

MINUTES of the Court of Verderers – Wednesday 20th January 2021

At the time of this Court, the UK outbreak of novel Coronavirus, known as Covid-19 continues. Government advises the population to avoid meetings where the disease could potentially be passed from person to person and homeworking is recommended wherever practical. Once again, the Verderers did not meet in Open Court or in person in Committee. Items included in these minutes were discussed in a virtual online meeting via 'Zoom'.

The following is a record of proceedings.

PRESENT ONLINE	Lord Manners	Official Verderer
	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	Mr A B Dowsett	Forestry Commission Appointed Verderer
	Dr G Ferris	Co-opted Elected Verderer
	Mr J Greenwood	Elected Verderer
	Cllr Edward Heron	National Park Appointed Verderer
	Mr R Manley	DEFRA Appointed Verderer
	Mr A H Pasmore	Senior Elected Verderer
	Mr D Readhead	Elected Verderer
	Mrs D Westerhoff	Natural England Appointed Verderer
IN ATTENDANCE ONLINE	Miss S Westwood	Clerk to the Verderers
	Mr B Rothnie	Deputy Surveyor of the New Forest
	Mr P Gurgeon	Forestry England Land Agent (New Forest)

2021/11425 WELCOME TO DR GRAHAM FERRIS, NEWLY CO-OPTED ELECTED VERDERER

The Official Verderer welcomed Dr Graham Ferris to the Court. Dr Ferris has been co-opted in place of recently retired Elected Verderer, Dionis Macnair, in accordance with the provisions of the New Forest Act of 1877.

The Court was very pleased to hear that eight expressions of interest were received from eligible persons who offered their services to the Court.

2021/11426 MINUTES OF THE LAST MEETING

The minutes of the last Court held on Wednesday, 16th December 2020 were approved and will be signed by the Official Verderer at the earliest opportunity.

2021/11427 DECLARATIONS OF INTEREST

Declarations of Interest can be found on the Verderers' website www.verderers.org.uk. Dr Ferris's declarations of interest will be published on the website immediately following this meeting.

ANNOUNCEMENTS & DECISIONS FOR PUBLICATION

The Announcements & Decisions, as followed, were approved.

2021/11428 ROGER PENNY WAY (B3078)

The appalling accidents involving stock recently on Roger Penny Way have shocked us all. In 2018 I corresponded with the Hampshire Police and Crime Commissioner urging the introduction of average speed cameras on that road.

Unfortunately, the resources needed to support the data collected by average speed cameras were not available at the time. I have nonetheless written again to the Commissioner seeking his support. There is due to be an election this May of the current Commissioner's replacement. Once the list of candidates is known I will write to them all seeking their support for this measure.

2021/11429 DIONIS MACNAIR MBE
DR GRAHAM FERRIS

In November last year the Court received the resignation of elected Verderer Miss Dionis Macnair MBE, who first joined the Court in 1973. Since then, many tributes have rightly been paid to Miss Macnair's remarkable long period of service and contribution to the workings of the Court.

As a result of Miss Macnair's resignation, the elected Verderers have, as laid down in The New Forest Act 1877, co-opted somebody to serve in Miss Macnair's place. Dr Graham Ferris has been co-opted and it is my pleasure to welcome him to the Court today. Dr Ferris is a former chairman of The New Forest Commoners' Defence Association. He will bring to our deliberations a deep knowledge and love of the Forest. He is eligible to serve as a Verderer until November 2024 when Miss Macnair's term of office would have expired.

2021/11430 VERGE PARKING IN THE FOREST

There is no doubt that those car drivers who verge park damage both the grazing and the SSSI. They frequently block gateways to which access is needed and, in certain locations, make it difficult or even impossible to pass along the highway.

The Verderers strongly support measures to prevent verge parking. That approach is shared and endorsed by all organisations which are members of the Recreation Management Steering Group (RMS) including, of course, Forestry England. It is clear that even the combination of education, including face to face contact, windscreen stickers, signs and in appropriate locations physical barriers such as dragon's teeth are not enough to deal with the problem.

The tools open to the Police are limited and, as we are all aware, their resources are already stretched.

Unfortunately, the bylaws of Forestry England, which apply nationally as well as to the Forest, do not prohibit parking on the verges in the New Forest. I understand that a change to the bylaws would take several years. Even if there were a change which brought into force a by law which prohibited verge parking, it would have to be enforced to have any real effect.

The RMS therefore believes that the only effective solution is some kind of traffic regulation order backed by an appropriate enforcement regime, such as the ability to issue fixed penalty notices. Matters of this nature are normally the responsibility of the relevant Highway Authority. Hampshire County Council has, however, indicated that its priority is predominantly road safety, and funding constraints mean that it is not willing to introduce such a scheme although it has provided some useful information.

The RMS has, therefore, appointed independent highway consultants and is working with them to try to come up with a solution. The cost of instructing those consultants is currently being funded by Forestry England and the Verderers although contributions may be forthcoming from other members of the RMS.

A great deal of time, effort and expense continues to be put in to trying to find an effective way forward, which we hope will bring an end to the indiscriminate verge parking that damages designated habitats interferes with Forest management and the lawful activities of commoners and blights the Forest.

2021/11431 PARKING AND CLOSED CAR PARKS

It has been operational practice of Forestry England for many years to close a small number of car parks in the winter months, when normally demand is lower, in order to reduce wear and tear and maintenance liabilities. This winter has, of course, been exceptional in terms of demand on the Forest as a local greenspace for exercise during the Covid-19 pandemic.

This has led to increased demand on the Forest car parks at certain times and in certain places. Forestry England has been monitoring this and has re-opened closed car parks (sometimes just temporarily) where the demand for parking spaces has resulted in adjacent verge parking. It is clear that overall car park capacity is sufficient in the Forest, but people have continued to be attracted to particular sites resulting in localised pressure. Forestry England will continue to monitor the situation and do what it can, with its available resources, to limit damage to the Forest.

Regarding the long-term strategy for managing parking, this falls within the work of the RMS. Any plans to implement changes to the car park provision can only move forward successfully if there is an enforceable system to control verge parking.

PRESENTMENTS

2021/11432 PROPOSED CAR PARK CHANGES AT HATCHET POND & PARKING ON THE FOREST BY TRADESPEOPLE
Presentment by Mr Philip C Thomas

'Dear Sirs

I wish to make this Presentment to the Verderers Court with reference to the proposed Car Park changes at Hatchet Pond.

I have already informed you of my views concerning the removal of the public conveniences from the car park and as this decision has already been made, I will no longer comment on it.

I see that the Proposal for the new car park is to site it further away from the Pond which I agree is of benefit to the water quality of the Pond but will also still allow a view of the Pond for the aged and infirm. I note that a number of bays will be set aside for the disabled. I have no adverse comment on the shape of the proposed car park and the positioning of the bays and I agree, as I have just mentioned, that dedicated bays for the disabled are to the good. I do wonder, however, how the direction arrows are to be made visible in the car park as stated but extra signage will assist the proposed one-way layout.

I am glad that the existing lay-by is to be removed and that verge parking it to be prevented between the entrance to the proposed car park and the junction between the B3055 (the Brockenhurst Road) and the B3054 (the Lymington Road). I have found (and no doubt others also) that when trying to negotiate this junction when travelling from Lymington to Beaulieu it has been very difficult to look to the west towards Brockenhurst to observe approaching traffic. One has almost had to drive out to the centre line of the B3055 to see any traffic due to the volume of verge parking. Some vehicles have been parked illegally on the junction. You will note that it is illegal (as stated in the Highway Code) to park within 10 m of a junction. The removal of the lay-by is of benefit as cars parked in the lay-by have also prevented a good line of sight to allow observation of traffic approaching from Brockenhurst. The removal of the verge parking and lay-by is also to the benefit of the flora which will reclaim the area so adversely affected and will also be to the benefit of the grazing animals. Whilst cycling in the National Park over the years I have noticed the damage caused to the verges of all roads, broad and narrow of verge parking and vehicles mounting the verge to pass one another, especially during the winter. May I mention the volume of verge parking which occurred during the rebuilding of "The Log House" west of the Tithe

Barn alongside St Leonard's Grange in the south-east of the Forest just to the west of Buckler's Hard. During this work the number of vehicles parked on the northern side of the road opposite the entrance of the site was large. May I suggest that during all such future works held within the boundaries of the Forest monitoring of such operations be undertaken to prevent a repeat of such parking and a stipulation be written into the planning approval to prevent such an occurrence. I realise that this would come under the remit of the Planning Committee but, maybe, a comment be made by the Verderers would be of benefit.

Overall, I agree with the proposals as stated and, as I have already mentioned, am happy with the removal of the lay-by alongside the B3055 and the prevention of verge parking along this road. I see that the repositioning of the car park has been necessitated to prevent soil pollution from the existing car parking area (I noted the large pond which formed during the heavy rains of last winter which would have washed soil into the Pond, therefore increasing the turbidity and lowering the water quality) and understand the need to reduce the human impact on the Pond (I contacted Forestry England on two occasions last summer to inform them of illegal boating on the Pond, in fact I likened it on one occasion to be busier than Henley on Regatta Day). I do hope that this proposal will decrease those two impacts and allow the Pond to return to its natural state as mentioned in the Presentment made to the Verderers Court by the Deputy Surveyor.'

2021/11433 AVERAGE SPEED CAMERAS

Presentment by Gilly Jones, on behalf of the New Forest Roads Awareness Facebook Page

'Good Morning, Official Verderer, Verderers.

In light of the high death toll involving Forest Stock in December 2020, I would like the Verderers to help lobby the Police and Crime Commissioner to look again at the feasibility of getting average speed cameras (ASC) sited on the B3078 Roger Penny Way.

3 donkeys, 2 sheep and 4 ponies died in just over 3 weeks on this road. The early half of 2020, with lockdown did make a huge difference in accident numbers, and I'm sure that, without these 3 incidents, the numbers for 2020 would have been an improvement on previous years. But each animal death is a loss to the Forest and the Commoner.

I think we would all agree that this was a shocking month, the likes of which, we never want to see again. ASC may not be the total answer, but I'm sure they would help reduce the speeds some people travel that road at. They may also help to remind people that animals are on the roads, and stock have the right of way.

I do find it saddening that there is still a huge lack of knowledge by the public that these animals are owned. There is so much work going on to prevent animal accidents, but that runs double handed with the 'No Petting or Feeding' Messages. How we solve this problem, is for another day.

As part of New Forest Roads Awareness Facebook Page, and working with Hampshire Police on Community Speed Watch (CSW) I know and have seen that static cameras would not work. We all know, and have probably all done ourselves, People tend to slow down for a static camera, then speed up again. Drivers who have passed a device, including the camera van, have a habit of flashing oncoming drivers too.

I have started a petition asking for NFDC to support the idea of revisiting the feasibility of the cameras, and this has been signed by hundreds who live in the area.

With the increased house building in and around the Forest, we have to look at this now, with, I'm sure, the view that we may have to extend the scheme to all four main routes. This is a cheaper, easier and far less damaging way to go, rather than fencing.

We have to consider that, with the amount of traffic that uses the Roger Penny Way, it is now an A road in all but name. At one 8am to 9 am CSW we counted over 660 cars going one way in an hour.

I would like to thank the Verderers, office staff and of course, the Agisters for the huge amount of great work they do, and I wish the public would understand that these issues are under constant review.

In conclusion, I know I am preaching to the converted, but I hope you will respond favourably to my request for the lobbying of the PCC. If any of you would like to talk to me about this my contact details have been included.'

2021/11434 DOGS ON LEADS

Presentment by Lucie Rowe, practising commoner

'Can I request that the Verderers consider that they ask Forestry England to make an amendment to the current byelaw ruling regarding dogs in The New Forest.

As I understand it the 1982 Byelaws state the following, That no person shall:

Xii Permit any animal in his charge to be out of control.

Xiv Permit a dog for which he is responsible to disturb worry or chase any bird, mammal or animal or on being requested by an officer of the Commission, fail to keep the dog on a leash.

Whilst I believe these 2 byelaws should manage the dog problem, I feel that they are never seen to be enforced. Therefore, I think that the time has come to insist that all dogs being exercised in The Forest should be on a lead at all times. Most dog walkers do not seem to understand the meaning of keeping a dog under control and every time I am out in The Forest I have to deal with unruly dogs and disrespectful owners.

When on horseback I have had to contend with dogs running at my pony, jumping and barking at my pony, nipping at my pony's heels, I have had dogs charging towards me with bells on their necks ringing wildly and I cannot count the number of times I encounter a dog with no owner even in sight. Commoners need to be able to ride on The Forest safely to check their stock. The Health & Safety Executive record when accidents happen in the workplace but they also take account of 'near misses' as a way to improve safety. They suggest that stopping a near thing prevents a real thing. Well, I can't count the number of 'near misses' I have experienced due to out-of-control dogs and I am glad that I have a particularly tolerant pony to ride! I have witnessed dogs chasing cows several times & I have seen a large dog bring down a calf. My mother's hens have been killed and traumatised by a spaniel that entered our yard, and the owners were so far away that they never even knew it had happened and only this past weekend a commoner friend had a poodle crossbred enter her yard and kill her chicken in front of her eyes. Again, the owner was lagging far behind and obviously not in any control of that dog.

If the rule were that dogs were on leads at all times, there would be no confusion as to the meaning of under control. The owners would be on hand to clear up the dog mess and not only would the commoners stock have less disturbance, but the wildlife would benefit greatly too. With so many people now using The Forest to exercise their dogs it is proving more and more difficult to be safe whilst out on The Forest and with one report I read saying there are 25,000 dogs being taken onto The Forest daily I really think that the time has come to have a more stringent ruling on all these unruly creatures. Many of these dogs have never seen loose animals before and the owners do not realise the consequences of their actions. With all of the puppies purchased during covid lockdown by inexperienced dog owners the future looks depressing to say the least.

The New Forest is a Special place and as such should have a Special Rule – Dogs on Leads.'

NB. The only concession for a loose dog would be when it is being used to herd a commoner's livestock, something which it has obviously been trained to do.

2021/11435 CATTLE FEEDING

Presentment by Mr Brian Ingram, Commoner

'At this time of year as I expect my cows to be half way in calf, I have my cattle in my yard twice a day for feed.

On Thursday 6th January 2021 around 4 pm I was taken them out to the Noads after they had been in so they are away from the roadside. The charolais herd was in the vicinity and one cow with horns approached at speed and chased one of my cows knocking her to the ground. She managed to get up and took off. She was back with my other cattle in the morning and fortunately no damage appeared to have been done.

This commoner appears to be feeding his cattle where ever he finds them well away from his allotted feeding area.

Over Christmas and the New Year these cattle were all over the B3054, approx. 65-70 head, waiting for him to come with feed for them. He has been feeding out near the Noads, there are now several cows with new born calves.

This is an area with two main tracks coming from the Dibden Car park so there are always a lot of people on these tracks.

I consider this to be very irresponsible.

He drives through the roadside ditches instead of using a barrier or gate where ever the cattle are. The area has a lot of damage done particularly on the track from the B3054 to Ipers Bridge.

Could you please make sure he keeps to his feeding area at Ipers Bridge.'

2021/11436 HATCHET POND

Presentment by Mrs Alison Bolton

There has been heavy over-use of Hatchet Pond with consequent damage, pollution and litter for many years, made much worse in 2020 with the huge numbers of extra visitors which have been a problem throughout the Forest. Below are some issues which I feel need to be addressed at Hatchet Pond.

1. The destruction of the fabric of the Forest for any reason needs to be carefully assessed.
2. As the existing car park and track have already been trashed, covering them with what little soil there is from the proposed new car park will have little effect on the ecology.
3. The higher site of the new car park will be an absolute eye sore at this very picturesque pond. The careful siting of car parks within old gravel workings was one of the better decisions of the Forestry Commission years ago when the car parks were first constructed.
4. Being so much closer to the road will cause more congestion at the entrance and there is still nothing to prevent overflow cars from parking along both access roads as they have been doing throughout this year.

5. From this proposed new position, I think there will be far more spread towards the N.W. end of the pond which is much richer ecologically, and more fragile, than the E. edge.
6. At present the pondside parking is valued by car bound/disabled people and there is no reason why more able-bodied people will not still use it heavily for picnicking without the benefit to the less mobile.
7. It was essential to remove the existing WC block which was in an appalling state and was probably leaking beneath the car park into the pond. However, in a popular area without toilet facilities, the suggestion that visitors should travel to Beaulieu or Brockenhurst, which are equally crowded, to relieve themselves is not practical. Could not a few hygienic and vandal proof units replace the previous facilities, screened within the pit as before?
8. Removal of the ice cream van is to be applauded.

2021/11437 SERIOUS NEGATIVE CONSEQUENCES OF PUBLIC INTERACTION WITH LIVESTOCK
Presentment by Jacqui Vanderhoek, Practising Commoner

'An incident at Cadnam Cricket Ground was filmed by a visitor (14th November 2020) and demonstrates the consequences and impact of Forest ponies repeatedly being interacted with and fed at Forest car parks.

This incident was captured by a visitor who posted the video onto a social media entertainment channel which was viewed almost two million times in ten days. The creator is heard during the footage quoting "Awesome" as my Crabbswood mare becomes trapped by the opened car door and jumps it to escape aggression within the pony group. She then becomes straddled at her stifle and lands across the bonnet, breaking the window seal, the door mirror and denting the bonnet. My mare returns to the vehicle, which appears to be owned by the person capturing the images. Quotes from the publisher state there was a bag of food in the off-side foot well.

The incident was raised by my Agister who asked me to check the mare over. I found her with no obvious injury in a different part of the Forest in her pony group. All the ponies were being fed bags of apples at the road side, by teenagers, at dusk. I have noticed my mare, who has always had a calm temperament change in her behaviour over last Summer. She now bites my hands when I check her on the Forest. The pony groups have learnt, especially since the Summer post lockdown explosion of Forest visitors to gather around the cars for constant petting and feeding. Changes to our mare's behaviour as a consequence of public interaction is depressing and has negative consequences for our commoning practises.

Like many car parks within the Forest, breaches in byelaws with commoners' animals have become a daily nuisance regarding the welfare of our animals. The ponies are regularly fed unsuitable foods, cuddled, children placed on their backs or left to roam underneath them. This year I turned up at Cadnam Cricket Ground to witness a Shetland with front feet inside the camper van for photographic purposes, encouraged with food.

When discussing such issues with the public their response is always "...there are no signs?"

Our animals have the right to be free from exploitation and abuse and therefore I urge for action. I would like to see enforcement of byelaws and particularly would like to see improved signage, however inaeesthetic. As welfare concerns for our livestock, I feel our land owners have a duty of care to ensure there is no physical engagement with our animals and avoidable conflict with the public. I would like to see signage that displays a clear, firm and effective message in all Forest car parks.

The next wave of the lockdown release of visitors and tourists flooding back into the Forest this Spring interacting with our animals in the same manner as last year is alarming. Further action must be taken to end a culture of disrespect.'

CONSIDERATION OF PRESENTMENTS

2021/11438 HATCHET POND CAR PARK PROPOSALS

DISCHARGE

A number of concerns were expressed regarding the proposed method of reinstatement of the old car park and the Deputy Surveyor undertook to ask Senior Ecologist, Ms Leanne Sergeant, to explain how the envisaged restoration will happen.

Action DS

The Court once again regretted the removal of the toilets. Hatchet Pond is one of the heaviest used areas of the Forest and the filth left by some visitors is quite shocking. The Deputy Surveyor responded by explaining that vegetation management will help to prevent fouling in future. However, members of the Court felt that whilst reducing the height of vegetation may discourage adults from using the Forest as a toilet, it is unlikely to have any effect on children. Parking in Beaulieu is virtually impossible in summer and Brockenhurst is too far away if a child needs a toilet. The suggestion that hygienic and vandal proof units could replace the previous facilities was not felt to be practical.

Verge parking is another issue that greatly concerns members of the Court. It is estimated that 30-40 cars were regularly parked on the verges around the pond last summer. The excessive use of dragons' teeth is undesirable, both from the aesthetic view point and also because long term maintenance can be difficult as brambles grow between the dragons' teeth that can only be cleared by hand.

2021/11439 AVERAGE SPEED CAMERAS AND THE B3078 ROGER PENNY WAY

DISCHARGE

The Official Verderer advised that he has written to the Police and Crime Commissioner (PCC) again, asking for average speed cameras to be installed on the B3078. PCC elections are due to be held this year and as soon as the candidates for Hampshire are known, the OV will write to them as well.

The Deputy Surveyor offered to write in support and the Clerk will forward the OV's letter to him for reference.

Dr Ferris asked whether the technology has moved on, as when the CDA pursued the idea of average speed cameras a few years ago, the advice was that the lack of power and broadband/mobile signal precluded their installation. In addition, concern has been expressed that the additional infrastructure would be unwelcome in the landscape. The OV responded that some technical advances mean cameras probably could be installed now and their effect on the landscape may be less than in the past. It may also be the case that a balance between the effect on the landscape and a reduction in accidents has to be reached.

The Clerk advised the Court that she understands SLR's (speed limit reminder devices) will shortly be deployed on the B3078.

If or when proposals are submitted for average speed cameras, they will be brought to the Court for consideration in the normal way.

2021/11440	DOGS-ON-LEADS	RESUME March
	<p>As with many other issues which are damaging to the Forest, enforcing a dogs-on-leads policy would be extremely difficult. Byelaws are an unwieldy and expensive means of enforcing the law and an alternative is badly needed in the Forest. The Official Verderer suggested it would be best to wait for a legally enforceable solution to verge parking to be identified, as a similar solution may be possible to try to reduce the impact of other undesirable activities on the Forest - out of control dogs being one. Meanwhile, the Deputy Surveyor said he will investigate Public Space Protection Orders again to see if there is any way they can be used.</p> <p>The Clerk advised the Court of two fairly recent incidents where the Police have intervened when out of control dogs have caused significant issues. The Police have powers under the Dogs (Protection of Livestock) Act 1953 to enforce cases of dogs worrying livestock but appropriate evidence would need to be provided. In one incident, the owners of a number of dogs, frequently seen out of control on the Forest, harassing stock, was spoken to by a Forest Keeper and the Police and as a result the people have not allowed their dogs to cause problems again. In a second incident, a pig died as a result of a dog attack and the owner of the dog is being taken to Court.</p>	Action DS/OV
2021/11441	CATTLE FEEDING	DISCHARGE
	<p>Evidence is being gathered with a view to penalising the commoner who is the subject of this complaint. If there is sufficient evidence of wrongdoing, he may be penalised either by reducing or withholding his VGS payment, or by pursuing a prosecution under the Verderers' Byelaws.</p> <p>The Deputy Surveyor said he will ask the local FE Keeper to help obtain evidence.</p>	Action RD Action DS
2021/11442	SERIOUS NEGATIVE CONSEQUENCES OF PUBLIC INTERACTION WITH LIVESTOCK	RESUME March
	<p>This is another ongoing problem which is proving challenging to resolve. Whilst additional signage means people caught feeding ponies cannot so easily claim they didn't know they shouldn't be doing it, there is a fairly significant portion of the population which believe signs do not apply to them.</p> <p>The Clerk said a meeting of a sub-committee which regularly considers this problem is due to be held soon. The provision of additional signage and further initiatives to try to address the problem will be discussed.</p>	Action Clerk

DE-MINIMIS CONSENTS TO BE RECORDED AT THIS COURT

2021/11443	DE-MINIMIS CONSENTS	DISCHARGE
	<p>DM0104 - BT Openreach - Newtown Minstead. 184m new duct on Manor land with 2 new boxes</p> <p>DM0105 - Network Rail – B3055 overbridge west of Brockenhurst. Hand dig trial holes to test ground for temporary siting of crane</p> <p>DM0106 - SSE – 20m underground cable to The Drift Inn</p> <p>DM0107 - BT Openreach – Broadband supply to the Church of the Holy Ascension, Hyde. 160m with no impact on grazing</p> <p>DM0108 - Network Rail – Beaulieu Road Sale Yard – Hand dig trial holes to test ground for temporary siting of crane</p>	

MATTERS ARISING FROM PREVIOUS COURTS OF CONCERN TO FORESTRY ENGLAND

2021/11444 MINSTEAD CRICKET CLUB LICENCE RENEWAL RESUME

Mr Grugeon is waiting to hear back from the Club.

2021/11445 VERGE PARKING RESUME
March

The Official Verderer said that the consultants which have been appointed, have obtained some information from Hampshire County Council. The consultants are now working towards producing a preliminary paper in February. Their final recommendations for a way forward are expected by Easter. Action OV

2021/11446 RESPONSES TO PRESENTMENTS DISCHARGE

The recently produced paper will be added to the Verderers' website. Action Clerk

2021/11447 BRAMSHAW GOLF CLUB RESUME
March

Concern remains at the number of documents connected with the licence and Management Plan for this club. Members of the Court felt a new shorter plan would be helpful which would include a list of the actions that the club may or may not carry out without further consents.

Mr Grugeon said the Club has several current proposals and they are also consulting Natural England.

A new draft document will be produced. Action PG

2021/11448 RESTORATION OF TURF HILL DISCHARGE

There is still some disagreement as regards the location of the archaeology in this area. Mr Pasmore requested a copy of the archaeology report, which the Deputy Surveyor agreed to supply. Subject to agreement being reached as respects the archaeology, the outstanding work should be completed. Action DS/AHP

SSSI RESTORATION WORKS INCLUDING THE ENHANCEMENT LIST

2021/11449 ENHANCEMENT LIST RESUME

One item has been on the list for 2 years. The Deputy Surveyor said he will find out why the work has not been carried out. Action DS

ENCROACHMENTS ON FORESTRY ENGLAND LAND INCLUDING THE ENCROACHMENTS LIST

2021/11450 ENCROACHMENT LIST RESUME

Noted. Nothing to add

ACTION LIST

2021/11451 ACTION LIST DISCHARGE

The work in the Pilley Pound area has been completed but it is not entirely as agreed at the site meeting. Mr Deakin commented that works should be undertaken in accordance with what is agreed but were not significantly

different. The Deputy Surveyor said the works were subject to much challenge by residents and the Verge Restoration Officer has spent a lot of time negotiating a solution which has achieved the objectives of the scheme.

OTHER AGENDA ITEMS INVOLVING FORESTRY ENGLAND

- 2021/11452 NOMANSLAND CRICKET CLUB LICENCE RENEWAL DISCHARGE
- The Court confirmed it is happy for Mr Grugeon to commence negotiations with the Club as respects a new licence. Action PG
- 2021/11453 RTAs INCLUDING THE B3078 RESUME
- The Court discussed a recent letter which was sent from a commoner, asking for salt, in some form, to be put on the Forest to try to encourage stock away from the road. The request has come following the recent high number of animal casualties on the B3078. The suggestion was discussed in the Staff Committee as another commoner has offered to investigate whether Forestry England and Natural England would give consent. Before doing that, however, he wished to know whether the Verderers would support the idea.
- The provision of salt or mineral blocks for stock in winter has been made on two occasions in the past. Once in the 1960's during periods of very harsh weather and more recently in the 1980's. There have always been differing views as to whether providing salt would keep stock off the roads.
- Dr Ferris asked how the success of such an initiative could be measured and it was agreed that the commoner who has offered to seek consent for a trial, should be asked to consider and explain how that could be achieved. Action RD
- 2021/11454 ROAD SAFETY SIGNAGE AND MARKINGS – ELLINGHAM/HARBRIDGE & IBSLEY COMMUNITY DISCHARGE
- Whilst of course being very supportive of initiatives to reduce animal accidents, the Court is also mindful of the effect signage has on the landscape. Very few accidents have been recorded on the road at Linwood between the proposed two running pony signs and the Court was not, therefore, minded to approve the signs. As an alternative, it was suggested HCC should paint the horse triangle, which has been used on the Lymington to Beaulieu Road, on the road at this location. The proposed edge lines together with Slow painted on the road and the remaining proposals for new chevrons and bend warning signs at Amies Corner are approved. The proposals for Ellingham Grove fall outside the Court's remit. The Clerk will advise HCC. Action Clerk
- 2021/11455 SITE VISITS & INSPECTIONS DURING COVID-19 RESTRICTIONS & LOCKDOWNS DISCHARGE
- Mr Pasmore asked for views regarding visiting other parts of the Forest whilst Covid-19 restrictions are in place. The Official Verderer said site visits/inspections within the perambulation on Verderers' business should be classed as 'work' and should, therefore, be acceptable. Verderers should restrict their visits to their local area if possible, although if they are required to visit a more distant part of the Forest for good reason, that would be considered travel to work. Anyone attending site visits must comply with the Hands, Face, Space guidelines.

The Deputy Surveyor explained that Forestry England's staff have been provided with a standard letter of authority which they can show if they are stopped by the Police. Mr Pasmore said that in the past, the Verderers have been supplied with ID cards and he asked if these could be made available again. The Clerk replied she can certainly investigate, but that photographs would be required.

Action Clerk

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2021/11456 RED PAINT ON GORSE BUSHES

DISCHARGE

Red paint has been seen splattered on gorse at Bramshaw Telegraph. The Deputy Surveyor said it will be investigated.

Action DS

2021/11457 OVERNIGHT CAMPING IN CAR PARKS

DISCHARGE

Mr Deakin reported that the no overnight parking rule is not being enforced. He remarked that it appears some people seem to live in the car parks.

Action DS

2021/11458 ASSISTANCE ON PONY DRIFTS

DISCHARGE

Mr Deakin wished to thank FE personnel who participated in car park closures and the National Park's Rangers who continued to assist the Agisters on the drifts, despite Covid-19. In addition, a number of FE volunteer rangers came along in plain clothes. The Clerk will write to the CE of the NFNPA thanking their staff for their help.

Action Clerk

2021/11459 POSSIBLE RE-FENCING OF DIBDEN INCLOSURE

RESUME
March

Mr Deakin said he has now had the opportunity to study the plan and walk some of the proposed fence line. However, the plan is not very definitive and if this project is to be taken forward, it will be necessary to agree the exact location of the fencing and accesses.

The Deputy Surveyor explained the fence line was suggested by Natural England in the knowledge that it would have to be discussed and is likely to change. The DS said he has tasked staff to consider the options and he will bring a proposal to the next Court. If the plan is available earlier, he will share it before the Court.

Action DS

The Deputy Surveyor and Mr Grugeon left the meeting

MATTERS ARISING FROM PREVIOUS COURTS

2021/11460 DEFRA/RPA CONSULTATION ON BPS DE-LINKING OF PAYMENTS

DISCHARGE

The Court discussed the RPA's consultation in respect of the last few years of the current BPS.

Of the three options put forward, only Option 1 is considered to be workable in the Forest.

Within the available constraints, it has become evident that it is virtually impossible to find a solution that does not disadvantage someone.

The effect on the Forest of excessive numbers of animals, brought about by the subsidy which is available and whether it is possible to avoid that continuing, was given careful consideration.

The Official Verderer suggested that rather than suggest future payments should be based on claims made in a single reference year, it might be preferable to take an average over several years. Eventually it was agreed that the years 2015 – 2019 should hopefully provide the fairest solution.

Defra Verderer, Mr Manley, however, did not agree and asked that this be minuted. The remaining members of the Court accepted the proposal. The OV will now amend the draft paper he prepared and circulate it for final comment. He will also indicate when the paper can be shared more widely as other people and organisations will be interested in the Verderers' views.

Action OV

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2021/11461 ENCROACHMENT AT PICKET HILL/SHOBLEY

RESUME

Unfortunately, there is no indication that this encroachment will be abated and indeed, it seems that in recent days, more works have been undertaken on the common. The Court is liaising with the Commoners' Defence Association and Natural England. It is likely that legal advice will be the next step.

Action Clerk

2021/11462 DORRIDGE HILL ENCROACHMENT

DISCHARGE

The Clerk apologised that she has not been able to pursue this possible encroachment and promised to follow it up.

Action Clerk

OTHER AGENDA ITEMS

2021/11463 CATTLE – ADVICE TO OWNERS

RESUME

The Official Verderer had prepared a draft letter to send to cattle owners. It is based on the letter sent in February last year.

It has been suggested, however, that the minimum recommended age for calves to be at large on the Forest should be increased to one month, rather than two weeks. It was agreed that further veterinary advice should be obtained prior to the letter being sent out.

The Verderers' veterinary surgeon has unfortunately now retired and it is necessary to seek the assistance of a replacement. A suggestion was made and the Official Verderer will contact him.

Action OV

In addition, a recommendation will be included in the letter, that cattle should not be turned out too early this spring.

2021/11464 HIGHER LEVEL STEWARDSHIP SCHEME (HLS)

RESUME

News of the hoped-for rollover has yet to be received.

2021/11465 VERDERERS' GRAZING SCHEME (VGS)

RESUME

There is a short list of commoners who may have breached various scheme rules and/or byelaws and who may find themselves subject to penalties under the VGS.

Mrs Westerhoff asked if the VGS Sub-Committee can please consider support for small commoners, particularly those who have been unable to benefit from BPS. It was agreed this should be added to the agenda for the next meeting.

Action OV

REPORTS FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2021/11466 ELMS (ENVIRONMENTAL LAND MANAGEMENT SCHEME) DISCHARGE

So far, there have been no applications for the position of ELMs Test and Trial Facilitator. Details are on the Verderers' website.

2021/11467 RECREATION MANAGEMENT STRATEGY ADVISORY GROUP DISCHARGE

Mr Dowsett reported that this group meets tomorrow. Natural England's Francesca Sanchez, Senior Adviser South Coast Access, is talking about the Coastal Path and Mr Dowsett asked anyone who has any questions to let him know.

2021/11468 FRESHWATER HABITATS FORUM DISCHARGE

Mrs Westerhoff has received a newsletter from the New Forest Catchment Partnership which she will circulate, as she feels it will be of interest to members of the Court. Action DW

GENERAL REPORTS AND ADMINISTRATIVE MATTERS

2021/11469 STOCK MANAGEMENT DISCHARGE

Mr Deakin wished to record that the Agisters are experiencing increasing difficulties when trying catch animals which are losing condition. Problems are being caused by the large number of members of the public who are out on the Forest at all times. For some years it has proved increasingly difficult to catch stock at weekends. That created difficulties as many commoners work during the week. The situation has, however, become significantly worse over the past year, partly no doubt due to the Covid-19 pandemic. Despite the Government's Stay at Home message, the Forest is busier than ever.

Pony driving is not a precise art. Ponies often do not go in the direction the Agister hopes they will. This makes erecting signage in the right place virtually impossible as the pony may end up being driven to a pound in the opposite direction to that which was originally envisaged. In addition, help is often limited and more so now, due to the pandemic and the need to ensure social distancing.

Cllr Heron said this must be flagged with the National Park Authority, which he believes has a part to play in this. Its messaging should be focusing on its primary statutory purpose which is 'to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park' and more recreation should not be encouraged.

The Court agreed that the Official Verderer should send a letter to the NFNPA making it aware that the ever-increasing recreational pressure is now seriously and adversely impacting on the working practices of commoning. The OV will also make an announcement at the February Court. Action OV

2021/11470 HIGHWAY FENCING DISCHARGE

Mr Deakin commented that in his opinion, the standard of construction of some Hampshire County Council highway fencing is unsatisfactory. He said he is aware the Clerk has reported these concerns to HCC. Cllr Heron

said he too has picked up on this. He added that the fencing is supposed to be constructed to a British Standard and if it isn't up to that standard, the contractors will have to rectify any issues at their expense.

2021/11471 STALLIONS 2021

DISCHARGE

Mr Deakin said the Stallion Sub-Committee will shortly be holding a virtual meeting to discuss what to do about the stallion inspections this year. If anyone has any comments they would like to make, they will be welcomed.

2021/11472 WELFARE OF STOCK

DISCHARGE

The Clerk was asked to circulate the Head Agister's report which was sent to the organisations who usually attend the Welfare Tours and has been well received by them.

Action Clerk

Mr Deakin commented that the report was very well written and it is good to keep in touch with the welfare groups.

2021/11473 REPORT ON MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR

RESUME

	<u>2021</u>	<u>2020</u>
Forest Ponies	5097	5065
Forest Cattle	5795	5942
Forest Donkeys	147	133
Forest Pigs	559	482
Forest Sheep	0	0
Total Forest Stock	11598	11622
Common Ponies	839	804
Common Cattle	2587	2393
Common Donkeys	138	136
Common Pigs	149	136
Common Sheep	223	212
Total Common Stock	3936	3681
Ponies, Cattle & Donkeys on the Forest	11039	11140
Ponies, Cattle & Donkeys on the Commons	3564	3333
Total Ponies, Cattle & Donkeys	14603	14473
Total Stock – Forest & Commons	15534	15303

2021/11474 CONDITION OF STOCK - Report by the Head Agister

RESUME

Overall, the condition of the ponies remains fairly good and as you travel round the forest the majority you see are fine. I have noticed a few starting to lose a little weight now, usually young ponies, and the few mares that have last year's foals still on them. We are removing some of those mare and foals and as the Winter progresses more will have to come in.

The majority of cattle are off the Forest now, the ones left, going home or to their feeding areas for supplementary feed, with just a few exceptions of some odd wild ones here and there the owners have not yet got in. The Agisters are assisting in trying to catch these animals.

What was useful last year, was a few joint visits with the Agisters and Staff Committee Verderers to look at one or two herds that are on the Forest, to assess condition and we will continue with that this year as well.

I believe all the Forest pigs have been removed, with just the Commons ones still out and everyone says how well their pigs did this year on the Forest.

The Agisters have identified a number of two-year-old colts that are still at large and efforts will be made to catch these colts before the end of the month if at all possible.

2021/11475 FINANCIAL STATEMENT

RESUME

The Financial Statement was noted.

2021/11476 THE ANIMAL ACCIDENT REPORT FOR DECEMBER 2020

RESUME

The Agisters attended 13 accidents in December, compared with 25 in the same period last year.

7 ponies, 1 cow, 3 donkeys and 4 sheep were killed and 1 cow was injured.

1 accident occurred in daylight, 2 at twilight and the other 10 in the dark.

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

The total number of commoners' animals killed and injured in 2020 was 71, compared with 90 in the same period last year.

2021/11477 ROAD TRAFFIC ACCIDENTS AND DONATIONS FROM THE PUBLIC

DISCHARGE

Mr Manley said that he understands the New Forest Trust is willing to hold a ring-fenced fund for donations towards initiatives aimed at reducing RTAs involving commoners' animals. In her capacity as a Trustee of the NFT, Mrs Westerhoff confirmed that the Trust is happy in principle to do this. It was agreed this may be a good way of encouraging members of the public and other organisations to assist with funding initiatives that cannot be funded from Hampshire County Council's or New Forest District Council's Road Safety budgets.

2021/11478 HEALTH & SAFETY – PONY DRIFTS

DISCHARGE

Mr Deakin said that if it is necessary to once again employ Covid-19 precautions at drifts, a meeting will be held to discuss any changes that may be required.

One concern raised at the recent drift wash-up meeting, was the lack of Police assistance on a few drifts where their presence had been requested. The extreme pressures the Police are having to endure during the pandemic are of course fully understood. It is, however, very important on some drifts, that a police officer attends in order to control the traffic. Further efforts will be made to try to secure a police presence on this year's drifts.

Action RD

There being no further business, the video conference ended at 13:36 hrs.

*Julianne S
17 February 2021*