

**MINUTES of the Court of Verderers held on 21st September 2022 at 9.30 a.m.
in the Verderers Hall, the King's House, Lyndhurst**

PRESENT	Lord Manners	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
	Miss A Sevier MBE	NFNPA Appointed Verderer
	Mr R Stride	Elected Verderer
	Vacant	Natural England Appointed Verderer
IN ATTENDANCE	Miss S Westwood	Clerk to the Verderers
APOLOGIES	Mr M Gammon	Forestry Commission Appointed Verderer

IN COMMITTEE in the Library

2022/12436 MINUTES OF THE LAST MEETING RESUME

The minutes of the last Court held on Wednesday 20th July 2022 were approved and signed by the Official Verderer.

2022/12437 NEW DECLARATIONS OF INTEREST RESUME

There were no new Declarations of Interest.

2022/12438 CAMPSITES ON THE CROWN LANDS RESUME

A discussion took place concerning the Court's proposals to appoint a new operator for the Forest campsites.

2022/12439 ANNOUNCEMENTS & DECISIONS RESUME

The Announcements and Decisions were approved.

2022/12440 CONDITION OF STOCK RESUME

The Head Agister reported that since the recent rain, ground conditions on the Forest have improved markedly and with it, the stock. The Forest has recovered from the summer drought amazingly well. The animals coped with the extremely dry spell and are, on the whole, looking very well.

The drifts are well underway. A few plain looking ponies have been removed, mostly non-pure bred non-Forest types, and their owners have been happy to have them. Overall, the animals are looking good. There is a nice crop of foals this year despite the weather.

Strangles, which appeared a few weeks ago and caused the cancellation of a drift, the September Beaulieu Road Sale and a microchipping day, does not appear to have spread beyond the original four or five animals. Another microchipping day is being arranged in mid October, ahead of the October Pony Sale which it is hoped will be able to go ahead.

2022/12441 MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2022</u>	<u>2021</u>
Forest Ponies	4632	4981
Forest Cattle	2503	3152
Forest Donkeys	122	150
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	7257	8283
Common Ponies	619	857
Common Cattle	814	1781
Common Donkeys	107	136
Common Pigs	14	93
Common Sheep	162	195
Total Common Stock	1716	3062
Ponies, Cattle & Donkeys on the Forest	7257	8283
Ponies, Cattle & Donkeys on the Commons	1540	3062
Total Ponies, Cattle & Donkeys	8797	11059
Total Stock – Forest & Commons	8973	11345

2022/12442 BREACHES OF THE BYELAWS DISCHARGE

There are no current byelaw breaches.

OPEN COURT

**IN ATTENDANCE: Mr Craig Harrison, Deputy Surveyor
Mr Paul Grugeon, Land Agent (New Forest)**

The Head Agister opened the Court proclaiming:- 'Oyez, Oyez, All manner of persons who have any presentment to make or matter or thing to do at this Court of Verderers, let them come forward and they shall be heard. God Save the King'

ANNOUNCEMENTS & DECISIONS

2022/12443 THE QUEEN

This is the first time the Court has met in the King's House since the death of Her Majesty Queen Elizabeth II.

Many tributes have been paid to her remarkable sense of duty, wisdom, staunch Christian faith, sense of humour and steadfast service to us all. I know that we all share those sentiments and that she will be remembered by us for those qualities.

We have been privileged to welcome the late Queen to the Forest on a number of occasions most recently to the New Forest Show in 2012 where she met amongst many others our Agisters. Hanging in the Verderers' office, and here in Court today for anyone who wishes to see it, is a photograph of Her Majesty smiling broadly and talking to our Head Agister. We here in the Forest will also remember her as a country woman with a deep love for and knowledge of dogs and horses.

Please would you stand for a minute's silence in memory of our late Sovereign. The Verderers proclaimed 'God Save the King'.

2022/12444 NEW FOREST CAMPSITES

Forestry England has recently announced that for the New Forest campsites, the New Forest Agricultural Show Society, through its trading company Camping in the New Forest Limited, has been selected to move forward to the next stage and enter formal contract negotiations. Forestry England has expressed the hope to be in a position to finalise the appointment and issue the contract during October.

The Verderers welcome the choice of a local entity to operate the campsites as we believe that that brings with it the much greater possibility of cooperation and local accountability. Any new arrangements that Forestry England proposes for the campsites are of course subject to the existing rights of the commoners.

We look forward to working closely with Camping in the New Forest Ltd so people can continue to enjoy the special qualities of the Forest whilst protecting its fragile environment and respecting the rights of commoners.

2022/12445 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. As usual at this time of year, we appeal to residents and other members of the public not to put any foodstuffs on the Forest that the animals may find attractive, 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 anywhere 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.

Another problem we often see at this time of year is hay being dumped on the Forest, sometimes in large quantities. It is usually old hay that horse-owners feel is no longer suitable for their riding horses and they think that dumping it on the Forest is a good way of getting rid of it. Again, it can cause problems for the animals especially if it is mouldy or dusty, but also because the animals will compete for it.

Depositing anything on the Forest constitutes fly tipping and if the culprit is caught, he or she may be prosecuted in the Magistrates Court.

2022/12446 A35 HOLMSLEY BRIDGE COMPENSATION

In our June Court, the Commoners' Defence Association expressed concern that insufficient land has been provided in compensation for land lost when the new A35 Holmsley Bridge was constructed.

A study of the plans produced by Hampshire County Council indicates that the correct area of land has been exchanged and has now been thrown open. It will be some time before the gravel areas recolonise with vegetation.

The lay-bys along the A35 and which have now been sectioned off by dragons teeth, but not brought into the Forest, represent additional mitigation land required by Natural England and that is also in accordance with the plans.

ANIMAL ACCIDENT REPORT

2022/12447 THE ANIMAL ACCIDENT REPORT FOR JULY & AUGUST 2022

The Agisters attended 11 accidents in July & August this year, compared with 17 in the same period last year. All the accidents involved ponies.

6 ponies were killed.

2 ponies were injured and 3 were not found.

7 accidents occurred in daylight, 1 at twilight and 3 in the dark

2 drivers failed to report having been involved in an accident.

The total number of commoners' animals killed and injured to the end of August is 27, compared with 28 to the end of August last year.

PRESENTMENT BY THE DEPUTY SURVEYOR

2022/12448 NEW FOREST CAMPSITES

Further to my presentment in May this year, I would like to take this opportunity to update the court on the New Forest Campsites.

Over recent months, a national tender process has been underway to find a new operator for Forestry England campsites across England, including those here in the New Forest. This process still has a little way to go but I wanted to update you on the positive progress made so far and the next steps planned for the coming months.

Several companies pitched for the opportunity to run the campsites and the District was part of the tender panel. For the New Forest campsites specifically, a new operator has been selected to move forward to the next stage. The operator is The New Forest Agricultural Show Society, through their trading company - Camping in the New Forest Ltd and we will now enter into formal contract negotiations.

We hope to be in a position to formally appoint them during October. Current campsite staff are being kept updated by The Camping and Caravanning Club and arrangements for potential customers looking to make a booking before the new operator is in place.

Once the appointment of the new operator is confirmed, the immediate priorities will be to prepare for the 2023 season and the implementation of the existing management plans to care for the sites. Customers who have enquired about future bookings and seasonal pitches will be contacted directly by the Society.

Having the new operator in place will also mean we can begin the longer-term process of working on a more sustainable future for the campsites. We will need to consider a range of options and consult with key stakeholders on this.

Our aim remains to find a long-term solution for people to enjoy staying in the Forest, to better understand and value its special qualities, and at the same time make sure its special qualities are protected from inappropriate activity.

PRESENTMENTS BY THE PUBLIC

2022/12449 NEW FOREST CAMPSITES

Presentment by Mr John Ward – Chairman: Friends of the New Forest

'For some time, our Association has been engaged in an ongoing correspondence with Forestry England head Office about various legal issues relating to the creation and management of F.E. New Forest campsites; and the current process of re-tendering for their future management.

In addition, and separate to these concerns, I am able to say that we fully support the views just expressed by Official Verderer in his announcement on this subject at the beginning of this meeting. (I might add that I should also say that I was pleased to hear what the Deputy Surveyor said about the future of New Forest campsites).

We hope that entering a new period of campsite management with a local organisation - The New Forest Agricultural Show Society - through their trading company Camping in the New Forest Ltd - will be an opportunity for a much needed a fresh start without any legacy legal problems from the present arrangements.

And that this will allow the creation of a new strategy for the location and management of Forestry England campsites, so that visitors may enjoy a rewarding New Forest holiday experience, while at the same time ensuring that the habitats and landscapes of the Forest and commoning are fully protected.

We look forward to participating with the New Forest Show Society and Forestry England to achieve this.'

2022/12450 ILLEGAL CAMPING

Presentment by Mr Brian Ingram, Commoner

Mr Ingram reminded the Court that two Courts past, he reported on the illegal camping in various Forest campsites that he had seen. He said the situation has got worse. At Hill Top, over the Auto Jumble weekend, numerous camper vans were parked overnight in the car park of the Royal Oak Public House, on adjacent verges and in Moonhills Car Park. On the Monday morning, Mr Ingram said 10 vans were still present in the pub car park. There were more vans in Moonhills Car Park and at Otterwood Gate, two camper vans had been driven over the ditch and were parked on the Open Forest grazing. Mr Ingram said he knows Mr Sean Marsh (FE Estates Officer) and members of FE's Ranger team had spoken to the Landlord at the pub, who it seems completely and blatantly ignored them.

Mr Ingram went onto say that whilst riding on a recent drift, a local commoner lost a stirrup. In order to look for it, she went back in her vehicle sometime later and parked for a short time on a verge. A member of Forestry England's staff put a no parking sticker on her vehicle. Mr Ingram said that is simply not right, and it is time some action is taken against illegal camping.

2022/12451 ENCROACHING BRAMBLES

Presentment by Mrs Mary Gray, Commoner

Mrs Gray said she realises the Verderers have to deal with many more interested bodies compared with the past and they often have to negotiate and compromise. However, she wondered whether Natural England could help with a particular concern she has.

Mrs Gray said she understands it maybe a low priority but she is concerned at the encroachment on the grazing by brambles. She asked if Forestry England could help? When burning and brush cutting is taking place, could the brambles be hit each year as well? Mrs Gray said perhaps the National Trust could do likewise. She said that a lot of natural lawns are being lost. In many places, those who ride or walk are finding it impossible still to do so and she added that self-help by herself, with secateurs makes little impression!

2022/12452 BYELAWS WATCH SURVEY

Presentment by Dr Gale Pettifer, Vice Chair of the Friends of the New Forest (New Forest Association)

'The Verderers may be aware that the Friends of the New Forest recently undertook a 'Byelaws Watch' survey. This was separated into two elements. The first was a free-ranging survey, which ran between the 25th July until the 31st August 2022; and the second was a fixed-site survey at specific "honey-pot" locations across the Forest, conducted on the August Bank Holiday.

The results of both studies will be published shortly but, in the meantime, I wanted to share a snapshot of some of the breaches reported to us from the initial, free-ranging survey. These demonstrate not only the activities that threaten the special qualities of the New Forest but also reveal some harmful attitudes towards its landscape, commonable livestock, and wildlife.

Around 100 volunteers submitted records to us, and between them they recorded over 5,000 individual incidents that were either breaches of the byelaws or were other activities likely to be harmful to the Forest. The most frequently reported incidents were:

- Ubiquitous dog waste and litter (with over 1,000 individual items recorded for each)
- Widespread cycling off the cycle network (over 700 instances)
- Prevalent petting or feeding of ponies and donkeys

Of significant interest, are reports of technologically assisted activities that are now widespread and were either not envisaged when the current Forestry Commission Byelaws became a Statutory Instrument in 1982 or have increased considerably since then notwithstanding their prohibition. These include the use of e-bikes, drones, metal detectors, and paragliders. Indeed, the advance of bicycle headlamps in recent years, for instance, has meant that night-time cycling is now much easier than it was back in the 1980s, and consequently night-time cyclists were recorded during our Byelaw Breach Survey.

Other worrying observations were of the use of disposable BBQs and discovery of campfires, which occurred during a period of prolonged and severe drought. High profile media campaigns about the dangers of wildfires are either not cutting through or are simply being ignored. Although not as widespread as other bylaw breaches, every instance that involves a disposable BBQ or campfire on the open Forest represents a potential catastrophe of unimaginable proportions to the landscape, commonable livestock, and wildlife.

Our volunteer recorders also provided a worrying description of activities, behaviours, and attitudes, occurring across the Forest, which included instances of aggression, such as:

- birds, deer, and livestock being chased by out-of-control dogs; and,
- a pony being physically struck because it was stood in the road

It was also worrying to discover that some volunteers who attempted to engage with cyclists they met off the cycle network were, at best, simply ignored, while others experienced hostile responses such as,

'The forest is big enough for everyone'
'I've lived here all my life'
'I won't get caught'.

One unfortunate volunteer even reported to being verbally abused. (Similar aggressive responses from the owners of dogs that were out-of-control were also recorded.)

Of course, the problem is that most people committing breaches in the byelaws do not accept that they are doing any harm; and because of this they accept no responsibility – particularly if they've always done it or seen other people do it.

If we want to change the attitudes of these people, we have to change their behaviours. The Friends of the New Forest would, therefore, encourage that the statutory bodies take further steps to educate the public on the importance of preserving this precious landscape and, importantly, to follow this up with rigorous enforcement of breaches in the byelaws.

While one of the off-track cyclists asserted that the "Forest is big enough for everyone", we would argue that it is actually an important ecological habitat and heritage landscape under ever increasing pressure, and any steps to safeguard it, including enforcing the byelaws as part of the overall management strategy, are long over-due.'

2022/12453 CAMPING IN THE NEW FOREST
Presentment by Ms Daisy Slocombe on behalf of the Young Commoners

'Dear Official Verderer, Verderers and members of the Court, I am making a presentment on behalf of the Young Commoners Committee regarding the renewal of the campsite tender in the New Forest.

As a committee, we see this as a welcome opportunity to review the provision in the New Forest, however we are concerned that financial income for Forestry England may be prioritised over managing recreation in a way that compliments the forest.

As commoners we are extremely lucky to live and work in the New Forest and appreciate it is a highly designated area for wildlife. We also appreciate access to the New Forest and the opportunity for people to visit and stay at reasonably priced campsites is needed. However, some of the sites particularly those on open forest and in ancient and ornamental woodland should not be included in the new tender. The reason behind the request for closure of open forest sites is despite the best efforts of staff, there are extremely high levels of stock interaction with the public inside campsites. This is causing issues with animals becoming more friendly and begging for food, there is also a displacement affect happening as some of the boundaries of the sites are pushed out to deal with the extra visitors. We often note Hollands Wood campers use the lawn as additional space to recreate. Often the open forest sites with good tree cover provide good shade for the stock and with recent weather this is vital for animals to get away from flies and the sun. Ancient woodland provides good additional forage for stock and in campsites this is so worn there is very little grazing left. We have also noticed some of the sites have had considerable tree work done presumably to improve safety, however we feel it should be the people that are moved not the trees as we have shown these woodlands are vital to our commoning activity.

Furthermore, we are in support of some of the existing campsites which are enclosed such as Setthorns and Holmsley, these seem to work well as they are fenced away from the stock and their habitat types are more robust.

This presentment is not intended to exclude the public from the right to access and camping just to ask Forestry England to manage its recreation offer better.

We now understand that the New Forest Show Society have been appointed to start the negotiation process. We are concerned that the process to appoint the new contractor will surpass the opportunity to improve the existing offer.

Therefore, we ask that our views are considered in the overall direction of New Forest Campsites, that the Verderers use their persuasive nature to ensure the process is transparent and the relevant interested parties are included in the decisions inclusive of the Young Commoners Committee.

Thank you.'

2022/12454 **ILLEGAL CAMPING**
Presentment by Mr Mike Eccles, Commoner

Mr Eccles said his presentment is in support of Mr Ingram's. He added that he knows of two motorhomes which travel what he calls 'the circuit', moving between car parks and 'taking the rip'.

The Head Agister closed the Court

IN COMMITTEE (in the Library)

CONSIDERATION OF PRESENTMENTS

2022/12455 **NEW FOREST CAMPSITES/CAMPSITES ON THE CROWN DISCHARGE LANDS**

The presentments on Forest campsites were welcomed.

2022/12456 **ILLEGAL CAMPING INCLUDING IN THE CAR PARK OF THE ROYAL OAK AT HILL TOP, BEAULIEU** **RESUME**
March 2023

The Court shares the concerns of those making presentments this morning on illegal camping. Mrs Sevier expressed concern about potential human waste being discharged onto the Forest. Mr Pasmore asked why FE is failing to tackle what is a long standing and reportedly increasing problem. The Deputy Surveyor said he has written to the CDA. He said the Rangers do go out but the number of incidents reported is not huge. FE is considering a campaign next year to remind campers of the byelaws and that they must not camp in car parks or anywhere other than formal campsites. One of the issues has been that Camping in the Forest did not permit one-night stays.

Action FE

In response to the presentment about illegal camping in the car park at the Royal Oak at Hill Top, Mr Grugeon said he and Mr Sean Marsh will visit the publican and show him his licence which specifically states that camping in the car park is not allowed. The publican will

Action PG

be warned that he could lose his licence if he allows camping to continue

Mr Deakin said he had witnessed campers all over the place on the Auto Jumble weekend. He wanted to know why Beaulieu Estate doesn't arrange free camping on its own land. Campers don't want to pay and so they camp on the Open Forest instead.

2022/12457 BRAMBLES DISCHARGE

The changing climate appears to be encouraging brambles. Bramble clearance is in the various course herbage clearance programmes and FE will continue with the battle.

Action FE

The Clerk will email the National Trust to ask whether it too can assist with control of brambles on its commons.

Action Clerk

2022/12458 BREACHES OF FORESTRY COMMISSION BYELAW DISCHARGE

The DS said he would like to see a copy of the Friends of the New Forest's report. Discussions are ongoing on what a potential PSPO might cover. It could possibly include camping in car parks.

The Court said that in its view, there is no commitment from FE to enforce its byelaws. In response, the DS said FE is investigating the legal basis for potential enforcement and added that there is a further step considering what enforcement might mean in reality.

The Court feels FE does not offer any support in its view that hard-core cyclists must be tackled and it was suggested Mr Mike Seddon, Forestry England's Chief Executive, should be invited to attend Court to explain FE's position. The DS said FE feels there is scope to improve the signage and way-markers. In response to a negative comment from the Clerk about the current map, the DS said the 'paid for' map is better. The Clerk suggested the free map should be improved. The Court's response to the suggestion of enhancing the network, is that whilst that possibility has not been ruled out as part of a coordinated strategy, controlling illegal off route cycling is a prerequisite. The concern is that increasing the number of routes, may well result in even more trespass by cyclists who refuse to remain on the current waymarked cycle network.

2022/12459 NEW FOREST CAMPSITES/CAMPSITES ON THE CROWN LANDS RESUME

The Court thanked DS for the update. The selection of the New Forest Show Society as the preferred operator is welcome. The OV said the Court will engage directly with Camping in the New Forest.

The OV queried why he has still not received a response to his last two letters. The DS said he is awaiting legal advice.

Action DS

The Court again suggested that Mr Seddon or Ms Mari Sibley, Director of Estates and Legal at FE, should be asked to attend a meeting.

The Court's view is that the most important thing that needs to be resolved is that of indemnity for the Verderers and Commoners. The OV said he does not know why that is proving so difficult to achieve.

Mr Grugeon claimed everything is being discussed. He said he is in discussion with the Show Society and FE's national team. The DS said he has made the national team aware of the importance of this issue.

2022/12460 DOGS DISCHARGE

A response to Mr Robert's presentment in the July Court is outstanding. Given that there was no counter presentment a response can be given at the next Court. Mr Pasmore said the Law of Property Act means the public has limited rights. A brief discussion took place on whether implementing the conditions of the CROW Act in the Forest would be beneficial. There is a view it would not help. The CROW Act may give the public additional rights that they do not currently enjoy in the Forest, and that could create other issues. The OV added that the policy of the Court is that dogs should be on leads during the bird nesting season and around livestock.

An announcement in response to Mr Roberts presentment will be made at the next Court. Action OV

NEW SUBMISSIONS BY FORESTRY ENGLAND

2022/12461 CADNAM CRICKET PITCH – NEW ARTIFICIAL WICKET DISCHARGE

This was approved. However, some old roofing felt remains around the Cricket Pavilion at Minstead which must be removed. Proper reinstatement of the old wicket must be undertaken. Action PG

2022/12462 NOMANSLAND CRICKET CLUB DISCHARGE

The Site Management Plan and new Licence is agreed. Action PG

2022/12463 ELLINGHAM CRICKET CLUB DISCHARGE

The Site Management Plan and New Licence is agreed. It was noted that the area is a lot tidier. Action PG

2022/12464 RAINWATER HARVESTING PROPOSALS AT LYNDHURST CRICKET CLUB RESUME

Further details are required on the specification for the tank, pump and pipe. Questions remain as to how the water will be collected (off a thatched roof), how the water will be moved to the pitch, how overflow drainage will be handled and whether the proposals are likely to impact the local hydrology. Mr Grugeon said he will seek answers to these questions. Action PG

2022/12465 WOODGREEN CELEBRATORY TREE DISCHARGE

Two potential sites have been identified but both are on road junctions where there are overhead cables and potentially underground services. Concern was expressed that stock tend to

congregate in summer to shade under large trees and they may be endangered by the adjacent roads. The principle of a celebratory tree is fine, but both the Court and FE are concerned about the location. The Clerk will advise the Parish Council.

Action Clerk

2022/12466 PROPOSED CELEBRATORY TREE AT BARTLEY

DISCHARGE

Copythorne Parish Council's request to plant one oak tree (*Quercus robur*) on the lawn just off Beechwood Lane, to replace an old oak tree that has died, was approved. This single oak tree will be planted nearby on an area of the lawn with no known rare plants. In order to protect the young tree, the installation of temporary fencing, constructed to the usual design, is also approved.

Action Clerk

DE-MINIMIS CONSENTS TO BE RECORDED AT THIS COURT

2022/12467 DE MINIMIS PROPOSALS

RESUME

The following proposals, approved by the De-minimis Committee, were ratified by the Court:-

DM0153 - Burley V9004 Nr to The Cottage, Beechwood Lane, Burley. Urgent works required due to discovery of Asbestos. New 20m duct required to replace old duct between the existing BT pole and an existing jointing box.

DM0154 – SSE Garage @ 52 Woodlands, Bartley - Underground cable 5 metres to be installed for a new low voltage supply

DM0155 - SSE Woodhayes, Bartley Road - Underground cable 32 metres to be installed for a new low voltage supply

DM0156 - Southern Water Rising Sun Public House, Wootton – new water main connection, all in tarmac

UTILITY PROPOSALS OUTSIDE THE REMIT OF THE DE-MINIMIS SUB-COMMITTEE

2022/12468 OPENREACH PROPOSED CABLING AND DUCT AT LAND AT FURZLEY COMMON ROAD / WARRENS HOUSE, WARRENS ESTATE, BRAMSHAW

DISCHARGE

This proposal to provide a total of 605 Metres of PVC Duct using a Mole plough and 4 jointing chambers, together with all associated cables, wires and attachments at the above sites, is mostly on National Trust and Warrens Estate land. The Court approved the proposed cabling and duct subject to the usual conditions.

2022/12469 OPENREACH PROPOSED UMBRELLA AGREEMENT

RESUME

Openreach is working with Natural England, the New Forest National Park Planning Authority and the Court to reach an agreement on how Openreach will operate within the New Forest, specifically addressing the Habitat Directives and obligations. The format gives a high level overview of the proposed fibre build within the New Forest for year 2022 – 2023. Included is a high level "ghost plan" of activities which will be finalised on a scheme by scheme basis when the works orders go to Openreach's survey teams and then

subsequently a formal application to the Planning Authority for final approvals. All proposals will continue to be submitted to Forestry England and other land owners and the Court, for consent. The umbrella agreement will form the basis of how Openreach's workstream will operate in the New Forest once the agreement is in place. A "works tracker" will be set up to give everyone visibility of the overview of the individual schemes. A virtual meeting is scheduled for 22nd September to discuss and agree the principal of the agreement.

Action
RD/Clerk

MATTERS ARISING FROM PREVIOUS COURTS OF CONCERN TO FORESTRY ENGLAND

2022/12470 DMMO 1231 RINGWOOD & BURLEY – KINGSTON GREAT COMMON PROPOSED NEW DESIGNATED RIGHT OF WAY RESUME

HCC is awaiting legal advice as to whether a new right of way over Crown Land can be designated.

Action
OV/Clerk

2022/12471 NEW FOREST ANIMAL DISEASE CONTINGENCY PLAN RESUME

A meeting is being arranged to take place in October. It is hoped progress can be made on this important plan.

Action
FE/RD

2022/12472 NEW ACCESS AT RUSSETS RESUME

It is understood Natural England requires a habitats assessment for the relocation of the driveway. It was agreed a letter will be sent in response to the planning application, stating the Court would like the application to be heard by the planning committee. The letter will say that the Court objects to the fact that the track was constructed without the necessary permissions being obtained in advance. The Court does not condone the work and it is not happy with the steep sides of the new track. However, remedial works are likely to result in further damage to grazing and habitat.

Action
OV/Clerk

2022/12473 DECAYING AND DEFECTIVE ROADSIDE FENCING DISCHARGE

An online meeting has been arranged with National Highways to discuss the maintenance of the A31 fence.

Action Clerk

The Clerk is in regular contact with HCC regarding the other highway fences in the Forest.

2022/12474 WILVERLEY CAR PARK DISCHARGE

A possible re-design of this car park was included in the Car Park Strategy that at present has stalled. The DS said in the meantime he will ask the FE Ranger Team to assist in managing the public.

2022/12475 SSSI RESTORTION WORKS REPAIR MAINTENANCE / ENHANCEMENTS LIST DISCHARGE

ENCROACHMENTS LIST

ACTION LIST – ISSUES REPORTED TO FORESTRY ENGLAND

Action DS

Unfortunately, the above lists were not available at this meeting.

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

- 2022/12476 BRIDGES DISCHARGE
- Mr Stride reported that a number of bridges are unsafe due to missing or damaged boards. The Deputy Surveyor said that a new Works Supervisor is due to be appointed, but meanwhile efforts will be made to undertake urgent repairs. The DS added that a review of all the bridges in the Forest is due to take place. If they are needed, they will be repaired, but if it is possible to construct a ford or a culvert that requires less maintenance, that may be the way forward. Action DS
- 2022/12477 TIMBER STACKS DISCHARGE
- There are large timber stacks in James' Hill Car Park. In Ferny Knapp there is a stack of firewood that has been there for 2 years. Apart from being an awful waste of wood, these stacks should have been removed and the DS was asked to see what can be done to ensure that happens. Action DS
- 2022/12478 WATER LEAK AT ROUNDHILL (off the B3078) DISCHARGE
- It has been noted that the lawn is extremely wet and has been for some time, but it appears to be getting worse. It is thought this could be a due to a leaking water or sewer pipe. Mr Grugeon was asked to arrange an investigation. Action PG
- 2022/12479 PORTRAIT GALLERY IN KING'S HOUSE DOWNSTAIRS CORRIDOR DISCHARGE
- Mr Pasmore asked whether the photos of former Deputy Surveyors that used to grace the wall opposite the Library can be replaced. In response, the DS said the photos are now opposite his office door on the first floor and there is no plan to move them. The Court felt this is a shame as far fewer people see the photos in their new position.
- 2022/12480 FALLOW DEER DISCHARGE
- Mr Readhead remarked that the Fallow deer numbers have increased significantly, he thought in the region of 30%. He asked what action FE is taking to reduce deer numbers? In response the DS said FE culled record numbers last year but one of the issues maybe that private land owners are not managing deer as well as they may have done in the past. There is a current DEFRA consultation on deer control measures running, to which anyone can respond.
- 2022/12481 PUBLIC SPACE PROTECTION ORDER (PSPO) RESUME
- The DS advised the Court that he is shortly due to meet Kate Ryan, CE, NFDC.

The Deputy Surveyor and Mr Grugeon left the meeting

MATTERS ARISING

2022/12482 CYCLING DISCHARGE

The Court is disappointed that FE is still not controlling illegal off route cycling despite concerns having been raised on many occasions. It is felt that alternative provision needs to be identified for cyclists who seek more challenging off-roading opportunities, so as to leave the Forest for quiet cycling. If better control can be achieved, it may then be possible to look at extending the network. The Official Verderer will draft an announcement for the next Court.

Action OV

2022/12483 ENCROACHMENT AT PICKET HILL / SHOBLEY RESUME

It is hoped the Court papers will be served shortly.

Action OV

2022/12484 ENCROACHMENTS COMMITTEE DISCHARGE

The OV reported that Julie Melin-Stubbs, New Forest Land Advice Service Manager is leaving. A new Secretary is required and it is hoped that someone from the NFNPA can assist.

OTHER AGENDA ITEMS

2022/12485 FOREST FARMING GROUP DISCHARGE

The OV said that as he will be retiring from the Court next year, he feels it is important that another Verderer joins this group. Dr Graham Ferris accepted the task.

Action GF

2022/12486 MARKING FEE REVIEW DISCHARGE

After much debate and discussion, it was agreed that regrettably marking fees for 2023 will have to increase.

The marking fee for ponies, cattle and donkeys on the Forest will be increased by £2.00 to £26.00 per head.

The Common rate of marking fee, for those commoners whose animals qualify, will be £13.00 per head for ponies and donkeys and £3.25 per head for cattle, which is 1/8th of the Forest fee.

Marking fees for sheep also increase by £2.00 per head. Sheep on the Forest will therefore be £10.00 per head and on the Commons, it will be £5.00 per head.

The marking fees for pigs remain unchanged. i.e. On the Forest they are £4.00 per head and on the commons £2.00 per head.

These increases will be announced at the October Court.

Action
OV/Clerk

2022/12487 WHITE TAILED EAGLE GROUP RESUME

It was agreed to ask the new Natural England Verderer, when appointed, whether he/she is interested in joining this group.

STAFF MATTERS

2022/12488 STAFF COMMITTEE MINUTES DISCHARGE

The minutes had been circulated.

OTHER ADMISTRATIVE MATTERS

2022/12489 WATER TROUGHS DISCHARGE

It has agreed that the Wootton water trough's failing supply pipe should be replaced through the HLS as Natural England has agreed this is legitimate expenditure. Action RD

It has been suggested a new trough could be considered for Forest Glade, Bartley and this will be investigated further. Action RD

Whilst no problems were evident this year, Mr Deakin suggested a survey of the present trough locations would be useful. He suggested that in addition, with the changing climate resulting in much drier summers, a review of the availability of water for stock in the Forest could be considered. Action RD

The Court will be advised if it is felt further action is required.

2022/12490 AGISTERS' VEHICLES DISCHARGE

Mr Readhead advised the Court that as the Agisters' present vehicles are out of contract, there is some vulnerability should Enterprise decide to call them in. New vehicles are on order but delivery times are very uncertain. Mr Readhead, the Clerk and her Assistant are monitoring the situation carefully. Action RD/Clerk/Asst Clerk

2022/12491 COMPENSATION FROM FE FOR INCLOSURES RESUME

The amount of compensation the Court receives is being reviewed. Mr Grugeon will be asked whether Hardley Inclosure is included with Fawley. Mr Pasmore queried the sum the Court is receiving for Turf Hill. The Court has accepted surrender of part of Newlands Plantation (owned by the National Trust and leased to FE) and Millersford Plantation. Action OV/AHP/Clerk

HEALTH & SAFETY & TRAINING

2022/12492 ANIMAL HANDLING TRAINING DISCHARGE

Mr Deakin said the New Forest Livestock Society and CDA held an interesting animal handling training session recently, run by Caroline Madgwick from The Horse Trust.

2022/12493 INCIDENT WITH A COW & THE HEALTH & SAFETY EXECUTIVE DISCHARGE

Mr Deakin reported on an incident involving a cow in which a lady as injured and taken to hospital.

Following the incident, the Clerk received a call from the HSE asking for contact details for the cow's owner. HSE confirmed they can

legally compel the Court to release such information which is of course covered by General Data Protection Regulations (GDPR). The Clerk received a formal request by email and subsequently released the details.

The CDA Committee has reviewed its cattle guidelines including an risk assessment drawn up by Mr Deakin.

2022/12494 INCIDENTS AT DRIFTS DISCHARGE

Mr Deakin reported that this year to date, three people, including himself, have been knocked over in the holding pen by recalcitrant ponies. The animals have become fitter, stronger and more difficult to deal with. Additional partitioning in the holding pens will be introduced in order to reduce the chance of an accident.

Action RD
/Agisters

ANY OTHER BUSINESS

2022/12495 UTILITY COMPANY CONSENTS RESUME

A discussion took place on whether a charge should be levied on utility companies seeking Verderers' consent for works they wish to carry out. £30 was suggested as a minimum reasonable amount. The Clerk said she will discuss this with Paul Grugeon.

Action Clerk

2022/12496 NEW FOREST SHOW RESUME

The Clerk is asked to provide the actual costs for this year's New Forest Show. A notional cost for staff time should probably be included.

Action Clerk

2022/12497 SEARCH FEES RESUME

The Search Fees will be reviewed and a recommendation made at the October Court.

Action
OV/Clerk

2022/12498 APPLICATION TO DEPASTURE 2 SOWS UNDER LICENCE DISCHARGE

An application to depasture pigs has been received by a practising commoner who turns out ponies but does not occupy land with the Forest Right of Common of Mast. He has requested permission to depasture 2 sows during this year's pannage season. As pigs are useful for eating acorns, the Court approved the request and the Clerk will communicate the decision to the applicant.

Action Clerk

2022/12499 WELFARE TOUR DISCHARGE

The Autumn Welfare Tour will be held on Friday 9th December 2022.

2022/12500 REMUNERATION COMMITTEE RESUME

Staff salaries are usually reviewed annually in October. The OV said he will arrange a meeting of the Remuneration Committee.

Action OV

2022/12501 RAINFOREST

DISCHARGE

An organisation known as the Rainforest Alliance is working to solve urgent environmental and social challenges. Representatives met in the Forest recently to allow Colombian environmental specialists to swap knowledge with local conservationists about a new way of supporting large-scale nature restoration projects.

Members of the NFNPA were joined by representatives from Colombian non-government organisation Terrasos, on a recent visit to the Cadland Estate, near Fawley, where a new investment model is being trialled.

This pilot project involves Forestry England and the Cadland and Barker-Mill estates to identify where arable farmland and low-quality grasslands could be turned into woodlands and wetlands.

The aim is to boost flora and fauna as well as capturing carbon and improving water quality.

The model is funded by the Government's Natural Environment Investment Readiness Fund, and is intended to help create a green market for environmental services and stimulate private sector funding for nature improvements in the National Park.

It all sounds very laudable but the Court has already expressed concern that these conservation projects will result in the loss of back up land traditionally used by commoners for animals which have to come off the Forest for welfare or other reasons. The Forest is unique and what works in other areas and National Parks may not work here. Mr Manley questioned why the Verderers were not invited to join this meeting.

Mr Readhead expressed concern that DEFRA is not considering what will replace the BPS. Mr Manley said that ELMS only works for big land owners. He added he is trying to arrange a visit to the Forest DEFRA.

The Court was undecided on whether to write to the NFNPA again, regarding risks to the Forest which will result from the loss of backup land, which is already becoming more difficult for commoners to obtain.

2022/12502 PIGS ON THE WESTERN COMMONS

DISCHARGE

The legality of pigs on the Western Commons was discussed. There are no registered rights to turn out pigs on these commons. Whether pigs legally depastured under the Right of Common Mast onto the Crown Lands, have a right per cause de vicinage to move onto the Western Commons is a matter for debate. Pigs may be turned out for 12 months of the year on the Northern Commons which are owned by the National Trust, thus creating something of an anomaly. Further discussion may be required.

The meeting ended at 14:20 hrs

Jul Manley
19 October 2022