESPONSE TO MR ADAM COUTTS PRESENTMENT AT THE JULY COURT DISCHARGE

An announcement will be made at the October Court and a letter will be written to Mr Coutts. Action RD/RS/Clerk/TW

2023/13109 ABANDONED SHETLAND PONY STALLION DISCHARGE

The Clerk advised the Court that a Shetland Pony Stallion was found at large in the Forest. The animal has been impounded. The Police have been advised and an advertisement placed in the Lymington Times.

The meeting ended at 15:20 hrs



18/10/23