

**Minutes of the Court of Verderers held on 15th February 2023 at 9.30 a.m.
in the Verderers Hall, the King's House, Lyndhurst**

PRESENT	Lord Manners Dr G Ferris Mr R Manley Mr A H Pasmore Mr D Readhead Miss A Sevier MBE Mr R Stride Mr C Chatters Mr M Gammon	Official Verderer Co-opted Elected Verderer DEFRA Appointed Verderer Senior Elected Verderer Elected Verderer NFNPA Appointed Verderer Elected Verderer Natural England Appointed Verderer Forestry Commission Appointed Verderer
APOLOGIES	Mr R Deakin	Elected Verderer & Staff Committee Chairman
IN ATTENDANCE	Miss S Westwood Mr J R Gerrelli	Clerk to the Verderers Head Agister

IN COMMITTEE in the Library

2023/12706 MINUTES OF THE LAST MEETING RESUME

The minutes of the last Court held on Wednesday 19th January 2023 were approved and signed by the Official Verderer.

2023/12707 NEW DECLARATIONS OF INTEREST RESUME

There were no new Declarations of Interest.

2023/12708 CONDITION OF STOCK RESUME

The Head Agister said that the cold then wet, followed by more cold weather has definitely had an impact on the condition of stock, particularly the ponies. However, the dry period over the past few weeks has helped stop things deteriorating too far. Some ponies continue to be removed but not in large numbers. Overall, at present, the condition of stock is not too bad.

There were some issues with two herds of cattle but these have now been resolved and the cattle are back on their holdings. The animals will not return to the Forest until their condition has improved.

2023/12709 TB TESTING DISCHARGE

The Head Agister said that the expected problem with TB testing within the TB Plan window allowed by Defra has not materialised. A local vet has worked on Sundays in order to ensure commoners have been able to comply with the plan. It is understood a new vet will be available in the Forest in the Spring.

2023/12710 TB IN THE FOREST DISCHARGE

The Head Agister said that at the moment TB is not impacting cattle in and around the Forest. There is an interesting map produced by APHA's Southern Edge Badger bTB Project which shows that currently no TB infected badgers have been found in Hampshire although there have been a few in bordering counties.

2023/12711 STRANGLES

DISCHARGE

There are still a few cases of strangles in the Beaulieu Aerodrome, Roundhill Campsite and Pilley areas. There don't appear to be any current cases in the areas where the disease first appeared. It is hoped the remaining cases will have cleared up prior to the onset of the fly season. The situation is being carefully monitored.

BREACHES OF THE BYELAWS

2023/12712 TWO YEAR OLD COLT

DISCHARGE

A potential byelaw breach was averted by a 2 year old colt's owner catching him before the deadline.

The Head Agister left the meeting.

2023/12713 MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR

RESUME

	<u>2023</u>	<u>2022</u>
Forest Ponies	344	131
Forest Cattle	49	71
Forest Donkeys	0	7
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	393	209
Common Ponies	39	0
Common Cattle	164	0
Common Donkeys	0	0
Common Pigs	0	0
Common Sheep	0	0
Total Common Stock	203	0
Ponies, Cattle & Donkeys on the Forest	393	209
Ponies, Cattle & Donkeys on the Commons	203	0
Total Ponies, Cattle & Donkeys	596	209
Total Stock – Forest & Commons	596	209

The Clerk was asked to check the final figures for 2022

Action Clerk

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2023/12714 SHOBLEY/FOREST OAKS

RESUME

An invoice has been received from the CDA for 1/3 of the legal fees incurred to date.

It was suggested that the S.38 of the Commons Act 2006 be used to gain the removal of the illegal fence. The OV will consider the application of S 38 further.

MATTERS ARISING

2023/12715	COMPENSATION FOR VERDERERS' INCLOSURES	RESUME
	The OV said there is nothing further to report at present.	
2023/12716	CAMPSITES – TRAINING FOR WARDENS AND STAFF	RESUME
	The OV has written to Camping in the New Forest offering to provide some training for new campsite staff. A response is awaited.	
		Action OV
2023/12717	CAMPSITES – NEW ADVISORY COMMITTEE	RESUME
	The OV asked for a volunteer to sit on the new advisory committee.	
		Action OV
2023/12718	CYCLING	DISCHARGE
	Mr Manley updated the Court. The Cycling representatives have been advised that they will need to bring a proposal to the Court. They are working on mapping with FE.	
	The OV confirmed he has advised the DS that the Court has approved the waymarked cycle network for a further year.	
	Mr Gammon explained the complexities involved in prosecuting byelaws.	
	Miss Sevier said that the NFNPA has recently discussed the implications of Health & Safety Auditing and Habitats Regulation Assessments on any new cycle routes.	
	The OV commented that a PSPO may be a way of dealing with illegal cycling in the long term.	
2023/12719	AGISTERS' VEHICLES	RESUME
	The Clerk reported she is awaiting a further quotation for the lease-hire of vehicles. She confirmed the current arrangement is working well.	
2023/12720	AGISTERS' TRAILERS	DISCHARGE
	The OV confirmed the HLS/VGS will be able to fund new trailers.	

OPEN COURT

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

The Head Agister opened the Court with the usual proclamation.

ANNOUNCEMENTS & DECISIONS

2023/12721 OP MOUNTIE AND AVERAGE SPEED CAMERAS

OP Mountie has contributed to the support for Average Speed Cameras offered by the Leader of NFDC, Jill Cleary, Cllr Edward Heron and HCC Cllr Nick Adams-King. In addition, we understand that the Hampshire Police and Crime Commissioner PCC remains very supportive. The next stage is the feasibility study which will include system design, the effect on the Landscape and Ecology. It is understood Forestry England and Natural England are also supportive.

Gilly Jones has put in an enormous amount of time and effort. Thanks are due to her and all the other volunteers who have participated in Op Mountie.

2023/12722 THE VERDERERS' HIGHER LEVEL STEWARDSHIP SCHEME

This scheme had an original life span of 10 years which expired in 2020. Since that date the Scheme has been the subject of an annual rollover. Whilst the continued funding for the Forest and, in particular, the Verderers' Grazing Scheme has been very welcome, the uncertainty about whether the Scheme would be rolled over each year has made longer term planning difficult.

I am glad to report that this time the Rural Payments Agency offered an extension of 5 years with the ability to break at any time in favour of another environmental scheme that delivers improved benefits for the Forest. This rollover offer has been accepted.

There have been further Government announcements about environmental and farming support schemes. Work is underway looking at whether a Countryside Stewardship Scheme and, in due course, a Landscape Recovery Scheme, would deliver greater benefits for the Forest. In the meantime, the HLS can continue to deliver a range of benefits for the Forest.

ANIMAL ACCIDENT REPORT

2023/12723 THE ANIMAL ACCIDENT REPORT FOR JANUARY 2023

The Agisters attended 8 accidents in January which is the same as in January last year.

2 ponies and 2 cattle were injured. No animals were killed.

1 accident occurred at twilight and the other 7 in the dark.

1 driver failed to report having been involved in an accident.

PRESENTMENT BY THE PUBLIC

2023/12724 THANKS TO THE OFFICIAL VERDERER & THE FUTURE OF CATTLE COMMONING

'Good morning Official Verderer, Verderers and members of the public. My name is Lyndsey Stride and I am a New Forest commoner.

Before I make my presentment I would like to thank Lord Manners for the contribution he has made to the Forest during his time as Official Verderer. He has always listened to the concerns we have raised about both commoning and wider Forest issues and responded honestly and pragmatically. We are incredibly lucky to have the Verderers Court and I would urge both commoners and the public to use it. Thank you Lord Manners.

I have come to Court today to share my concerns about the future of commoning.

As many of you will know Defra are developing a number of Environmental Land Management Schemes to replace the European CAP schemes. We recently learned that the mid tier of ELMs, Local Nature Recovery, will now be a continuation of the current Countryside Stewardship Scheme with an additional CS+ to encourage collaboration between schemes. The sustainable farming incentive will fund lower level actions whilst the more ambitious Landscape Recovery Scheme offers a more bespoke option over a much larger scheme area.

I strongly support the move to an environmental approach to funding farming to address the climate and biodiversity crisis. But the transition should be fair and support for farmers and commoners already delivering for nature should be maintained.

In short we are about to witness the biggest change to farming since the post war era. Nationally livestock farmers, particularly tenant farmers are struggling and the transition arrangements are adversely affecting these farmers particularly.

In the short term as the new schemes come online the Basic Payment Scheme for farmers is being reduced through a tapered process. With no budget commitment to BPS post 2025.

Whilst I welcome the rollover of HLS as it brings security for the Crown Lands in the short term, it will leave commoners, particularly cattle and pig commoners in a challenging financial position as the HLS was originally designed with the assumption that farming commoners would be supported directly by the Single Farm Payment and later the Basic Payment Scheme. The National Trust owned land is currently out of scheme where does this leave those commoners in the short term?

Cattle commoning in the New Forest is important for the maintenance and restoration of habitats which delivers for both biodiversity and carbon storage. It takes many years to build a good herd of forest cattle, we have cows in our herd at home that go back many generations. Over the past few months we have heard of several herds that have been either sold or reduced, as commoners face the reality that it simply won't pay. Once lost to the Forest these cattle cannot be easily replaced. They know where to graze, where to drink, when to come home and are resistant to red water, a tick borne disease which can kill cattle from away. Our relatively stable forest herd of cattle which graze as multiple small suckler herds has helped to keep disease levels low. There are many risks from shifting away from a suckler herd system. Economies of scale are not desirable or achievable in the forest.

Once lost these older herds will never be replaced. Holdings appropriate for cattle keeping are becoming almost impossible to find. We can count on one hand the number of young cattle commoners.

ELMS has also had an impact on the land we call back up grazing. With many landlords not renewing tenancies in anticipation of participating either in new schemes or signing up to private finance mitigation schemes. Most commoners are tenants, either wholly or in part. These short term tenancies will prevent commoners from signing up to both the SFI and CS schemes as they will not be able to demonstrate that they have management control of the land.

We are in a perfect storm, an ageing commoning community, rising costs, reduced public funding and the high market value of cull cows, along with the very real challenges of commoning in the New Forest. Pony keepers are not immune to rising costs and the loss of BPS.

The question is: can the New Forest afford to lose its cattle commoners? Should commoners be expected to self fund the delivery of public goods?

I would urge our elected Verderers to ensure that commoners are fairly represented in future schemes and that they are rewarded for good commoning across the whole of the Forest. I would urge the appointed verderers to ensure that the organisations they represent understand and properly communicate the importance of commoning; socially, culturally, environmentally and recognise the contribution it makes to the local economy. Thank you.'

The Head Agister closed the Court

IN COMMITTEE (in the Library)

CONSIDERATION OF PRESENTMENTS

2023/12725 THE FUTURE OF CATTLE COMMONING / SUPPORT FOR COMMONING

It is agreed that commoning must be adequately supported. The OV said that a lot of effort is going into investigating the various schemes on offer to identify which will deliver for the Forest, both in terms of the conservation interest and support for commoning. The Forest Farming Group has supported taking forward the possibility of entering into a Countryside Stewardship Scheme (CS) and/or CS Plus (the latter having replaced Local Nature Recovery) in place of the HLS. The possibility of a Landscape Recovery Scheme is also being kept under review by FFG as that may prove an attractive option.

This will involve a very significant amount of work. The NFNPA is considering employing a consultant to work two days a week. If the NFNPA is not able to fund all the necessary work combined funding may have to be considered. It was agreed that in that eventuality the Court would contribute up to £5,000.

HCC has entered a CS. The National Trust may do the same. The VGS committee is pulling together a consultative group which is due to meet on 8th March.

The DS said he / FE supports the need to find the right mechanisms to ensure commoning is sustainable at the right level. However, other things must fit together, including habitat restoration. It is important to look at the economics/cost of capital works, together with the eligibility and ongoing maintenance of various habitats.

DE MINIMIS CONSENTS

2023/12726 UTILITY PROPOSALS AGREED BY THE DE-MINIMIS DISCHARGE
COMMIITTEE

DM0163 BT Openreach - Rambler Cottage to outside Hill Cottage,
Pinkney Lane. 65m length and 2 feeds to properties.

DM0164 SW Water - Rushy Meadow, Minstead. 4m water pipe and
connection. Meter in private property.

DM0165 Trooli - Brockenhurst and Woodlands. Feeding cable
through existing ducts. Possible excavations to clear
blockages.

DM0166 Network Rail - Use of Beaulieu Road and Shatterford CPs
incl two w/e's during Feb & Mar. Storage for equipment and
vehicles whilst working on the railway line.

DM0167 SSE - The Barn, Dilton Glen. New electricity connection.

DM0168 SSE - Adjacent Woodlands Cottages, Woodlands, Pikes
Hill, Lyndhurst. New 23m underground electricity
connection with approx 2ft in the verge.

SSSI RESTORATION WORKS

2023/12727 THE REPAIR & MAINTENANCE/ENHANCEMENT LIST RESUME

The list was noted.

ENCROACHMENTS

2023/12728 ENCROACHMENTS LIST RESUME

The list was noted.

The supply of hoggin is proving to be an issue at present.

2023/12729 TREE GUARD ON WYCH GREEN, BRAMSHAW DISCHARGE

The tree guard erected by Bramshaw Parish Council to protect its
new celebratory tree has not been constructed to the agreed
specification. The Clerk will write asking for it to be changed.

Action Clerk

ITEMS REQUIRING ACTION BY FORESTRY ENGLAND

2023/12730 ACTION LIST INCLUDING THE BROKEN CONCRETE CULVERT AT MILKHAM DISCHARGE

The list was noted.

Mr Pasmore asked that the broken concrete at Milkham be dealt with
without further delay. He said it has been on the list for 2 years. Mr
Stride said he will see what needs to be done.

Action RS

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2023/12731 OCKNELL ARCH FISH PASS DISCHARGE

Mr Chatters requested that the design of the pass be adjusted to ensure the fixing bars are recessed within the structure and that the condition of the structure is monitored to ensure no bars are exposed, should the structure decay. He will advise that one of the statutory authorities, be that EA, the Highways Agency or Forestry England will have to commit to long term monitoring and maintenance. Subject to these conditions being met, the Court approved the proposal.

Action CC

2023/12732 LAYBY ON FOLDSGATE HILL DISCHARGE

Mr Pasmore reported that he saw a fly tip on the Forest side of the fence in a layby on the Lyndhurst bound carriageway of the A337. He added that the unofficial layby is badly eroded. It was suggested the layby could be made smaller to discourage parking, however Mr Stride said the gateway is needed when pulling off the road when accessing the gate with a vehicle.

Action
RS/Clerk

2023/12733 RECREATION DIARY DISCHARGE

Mr Pasmore said he is no longer receiving the Recreation Diary. He said he wants to see what is happening around the Forest. Miss Sevier and Mr Stride felt it would be helpful to them when planning stock management. The Clerk said she will ensure those members of the Court who wish to see it, receive a copy.

Action Clerk

2023/12734 FORESTRY ENGLAND'S CALL CENTRE DISCHARGE

It was reported there have been further issues with the call centre with calls either not being answered or the call takers not knowing how to deal with enquiries. The Clerk said the Verderers' office often receives calls about things which are not within the Court's remit.

2023/12735 ROADSIDE VERGE CLEARANCE DISCHARGE

Mr Readhead thanked FE for its work clearing the verges which he said will greatly improve safety for the commoners' stock.

2023/12736 PSPO TRAINING RESUME

Mr Stride was asked to raise this in Mr Deakin's absence. The Agisters have expressed concern at the risks posed by confrontation with people who are seen feeding ponies and the DS was asked if the FE Keepers will also be involved. The DS confirmed they will.

Action
OVRD

Miss Sevier said that Police Officers have body worn cameras. The DS said FE nationally is looking at possibly providing them for its staff. The success of the PSPOs will be measured by the level of behaviour change, not the number of tickets which are issued.

The Deputy Surveyor left the meeting

OTHER AGENDA ITEMS

2023/12737 NEW FOREST HOUNDS FLESH WAGON DISCHARGE

A request by the New Forest Hounds for financial support to purchase a new flesh wagon was not approved. The OV reported that the HLS is also unable to provide funding. A welfare payment to commoners who have to pay more to dispose of deadstock may be considered.

Action
OV/VGS
Cttee

2023/12738 NEW FOREST SHOW DISCHARGE

The OV has written to the CE of the NF Show to ask whether the marquee can be provided FoC. A response is awaited.

A budget of up to £3,500 was agreed for the Court's display this year.

REPORTS FROM EXTERNAL COMMITTEES & WORKING GROUPS

2023/12739 CONSULTATIVE PANEL DISCHARGE

Dr Ferris commented that attendance is declining. The Panel does not appear to be as effective as it once was.

STAFF MATTERS

2023/12740 STAFF COMMITTEE MINUTES DISCHARGE

The minutes had been circulated.

2023/12741 EQUAL OPPORTUNITIES POLICY DISCHARGE

Mr Gammon is working on the policy. He said a separate diversity policy is not required.

Action MG

2023/12742 WORKING FROM HOME POLICY DISCHARGE

The OV and Mr Deakin are drafting a non-contractual home working policy for the Court's administrative staff.

Action
OV/RD

OTHER ADMINISTRATIVE MATTERS

2023/12743 FINANCIAL STATEMENT RESUME

The Financial Statement was noted.

2023/12744 FIVE YEAR PLAN RESUME

The Five Year Plan had been circulated.

ANY OTHER BUSINESS

2023/12745 TALKS TO INTERESTED GROUPS DISCHARGE

It was agreed that when talks are offered to groups, a donation should be requested.

2023/12746 HUMANE SLAUGHTER ASSOCIATION VISIT (Thursday 2nd March)

RESUME

It was queried whether a Verderer will be attending. Mr Stride said he will attend if he is available and work commitments allow.

The meeting ended at 12:00 hrs

J. Adkins
4 March 2023