

**Minutes of the Court of Verderers held on Wednesday 17th April 2024 at 9.30 a.m.
in the Verderers Hall, the King's House, Lyndhurst**

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

IN COMMITTEE in the Library

2024/13456	MINUTES OF THE LAST MEETING	RESUME
	The minutes of the last Court, held on Wednesday 20 th March 2024 were approved, and signed by the Official Verderer.	
2024/13457	NEW DECLARATIONS OF INTEREST	RESUME
	There were no new declarations of interest.	
2024/13458	CONDITION OF STOCK – REPORT BY THE HEAD AGISTER	RESUME
	The wind and rain continues to impact the animals. The grass is just beginning to come through, which is welcome. Some of the ponies are supplementing their diet with brambles. The Agisters and commoners are continuing to remove poor animals whilst some are on the borderline and at this point in the year, can probably be left. It is a judgement the Agisters make on each individual animal. Some in-foal mares will probably need help once they have foaled and where necessary, they will be removed once the foals are old enough. It's been a tough winter. Fields are as wet, and in some cases wetter, than the Forest. Conditions have been worse this winter than for some years. The Head Agister said he is happy how his team is coping. The Welfare Tour is on 10 th May and the Cuckoo has been heard!	
2024/13459	TB	RESUME
	Nothing has been heard yet from APHA regarding radial testing following a TB breakdown in a commoners' herd in Brockenhurst. Some herds have been TB tested in the last few months and those will be accepted and re tests won't be required. APHA has been advised that whilst it is still a bit early, commoners will soon be turning out their cattle for the summer in order to get them off their fields. Once that happens, getting them back to TB test will be virtually impossible. An update will be provided in May.	
		Action RD

2024/13460 CATTLE MOVED OUT OF THE AREA

RESUME

It is believed the cattle that had been moved out of the Forest without the movement being recorded, are now back on the commoners' holding. The commoner responsible turned out the cattle he had at home before those animals came back and therefore there should have been no mixing. The cattle which have been brought back are believed to be isolated in barns. Efforts will be made to keep an eye on the situation but it is on private property, over which the Court does not strictly have jurisdiction. Questions can, however, be asked if cattle from the holding appear on the Forest in the coming weeks.

Action RD

The Head Agister left the meeting.

2024/13461 MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR

RESUME

	<u>2024</u>	<u>2023</u>
Forest Ponies	3443	3965
Forest Cattle	975	1373
Forest Donkeys	74	61
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	4492	5399
Common Ponies	304	389
Common Cattle	265	740
Common Donkeys	19	35
Common Pigs	11	18
Common Sheep	91	15
Total Common Stock	690	1197
Ponies, Cattle & Donkeys on the Forest	4492	5399
Ponies, Cattle & Donkeys on the Commons	588	1164
Total Ponies, Cattle & Donkeys	5080	6563
Total Stock – Forest & Commons	5182	6569

2024/13462 BREACHES OF THE BYELAWS

RESUME

The potential byelaw breach in the north of the Forest is still being investigated.

Action RD

OPEN COURT

IN ATTENDANCE: Mr Craig Harrison, Deputy Surveyor
Mr Sean Marsh,

The Head Agister opened the Court with the usual proclamation.

ANNOUNCEMENTS & DECISIONS

2024/13463 MOBILE REFRESHMENT SALES

In committee following our March Open Court, we gave very careful consideration to the presentments received from Forestry England regarding its proposals to increase the offering from mobile refreshment units and also from Ms Silvie Brejchova, who is one of the operators of the units and who supported FE's presentment. We also considered extremely carefully, the presentments made by Mr Peter Frost on behalf of the New Forest Association, Mr Brian Tarnoff, the excellent presentment by Ms Louise England on behalf the Young Commoners and Mr Andrew Parry-Norton representing the Commoners' Defence Association, all of whom raised objections to the proposals.

We are concerned at the potential impact these additional offerings could have on the Forest, however the Deputy Surveyor advised the Court that Forestry England is undertaking a Habitats Regulations Assessment, and that the completed scoping study indicates that the proposals will not have a significant effect on the SAC/SPA/Ramsar site.

After a lengthy discussion during which careful consideration was given to the proposals, the remit and powers of the Court, and upon what grounds consent could reasonably be withheld, with reluctance, by majority, the Court granted consent to Forestry England for the continued sale of ice creams at 10 sites and for the sale of ice creams, hot drinks, unwrapped cakes and sweet pastries at 5 sites for a period of 2 years.

We expect Forestry England to very carefully monitor the impact of these newly introduced mobile refreshment sales units and to take swift action if any issues arise which are directly linked to their operation. In particular, if interactions between stock and members of the public queuing to buy food or eating food bought from a unit is witnessed, we expect the unit to immediately be closed and FE to discuss with us what action can be taken to prevent a repeat of the incident. The same action will be expected should evidence of an increase in litter proven to originate from these units, or other damage to the Forest, be identified.

We recognise that some commoners, other people, and organisations will be dismayed at the Verderers having taken this decision.

2024/13464 STALLION SCHEME

Charlotte Lines made a presentment in March asking for a review of the Verderers Stallion Scheme, and related processes. The requested review included stallion selection for entry into the scheme, selection to run the Forest, young colt inspection for the futurity scheme, and how to maintain a wide gene pool. The Verderers stallion committee, under the chairmanship of elected Verderer Richard Deakin, are arranging to hold a consultative meeting to discuss these issues. Invitees will include Charlotte and major stakeholders, such as representatives of the New Forest Commoners Defence Association, and The New Forest Pony Breeding and Cattle Society. This is planned to take place in May.

2024/13465 STALLION TURNOUT 2024

Following consultation with the NFCDA committee it has been decided that 20 stallions will be turned out for 6 weeks this year. Turn out will be on Tuesday 7th May and they will need to be brought back in by 18th June.

As with all livestock our strong advice is to make sure that Forest visitors keep a good distance away from the Stallions as they go about their duties and gather a herd. In particular we would advise horse riders to avoid stallion areas. Any equine entering their area will inevitably result in the stallion approaching to check if the newcomer is a threat to his herd, or should be encouraged to join it. An entirely natural reaction, which can be intimidating to all but the most confident riders.

2024/13466 2024 NEW FOREST PONY BLOODLINE SCHEME

The Verderers Grazing Scheme Committee is once again sponsoring a project, designed to produce future stallions with rarer bloodlines. This is achieved by matching mares with less common breeding, with selected stallions to get the required progeny. We would ask pony owners who have mares with unusual or rare breeding, who are prepared to be involved to contact either Agister Robert Maton, or the Verderers office.

2024/13467 THE 1964 COMMONS AGREEMENT & MARKING FEES

In November 2023, we reminded Commoners that the Commons Agreement which was entered into by the Verderers of the New Forest and the commoners of certain Adjacent Commons, while the New Forest Bill of 1964 was before Parliament, expires at the end of December 2025.

We feel it is right to periodically remind commoners who have benefitted from the concessionary rates of marking fees, that from 1st January 2026, full (Forest) rates of marking fee will be due.

2024/13468 LAWN MOWINGS AND HEDGE CUTTINGS

We are including this in the announcements in the hope that it will be given wide coverage in the local press. We hope the press will remind people not to put grass cuttings on the Open Forest – they are lethal to ponies and donkeys. Discarding garden waste of any kind by dumping it on the Forest constitutes fly tipping and is illegal.

2024/13469 VERDERERS ELECTION

2024 is an election year for us, as well as, it appears, the UK's present Government. Our election, for two Verderers, when the terms of office of Dave Readhead and Graham Ferris come to an end, will be held on Tuesday 26th November. This is a departure from the usual election day of Friday, but that is because New Forest District Council has kindly agreed to assist us on election day and with a General Election possibly in the same week, Friday would simply not have worked. I would like to emphasise that we have absolutely NO inside information as to when the general election might be called!

Anyone wishing to vote at a Verderers' election, and we really hope everyone who can, will, is required to register each time an election is held. If you registered last time, in 2021, you will need to register again to vote this year. We will be sending out registration forms, probably in late July / early August to everyone whose name appeared on the last Verderers' Election Register in 2021 and anyone else who has been in touch since and asked for a registration form.

The qualification to vote at our election is that you must occupy at least one acre of land to which one of the common rights over the New Forest attaches. Anyone who believes they qualify to vote, and would like to do so, but has not received a form by the middle of August, is encouraged to contact our office. The Clerk and her assistant will be very happy to advise you.

ANIMAL ACCIDENT REPORT

2024/13470 THE ANIMAL ACCIDENT REPORT FOR MARCH 2024

The Agisters attended 2 accidents in March compared with 1 in March last year.

I am pleased to report that no animals were killed or injured. 1 pony and a cow which were reported to have been involved in accidents, couldn't be found.

1 accident happened at twilight and the other in the dark.

Both drivers involved reported their accident.

The total number of commoners animals killed and injured this year remains at 4. That compares with 10 in the same period last year.

PRESENTMENT BY THE DEPUTY SURVEYOR

There were no presentments from the Deputy Surveyor

PRESENTMENTS BY THE PUBLIC

2024/13471 MOBILE REFRESHMENT SALES
Presentment by Mr A Parry-Norton on behalf of the NFCDA

'Good morning Official Verderer, Verderers and Court members.

This is the first of two presentments to be made by the CDA regarding car park vendors.

Last month you heard three presentments, which I am sure left you in no doubt that selling food in the car parks was a bad idea, putting Commoners at financial risk and the public at potential physical harm.

The majority of Verderers chose to ignore the Commoners that they represent and approve Forestry England's licence. The vote was taken with extreme haste, the FE Verderer's participation in it might be considered questionable.

Part of the Verderers' policy is, and I quote "seek to reduce any harmful effects of other users on the Forest upon commoning." The Verderers have clearly failed to do so in this instance.

Equally, Forestry England has shown little respect for the Court. The tender process and the contracts were awarded before the Court had even reached a decision. FE correctly predicting the Verderers would not stand up to it. This sets an appalling example that the Court will not enforce its own policies and byelaws, losing all credibility with the commoning community.

We now have the situation, especially at Easter, where we have two vendors at Bolton's Bench, one selling ice cream and another cakes and pastries. Already the vendor has not adhered to the terms of the licence; selling sausage rolls over the

Easter weekend. FE's assurances have not been kept, broken within a matter of a few days.

The Verderers having taken this decision have shown no regard for the risk they have placed on Commoners and the Public. This risk is so high that it would not be acceptable in a place of work. The CDA ask the Verderers and FE to make public their assessments so we can get a better understanding of how they may have tried to reduce the chances of an injury to a member of the public.

The CDA accepts that visitors bring their own food to the Forest, a situation beyond anyone's control but to have families queuing and concentrating on the food source in already crowded hotspots such as Bolton's Bench only increases the potential for public injury or even worse.

The CDA asks the Verderers to reconsider their decision, represent the views of the Commoners, some of which have been elected by them, protect the public and keep the special qualities of the Forest that they have pledged to protect when they took office'.

2024/13472 MOBILE REFRESHMENT SALES - RISKS ASSOCIATED WITH EXTENDING CAR PARK FOOD AND DRINK OFFERINGS
Presentment by Hilary Harper, Hon Sec., NFCDA

'Good morning Official Verderer, Verderers, and members of the Court.

My name is Hilary Harper, I am Secretary of the New Forest Commoners Defence Association.

I am here on behalf of the Commoners Defence Association to make a response to the decision taken by this Court to approve the proposed changes to the catering offerings, announced by the Deputy Surveyor at February's Court.

We ask that the Court's decision to approve those changes is reviewed for the reasons we set out below:-

It would be rather an understatement to say that our Association is extremely disappointed that the presentments made at the March Court failed to convince the Verderers to refuse the Forestry England request to extend the catering offerings at some car parks.

A number of valid reasons were given in support of refusal, but today I would like to focus on our biggest fear, that of the risk associated with the interaction of livestock with people.

We accept that there is a residual risk on the Forest in general, but are certain that an increase in the number of customers attending the new sales points, and an increase in the amount of food products being carried or consumed in the area will unquestionably increase the potential for undesired interaction of livestock with people. Almost all injuries result in a compensation claim, always against the animal owner. This increased risk is effectively being borne by the Commoners, the livestock owners, whilst all benefits accrue to the traders and Forestry England alone.

Personal injury risk assessment is a relatively simple process. First a view should be made as to what the highest credible injury could be. Ranging from a minor injury, right up to a fatality. Then a decision is made about the probability of that occurring. From 'very unlikely' to 'probable'. With these two judgements made, the level of risk can be determined by plotting on a risk matrix. The result will be one of Low, Medium, High or Very High.

Taking the circumstances of the catering van area, and considering the potential consequence - we have in the past had a child kicked in the head, and suffer life changing injuries. So life changing injuries is definitely a credible outcome or consequence. Some believe that death could be possible but perhaps unlikely, so we'll discount it for now. Moving on to the probability of a life changing injury happening, it would be reasonable to judge that over a period of the next ten years it is 'likely' to happen. All versions of risk matrices would designate this as a 'very high' risk. Even if we judged the probability to be 'unlikely', a 'high' risk would still result.

In both cases in an employment situation, if an activity was judged to have that level of risk, the associated activity would be halted until a lower risk methodology could be arrived at. In those circumstances if the risk was ignored, and a serious injury occurred, then almost certainly the HSE would investigate and prosecute.

It seems that both Forestry England and The Verderers are choosing either to ignore that risk, or to accept it. The HSE have previously taken an interest in serious Forest incidents, and I wonder who they would investigate in one of these cases. Almost certainly the animal owner.

We would ask that Forestry England publish their personal injury risk assessment for introducing this new activity, and make it available for public scrutiny, if they have one. If not, then why not?

We would also ask to see the list of measures which Forestry England have put in place, to ensure that the risk is mitigated to as low as reasonably practical, and how they plan to steward that those measures actually take place.

We further give notice that if an incident occurs, and a Commoner finds themselves being investigated or involved in Court action, then this presentment will be used as evidence that this undesired activity and unacceptable risk was introduced much against the will and advice of the Commoners.

We feel that agreeing to extend the car park food and drink offering constitutes an impediment to exercise our lawful rights, in the way that we have for centuries, and we urge the Verderers to reconsider.

Thank you.'

2024/13473 FLOODING IN BROCKENHURST

Presentment by Mr Peter Hebard, BSc, CEng, FIMechE, MCIWEM. Brockenhurst and New Forest Flood Action Group

'I'm Peter Hebard of Brockenhurst and New Forest Flood Action Group founded in 2016, the year the UK's Flood Resilience Review was launched. A Chartered Engineer, Member of the Chartered Institute of Water and Environmental Management, Fellow of IMechE, in the years since, I have been funded by HCC to attend Environment Agency conferences and workshops on Natural Flood and water management. With our team of 20 local observers and the support of the PC, I have been coordinating the efforts of many organisations to both keep roads passable and reduce flood risk to properties, initially with significant success.

However, this winter has been a wake up call, not only for us but for the whole of the Forest. Despite our best efforts, every green space around the village, most exit roads and some outbuildings have been flooded to some depth, with some houses millimetres away from flooding internally. To put the task in perspective, in the worst storms 3 ½ million cubic metres of water now fall on our catchment but to avoid serious flooding, the peak of that needs to have passed through our village within 12

hours. One fallen tree in the wrong place could be catastrophic but equally in summer thunderstorms, most of that valuable water will be lost to the Solent, unless we do more to keep it on the Forest.

Irrespective of habitat regulations, Forest authorities collectively have an ancient riparian responsibility to ensure water can pass through village and leave it unobstructed. That only requires removal of fallen trees from the river, clearance of small areas of brambles and brushwood, basic good husbandry at the end of a day. Even re-wilding requires sympathetic management.

However equally the Met Office has warned that central southern England will not only suffer more intense rainfall but also more severe drought, so we need to hold more water upstream of the village for longer, for both ecological and flood risk benefits.

We already work closely with Hants Highways, Network Rail, businesses and landowners but we now urgently need the "neighbourly" cooperation of all Forest authorities to help.

Natural Flood Management can also help to replenish mires and refresh lawns, so there need be no conflict, quite the reverse, and commoners' interests, along with those of all who live in and derive their living from the Forest, have always been close to our hearts.

Back in 2016, DEFRA convened a meeting where all Forest authorities committed to work with our Flood Action Group on a joint plan to reduce the risk of flooding. 8 years on, Climate Change is clearly with us and we now need to hold all to that promise to ensure Brockenhurst does not suffer a similar fate to Boscastle, whilst also protecting Forest ecology and livestock against the effects of severe drought.

There are benign and cost-effective ways to hold back water on the Forest at sufficient scale but we all need to come together to decide where it is most needed and where it is not, where we can hold most and how best to do so and, importantly, how all can help. In short, how, collectively, we can manage climate change and water to best effect.

I have already briefed principals and members of the NPA, Forestry England and HCC, giving them a tour of critical hotspots. I would be happy to offer the same to the Verderers, as I have to the CDA, Natural England and ecological NGOs.'

2024/13474 **MOBILE REFRESHMENT SALES**

Presentment by Mr Brian Tarnoff on behalf of the Friends of the New Forest (NFA)

'We are disappointed to have heard that the Verderers have given assent to the proposal to expand Forestry England's licensing of food vans in their car parks. The increased risk to commoning and commoner's livestock and damage to habitat are clear and fall squarely within the Verderers stewardship.

When NFDC at the behest of Forest stakeholders including the Verderers, established the Public Space Protection Order prohibiting the Feeding and Petting of Forest Ponies, there ought to have been a re-evaluation of the current offering of food from Forestry Car Parks, including public safety risk and habitat impact assessments. Merely putting food in the hands of visitors in proximity to animals is at best a mixed message and at worst a clear precursor to the very visitor behaviour the PSPO's are meant to stop.

I dislike employing the "Thin end of wedge" argument, but here it is apt. Starting from the questionable current offering of six pitches (5 licenses) expanding to 17 pitches

(13 licenses). The widening of food selection beyond ice cream on the original pitches is also relevant as this extends hours and season for operation beyond clement weather.

The current Habitats Regulation Assessment (HRA) submitted by Forestry England is deeply flawed. It is merely a preliminary assessment which relies on incorrect presumptions and fails to consider major factors:

- Zone of influence – presumption that effects would be limited to car parks when visitors (and their snacks in hand) will range further, leading to:
 - Direct disturbance to SPA species
 - Food waste (beyond where vendors so tasked could imaginably control)
 - Increased predation pressure
- Combination effects – not considered is the degree to which the attraction of a wider food selection operating in all weathers, year round would increase recreation pressure.
- Duty to restore European sites – presumption that sites are “robust” and there is no problem exacerbating pressure, contrary to DEFRA guidance to restore area in “unfavourable condition”.
- Effect on New Forest grazing – However minimized, the effect of having a steady location for extra treats will have the same unnatural effect on livestock that supplementary feeding does, disturbing the natural grazing patterns which maintain the Forest's special qualities.

We were already concerned that FE had advertised the tenders before either providing their HRA submission or seeking Verderers assent. The HRA presented is extremely compromised in its conclusions that only the screening and partial appropriate assessment stages are necessary. A full HRA should be prepared to back this proposal, and it should be held in abeyance until that has been completed and made available for public comment. We ask that the Verderers support this request, and that any assent be withdrawn or refused until then.'

2024/13475 **MOBILE REFRESHMENT SALES**
Presentment by Mr Mark Ferrett, practicing New Forest Commoner

'Good morning Court and Verderers of the New Forest.

It has been a long time since I have made a presentment and things haven't changed much have they?

We've still got Sue and many faces in the room are still here who I have grown up with and of course looking round the Court the same faces are here to show heir concern and commitment to the ongoing New Forest.

First of all, I would like to thank the three Verderers who voted against these pop-up canteens, refreshment bars, costa coffee, whatever you want to call it. Three Verderers in my mind made the right decision.

When I was a young lad, born and bred in the village of Bartley, I was under the constant watch whilst using the surrounding areas of the Forest, Bartley Green, Shave Wood, Beechwood, upto Minstead and down round Cadnam by the Head Keeper Gilbert Smith, and then after John Gulliver.

There was nothing that they didn't miss, there was nothing they didn't know, but here was always something that they reminded us nippers from Bartley about. Be mindful when we played football on the green, in the summer they would often call round, watch us for five minutes, but say, "now look lads, mind those ponies, don't chase they ponies off. They have the right to be here. Don't touch the ponies."

It was something we learnt from a very youthful age and had to respect because when you went home you were told the same by your parents, "mind they ponies, don't get behind the ponies, they ponies will bite." It was something that we accepted, we understood and we got on with it.

When you got into your teenage years it was always the case of when you pass your driving test, the older generation who lived in and around your villages was "don't you run they ponies over. You go steady at night, give them room."

Believe me Court, they are sacred, they are sacred to the people who own them.

I for one do not understand how you the Verderers and anyone else wish to put anybody in the danger zone of a pony possibly kicking or biting a visitor to the New Forest.

I have recently spent a lot of time in and out of Southampton General Hospital. They are overstretched, they are up against it. They don't know yet what to do to resolve it.

They don't need extra casualties from people who have innocently come to visit this wonderful Forest getting bitten, kicked by our ponies.

It is evident to me that we have a situation where it doesn't matter about our villages in the New Forest and people rightly trying to get a living from their café, or sandwich bars or their coffee bars, its only right that they should have that living.

Why Forestry England want to take all that away from them God only knows.

Your decision to put people in danger with my ponies and all the other Commoners' stock does not make common sense.

It's not about me and all the older generation Commoners, it's about my daughter, my grandchildren and the young Commoners of the New Forest who made a very sensible plea to yourselves in the last Court for this not to happen.

You are jeopardising the future of our young Commoners and their ponies. I would ask you all who voted for this ridiculous situation to take a long look at yourselves and ask if you will be responsible when an injury occurs.

The ponies are iconic to this Forest and you are disregarding the very thing which makes this Forest so attractive.

No young Commoners in the future should have concerns or be hesitant about turning their ponies out onto the Forest.

You've got this so wrong and I hope and I wish that you reconsider your decision.

What I would say Forestry England, is that the key is in your name.

I with thousands of other farmers across the country have been offered billions of pounds to plant trees to save the planet, billions of pounds for an investment in rural England.

They don't want me to grow food but grow trees. I would say you should reflect on the name you have, Forestry England.

Forestry England plant some trees, plant more trees, you may even help save the planet, as well as earning the much needed revenue you are trying to take away from our village shops.

That is why you are called Forestry England.

This Forest is still very much a working forest and I wonder what you have up your sleeve next to make this the theme park that you seem to be driving towards.

I would understand if you made a reverse decision. No embarrassment in that.

It's about the young Commoners we have today who are continuing this tradition like my ancestors did and like everyone else's in this hall associated to commoning did. Many others as well.

Let's make sure we make the right decision to protect the young Commoners, help the NHS and keep the Forest for what it is designed for.

If you are hell bent on these pop up feed stations, put them within the inclosures out of the way of our stock.

In Piers Morgan's own words "The world has gone nuts."

By the way, ladies and gentlemen, I have brought my cap in. If anyone would like to donate some change, I will make sure the Deputy Surveyor gets it afterwards as they must be that hard up.'

2024/13476 SUBSIDY PAYMENTS TO COMMONERS
Presentment by Mrs Bickford-Smith

'Good morning. My name is Immy Bickford-Smith. I am a farmer and attached to my private agricultural land I have statutory registered rights to turn out stock onto not only the Crown Lands of the New Forest but also onto Rockford, Gorley and Ibsley commons.

My presentment to the Court in September 2023 provided details about the detrimental impact of previous unique New Forest farm subsidy arrangements for the Single Payment Scheme (SPS) and the Basic Payment Scheme (BPS) And I made another presentment to the Court in November 2023.

My November presentment explained how confidential negotiations with Defra in the past had resulted in significant errors being overlooked when an important announcement was approved by the Verderers in 2007. And how unprecedented and unsustainable numbers of ponies and cattle had been actively encouraged on the common land.

At the November Court I asked for the names of the individuals on the Forest Farming Group (i.e. the group set up to consider future farm subsidy schemes) and the minutes of their meetings to be made available.

Considering the mistakes of the past and the potential high value of future New Forest subsidy it is a shame that the names of those individuals have still not been provided and that there are apparently no minutes of the Forest Farming Group meetings.

I believe transparency and accountability are essential. Thank you.'

The Head Agister closed the Court

IN COMMITTEE (in the Library)

CONSIDERATION OF PRESENTMENTS

2024/13477 MOBILE REFRESHMENT SALES

RESUME

A further detailed discussion took place at which the views expressed in the various presentments were carefully considered.

It was, however, agreed there is insufficient new evidence for the Court to review its decision and the decision therefore stands.

However, Mr Deakin told the Court that he feels extremely strongly that the wrong decision was made. He asked that the following words be included in the minutes of this meeting.

'For 14 years I have been proud to serve as an elected Verderer on this court, but following the March Court decision to permit the extended catering offering I have felt utterly dismayed and incensed.

The permission, without question, increases the risk of visitor animal interactions, a risk borne by animal owning commoners. A decision mainly made by Verderers who own no animals and others with a minority ownership. Persons who will not be exposed to the higher risk which they voted to accept, and did so despite the pleas of the Commoners who will suffer the consequences.

While I cannot bring myself to respect the decision, I have to accept it as being the result of a democratic process. I can tolerate the clear departure from our stated policies, and the inappropriate unneeded urbanisation, but will never reconcile myself to the imposition of increased risk upon The Commoner. The very least the Verderers should do now, is insist upon and facilitate implementation of any mitigation measures.

ALARP

When a planned activity potentially creates hazards to people, other than for the lowest risk activities, the HSE and legislation would always expect that the ALARP principle would be applied. ALARP is an acronym for "As low as practically possible", and refers to the assessed risk of an activity. Simplistically this means that if there are relatively easy things that can be done to lower the risk, then those mitigation measures should be implemented. The risk in this case is that of visitor injury after interaction with livestock.

Amongst the original submission paperwork from Forestry England mention is made of the possibility of the Bolderwood and Wilverley sites being moved to the insides of inclosures, and to fencing off the

Boltons Bench and Dibden sites. Actions clearly documented as a possibility, and actually on the ground very achievable. This would not cost a significant amount, but would eliminate the risk of visitor and stock interaction near the sales point. It would be extremely difficult to argue that the risk is ALARP without this action being taken, and it should be implemented immediately. I'm sure the move would not be welcomed by the traders who want to be in the most prominent position, but they should not be given a choice.

I intend to make this minute available to Commoners, in case any of them find themselves facing a claim and potential investigation, in order that they can demonstrate that they cannot be held responsible for these particular livestock risks.

Finally, I'll leave it to Forestry England to decide if the risk associated with the "ice cream only" vans is ALARP.'

Mr Manley asked why FE was so unprepared with its paperwork. He feels that the Court may have been misled. He asked why it is only now that a Risk Assessment is being discussed and added that in his view, the decision made by the Court could be considered void because the Risk Assessment was not made available to consider.

The Deputy Surveyor refuted any suggestion that the Court has been misled. The OV also stated that he does not consider that the Court has been misled, but that in future all information must be included with the submission.

The Deputy Surveyor undertook to provide both the final Habitats Regulations Assessment and the Risk Assessment as soon as possible. It was agreed a meeting should be held to agree how the format of submissions can be improved in future.

Action
OV/DS

Once the final HRA and Risk Assessment have been received, they will be carefully considered. In the meantime, FE will look at means of mitigating the risk of interactions between people and the livestock and any proposals brought forward by FE in this connection will be given careful consideration.

Action DS/All

Action DS

A review of the consent for the new mobile refreshment sales will be undertaken after two years.

2024/13478 FLOODING

DISCHARGE

The DS said he had a site meeting with Peter Hibbard and others from Brockenhurst in March, to understand the issues of concern. The DS is planning on a subsequent meeting with Environment Agency & Natural England to discuss the matter further.

Action DS

2024/13479 SUBSIDY PAYMENTS TO COMMONERS

DISCHARGE

The OV said he has raised the queries raised with the members of the Forest Farming Group. Minutes are not taken, however everyone agrees that transparency is important.

The OV and Mr Ferris represent the Verderers on the FFG.

The NFNPA supports the FFG committee which is not a formal body.

UTILITY PROPOSALS FALLING OUTSIDE THE SCOPE OF THE DE-MINIMIS COMMITTEE

2024/13480 EXTENSIVE WORKS, BEYOND THE LENGTH SET OUT IN THE DELEGATED AUTHORITY OF THE DE-MINIMIS SUB COMMITTEE DISCHARGE

BT Openreach's request to lay a new 216m duct and one joint box to Acres Down Cottage, Minstead was approved.

CAMPSITES (CAMPING IN THE NEW FOREST – CNF)

2024/13481 CAMPSITE STAFF TRAINING DAY DISCHARGE

A training day was held on 16th April at which representatives from FE, the NFNPA, Hampshire Police, the CDA and the Verderers spoke to campsite wardens and staff.

2024/13482 RESURFACED PITCHES ON MATLEY CAMPSITE DISCHARGE

Encroaching vegetation on some pitches has recently been scraped back and it was queried as to whether this work should have been undertaken. In response it was reported that there is a general letter of consent dating back to the 1980's for all the campsites. It was also pointed out that compensation for loss of grazing is received by the Court. There are management plans for all the campsites. The DS said he will check to see whether they are available online/digitally. He will advise the Clerk accordingly. It was agreed it would be helpful if there is a record of what is where on the campsites and from when.

Action DS

SSSI RESTORATION WORKS

2024/13483 THE REPAIR & MAINTENANCE/ENHANCEMENT LIST RESUME

The list was noted.

2024/13484 FURZEY LODGE MIRE – UPSTREAM OF RANS WOOD DISCHARGE

Forestry England is not yet ready to present further proposals and so this item is discharged.

2024/13485 BOLTONS BENCH TO DENNY CAMPSITE VERGE PROTECTION WORKS – TO BE DELIVERED BY THE HLS RESUME

A corrected map is required, after which consideration will be given as to whether a meeting is necessary. The Verge Restoration Officer has offered a site visit. The DS said FE has met with NE. The verge is very sensitive and therefore a bank and ditch is probably not an option although it was pointed out that there are plans to bury a water pipe! There is apparently a lot of brick rubble under the verge. It is likely a compromise will have to be agreed.

Action DS

ENCROACHMENTS

2024/13486 ENCROACHMENTS LIST RESUME

The list was noted.

ITEMS REQUIRING ACTION BY FORESTRY ENGLAND

2024/13487 ACTION LIST RESUME

The list was noted.

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2024/13488 PRESCRIBED BURNING STUDY IN CONJUNCTION WITH DISCHARGE
BIRMINGHAM AND EXETER UNIVERSITIES

The study is welcomed but the metal poles are not felt to be ideal. It is suggested that wooden posts could be used instead. Whichever is used, they must be removed at the end of the study as such things sometimes get forgotten.

Action DS

2024/13489 NEW FOREST AIR QUALITY MONITORING WORK DISCHARGE

The proposals are approved.

2024/13490 MAINTENANCE OF THE DRAIN AND BRIDGE ON BURLEY LAWN RESUME

The drain and bridge on Burley Lawn urgently need attention as both are essential for stock management. FE is asked to arrange a site meeting soon.

Action DS

2024/13491 FORESTRY ENGLAND PROMOTION BOARDS DISCHARGE

There are a number of very large, 5' x 3' approx. boards advertising Forestry England around the Forest. They were sited on grazing and the Court asked back in November for them to be removed. This was agreed but nothing has happened. The DS said they are on the list to be done but FE is short staffed. He said he will go back to his team. The DS was asked to provide the Clerk with the time line for their removal, by Monday.

Action DS

2024/13492 COMMON PIGS ON THE CROWN LANDS DISCHARGE

The DS advised that there are a number of pigs on the Forest in the Fritham area that come from the National Trust's Commons. It is thought that vicinage does not apply because the rights are not equal on the Forest and Commons.

It was suggested that FE could impound the pigs or the Court could warn the owner that they are in breach of the byelaws as pigs are not permitted on the Forest outside the pannage season.

In the first instance an approach will be made to the owner of the pigs.

Action RD

The Deputy Surveyor and Land Agent left the meeting

MATTERS ARISING FROM EARLIER IN THE MEETING

2024/13493 PROCEDURES RESUME

Lessons need to be learned from the process FE followed when applying for the Court's consent to the Mobile Refreshment Sales as it is felt to have lacked certain important details.

It is also agreed that an updated RMS is needed.

The OV will meet with the DS.

Action
OV/DS

ENCROACHMENTS

2024/13494 ENCROACHMENT AT A NEW DEVELOPMENT IN HYDE DISCHARGE

Miss Sevier said that in Hyde, a bank has been dug out to provide parking for 4 vehicles. The land is thought to belong to the Burgate Estate. The National Park Planning Enforcement Team has been advised.

MATTERS ARISING

2024/13495 REGULAR MEETINGS WITH THE NATIONAL TRUST RESUME

The Clerk advised that representatives of the National Trust will join the Court in committee in June and October. Exact details TBA.

June

2024/13496 STALLION GRAZING RESUME

Mr Deakin reported that the person the Court was in contact with left unexpectedly and abruptly. A new contact has been identified and progress is being made.

2024/13497 NEW FOREST TRUST DIAMOND JUBILEE AWARDS AT THE NEW FOREST SHOW DISCHARGE

The Clerk requested some more information which she has now obtained. Nominations will now be sent.

Action Clerk

HIGHER LEVEL STEWARDSHIP SCHEME & THE VERDERERS GRAZING SCHEME

2024/13498 VGS MEETING RESUME

There are no further updates on the withheld payments.

Action RD

REPORTS FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2024/13499 OFAC (OPEN FOREST ADVISORY COMMITTEE) DISCHARGE

At the recent meeting it was clear that lack of resources, both manpower and financial, are now impacting efforts to undertake any works on the Forest.

2024/13500 ACCESS FORUM DISCHARGE

Miss Sevier has put her name forward as a commoner / land owner and Parish Councillor.

2024/13501 RECREATION MANAGEMENT STRATEGY MEETINGS DISCHARGE
 Mr Manley will attend the Advisory Group. The OV will check the date of the next meeting. Action OV

STAFF MATTERS

2024/13502 STAFF COMMITTEE RESUME
 The Staff Committee Minutes had been circulated and were noted.

2024/13503 MOBILE REFRESHMENT SALES DISCHARGE
 The Staff Committee wished it to be recorded that members are upset at the Court's decision.

OTHER ADMINISTRATIVE MATTERS

2024/13504 FINANCIAL STATEMENT RESUME
 The Financial Statement was noted.

The Court is running at a deficit. The situation is not pressing but it is not sustainable. Two areas where there are significant costs which will be reviewed are insurance and vehicles.

Mr Deakin warned that commoners are cutting back on the number of animals they are keeping and therefore the Court's income from marking fees stands to decrease significantly in the coming years. The level of marking fees has been dependant on the BPS.

TRAINING & HEALTH & SAFETY

2024/13505 ROAD TRAFFIC COLLISIONS ON THE FENCED ROADS DISCHARGE
 Mr Deakin will draft a risk assessment. This matter will be referred to the Staff Committee.

2024/13506 INCIDENT ON BOLTON'S BENCH DISCHARGE
 A child was kicked at Bolton's Bench on the day before the new food van commenced business. The child did not suffer serious injury.

2024/13507 PSPO DISCHARGE
 The point of the PSPO is to change behaviours. No fines have been issued to date. It is understood there will be some joint operations with the Police over the summer.

ANY OTHER BUSINESS

2024/13508 STALLION INSPECTIONS DISCHARGE
 The stallion inspections took place on Saturday 6th April. Three young colts have been retained and there are six new ones.

The meeting ended at 14:05 hrs


 15/5/24