

MINUTES of the Court of Verderers – Wednesday 16th June 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 Mr R Deakin Mr A B Dowsett Dr G Ferris Mr J Greenwood Cllr E Heron Mr R Manley Mr A H Pasmore Mr D Readhead Mrs D Westerhoff	Official Verderer Elected Verderer & Staff Committee Chairman Forestry Commission Appointed Verderer Co-opted Elected Verderer Elected Verderer National Park Appointed Verderer DEFRA Appointed Verderer Senior Elected Verderer Elected Verderer Natural England Appointed Verderer
IN ATTENDANCE ONLINE	Miss S Westwood Mr P Grugeon	Clerk to the Verderers Forestry England Land Agent (New Forest)
APOLOGIES	Mr B Rothnie	Deputy Surveyor of the New Forest

2021/11723 MINUTES OF THE LAST MEETING

The minutes of the last Court held on Wednesday, 19th May 2021 were approved and will be signed by the Official Verderer at the earliest opportunity.

2021/11724 DECLARATIONS OF INTEREST

Declarations of Interest can be found on the Verderers' website www.verderers.org.uk.

No new declarations of interest were made today.

Mr Greenwood advised the Court that he is no longer a member of the New Forest Commoners' Defence Association Committee.

ANNOUNCEMENTS & DECISIONS FOR PUBLICATION

The Announcements & Decisions, as followed, were approved.

2021/11725 EDWARD HERON

Today is the last Court at which Edward Heron will be present as the Verderer appointed by the National Park Authority.

Edward joined the court in September 2015. Notwithstanding his busy career as a County and District Councillor, as well as his membership of the National Park Authority, we have been fortunate to have had the benefit of his wisdom in our discussions.

He has contributed to the workings of the Court in many ways. A particular contribution was his role on the Housing Review of Forestry England's properties in the New Forest. In addition to his political experience and contacts, Edward brought to the Court a deep love and knowledge of the Forest. We wish him well in the future.

I understand that the NFNPA will appoint a Verderer to replace Edward Heron at its meeting on 1st July.

2021/11726 FOREST CAMPSITES

The Court supports the notion of relocating the Forest campsites off the Open Forest. It is, however, felt that unless this is done in conjunction with providing some alternative camping opportunities in the Forest, the instances of wild camping will increase.

The Court's view is in line with its longstanding policy, as shown in the Verderers' leaflet 'The New Forest – Precious Wilderness or Suburban Park.'

Policy No. 4. CAMPING

- 4.1 In deciding on proposals for new or altered camping facilities, the Verderers will give favourable consideration to any application they receive where;
 - 4.1.1 they are advised by English Nature and/or any other relevant authority, that the proposed development and its subsequent use will cause no material conflict with the ecological or other scientific qualities of the Forest which the Court has a statutory duty to protect, and,
 - 4.1.2 they are satisfied that the proposed development and its subsequent use will otherwise cause no material conflict with the special qualities of the Forest.
- 4.2 In relation to existing camping facilities, the Verderers will, where these facilities or their use is in conflict with the special qualities of the Forest, seek to secure either their relocation to such more suitable sites less damaging to the Forest and beyond the commonable lands as may be approved by the planning authority, or where that is not possible seek their closure.

The Court will consider the matter further and is reviewing this policy, to ensure that it is still entirely relevant.

However, we agree that the increasing pressures on the Forest, both in the form of damage to the ecology and conflicts with the livestock, all indicate that the time has come for a radical re-think of camping provision in the New Forest. The Court believes there has to be a way of providing the facilities sought and enjoyed by the public, whilst ensuring the Forest is protected and the opportunity for conflict with the livestock is significantly reduced.

It has become increasingly clear that mixing camping with livestock is no longer practical.

2021/11727 RESUMPTION OF OPEN COURT ON 21 JULY 2021

The Verderers are hoping to hold their first Open Court for over a year on 21 July 2021.

In order to allow maximum space for social distancing we propose holding our Open Court at 10 am in the Linden Hall, Lyndhurst Community Centre.

We will be asking those present to wear masks save when addressing the Court.

There are of course many uncertainties and we will post further announcements on our website and via our Twitter account as the date draws nearer.

PRESENTMENTS

There were no presentments

DE-MINIMIS CONSENTS TO BE RECORDED AT THIS COURT

2021/11728 DE-MINIMIS CONSENTS

RESUME

The following de-minimis consents were reported and recorded:-

DM0122 – BT Openreach – The Lodge, Moyles Court. New 55m duct.

MATTERS ARISING FROM PREVIOUS COURTS OF CONCERN TO FORESTRY ENGLAND

2021/11729 FOREST CAMPSITES

RESUME

It is evident that greater effort is needed to explain to the public why the Court feels the campsites should be moved off the Open Forest. The ecological damage they cause is not well understood and nor is why some areas of the Forest are more sensitive than others.

Commoning and nature conservation are inextricably linked and this must be explained.

Many people are oblivious of the risk to the future of commoning, resulting from incidents between Forest stock and the public. Experience indicates that commoners may be at risk of being sued if a member of the public is injured during an interaction between the person and one of their animals.

It is essential to try to break the link between non reckless accidents and commoner/land owner liability. For the Court, this is the number one priority. Forest stock should be regarded as wild animals. People must accept that by using the Forest they accept the risks, particularly if they insist on interacting with the stock. Dr Ferris will raise this with the Foundation of Common Land to see if it can assist.

Action GF

It is felt the NFNPA could be providing more assistance towards educating the public and the Verderers and the CDA should focus on the threat to commoning, as well as the ecology. The quality of grazing within the campsites is diminishing.

2021/11730 VERDERERS' POLICIES REVIEW

RESUME

The Court's policies, including its Primary Objective and Overall Aims are being updated. Two Verderers have commented so far. The Official Verderer invited further comments.

Action All

When all comments have been received, the Official Verderer and the Clerk will produce a document showing the alterations.

Action
OV/Clerk

2021/11731 ILLEGAL CYCLING & UPDATE ON PUBLIC SPACE PROTECTION ORDER (PSPO)

RESUME

The New Forest Association (Friends of the New Forest) will be invited to contribute to the cost of employing a private detective to identify the cyclist who filmed himself riding across the open Forest, lighting fires etc., and then posted videos on social media. In so doing, he encourages others to engage in illegal activities.

Action AHP

It is understood that a PSPO could be put in place by either NFDC or Forestry England and the necessary legal work to achieve this is continuing.

Action
NFDC/FE

2021/11732	RE-FENCING OF DIBDEN INCLOSURE	RESUME September Action FE
	To date, this has not progressed.	
2021/11733	FORESTRY ENGLAND INCLOSURE FENCING – LONG TERM STRATEGY	RESUME September
	Maps are awaited from FE. The extent of fencing that FE does not need, but which is required to assist with stock management, has to be identified and an estimate of the cost of ongoing maintenance calculated. FE should share the responsibility and cost of managing Forest stock.	Action FE/RD
2021/11734	PCC INVITATION TO MEET RE THE B3078 ROGER PENNY WAY	RESUME
	The Official Verderer confirmed he has written to invite the PCC to a meeting. The PCC is due to visit the Forest in July.	Action OV

SSSI RESTORATION WORKS INCLUDING THE ENHANCEMENT LIST

2021/11735	ENHANCEMENT LIST	RESUME
	Noted.	

ENCROACHMENTS ON FORESTRY ENGLAND LAND INCLUDING THE ENCROACHMENTS LIST

2021/11736	POWDER MILL ROAD & ILLEGAL PARKING AT BRAMSHAW TELEGRAPH	RESUME
	The dragons teeth which have narrowed the access to this track, together with associated signage have been effective in reducing gateway and verge parking. Concern was expressed, however, that the problem may have been shunted along the road. In particular, the turning area at the Bramshaw Telegraph junction is now being used as a parking area. This makes it very difficult and dangerous for large vehicles to negotiate the junction. The Court asked if HCC and the Police can assist with resolving the issue.	Action EH/Clerk
2021/11737	INFORMAL PARKING AREAS	DISCHARGE
	There are numerous informal parking areas all over the Forest. Some have been tarmacked in the past. In places, it is evident that such parking provision is genuinely needed and preventing it may endanger the use of the highway. Consideration will be given to these areas on a case by case basis in the parking strategy.	Action OV

ISSUES REPORTED TO FORESTRY ENGLAND (ACTION LIST)

2021/11738	ACTION LIST	RESUME
	Forestry England’s work in resolving the issues on the list is appreciated.	

OTHER AGENDA ITEMS INVOLVING FORESTRY ENGLAND

2021/11739 STALLIONS

DISCHARGE

A small number of incidents involving stallions turned out on the Forest this year have been reported.

Mr Deakin gave a run-down of what has been happening. In one incident, a rider was injured by a stallion which kicked at her pony.

None of the reported incidents involve Lucky Lane Pegasus. It is thought the reason being, that many riders have acted responsibly and have avoided riding out in his area.

The incidents which have been reported mostly involved young stallions, turned out for the first time. None of the stallions have exhibited anything other than normal behaviour and therefore, none have been removed from the Forest.

Where there have been issues, it appears others who ride in the vicinity have heard about them and have avoided those stallions, which is exactly what they should do.

Mr Grugeon asked whether the stallions are risk assessed to protect the land owner and whether a record is kept of incidents and decisions which can be referred to later, should the need arise. In response it was confirmed that details are recorded, together with a note of decisions, where needed.

As respects publicity, the Official Verderer makes a formal announcement each season before the stallions are released. It includes a list of the areas where they are being turned out. The details are publicised as widely as possible. Consideration will, however, be given to whether the dissemination of information can be improved.

Mr Grugeon agreed Forestry England should assist in educating the public about stallions, as well the Forest stock in general.

There will be a wash up session once all the stallions have been removed from the Forest in July and a review of the season will be undertaken with a view to further improving communication with the public next year.

Action RD

2021/11740 BRAMSHAW TREES

DISCHARGE

The consent of the Court is being sought with respect to the planting of two trees in Bramshaw.

A replacement Queen's Golden Jubilee tree at Wych Green. The position will be moved slightly to avoid the overhead electricity/BT cables.

A new Queen's Platinum Jubilee tree positioned adjacent to the Bramshaw sign on an area of grass close to the Fountain Court entrance.

The suggested fenced area to protect the trees of 12 ft.sq. is considered too large. The Court agreed to the planting of the trees providing that taller tree guards that take up less ground (similar to those agreed in Burley) are used. The consent of Forestry England and Natural England must of course also be obtained. The usual three conditions apply.

Action BD,
Sean Marsh
FE

This does not alter the Court's usual policy of refusing consent for planting memorial trees. A special exception is being agreed in this instance, as one tree is a replacement. Both trees are associated with the Sovereign. The proposal is being submitted by the Parish Council.

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2021/11741 NEW DEPUTY SURVEYOR DISCHARGE

The Official Verderer advised the Court that the new Deputy Surveyor is Mr Craig Harrison. He has been with Forestry England since 1997. July will be the last Court attended by the current DS.

Mr Grugeon left the meeting

MATTERS ARISING FROM PREVIOUS COURTS

2021/11742 VERDERERS' LIVESTOCK OFFICER RESUME

The advertisement will appear on the Verderers' website shortly. The Job Specification is being finalised. Action GF/RD

2021/11743 FUTURE FUNDING FOR THE FOREST RESUME

What the Forest needs, has to fit in with ELMS. Heads of Terms are to be drafted to form the basis of enlisting political support for funding for the Forest. The HLS Board meets on 9th July. The HLS agreement was drafted by Natural England. Some external assistance may be required. Action OV/JG

2021/11744 RESUMPTION OF OPEN COURTS DISCHARGE

It is proposed to hold the July Court in the Linden Hall in Lyndhurst Community Centre. It is a large room which lends itself to social distancing. The Clerk will investigate the Wi-Fi as some members of the Court may need to attend remotely. Action Clerk

Whether the meeting goes ahead will largely depend on the Covid 19 restrictions applicable at the time. The meeting will need to be advertised if it is to be successful.

Although mixed views were expressed, the Court expressed a preference for the committee part of the meeting to follow the Open Court in the Linden Hall. It may be possible for those who do not wish to attend the committee in person to participate remotely.

The Official Verderer and the Clerk will draft an additional announcement and a paper with some proposals as to how the Court will be conducted. Action OV/Clerk

2021/11745 VERDERERS' ELECTION RESUME

The Official Verderer/Clerk will go back to the Under Sheriff in respect of Mr Pasmore's request that all Verderers be provided with a copy of the Electoral Register. This is in order that they may encourage people who are not on the Register, to sign up. Action OV/Clerk

Cllr Heron explained that all District and County Councillors automatically receive a copy of the full Electoral Roll, together with any updates, but there is a clear set of rules about what the data may be used for.

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2021/11746 ENCROACHMENTS RESUME

The Official Verderer said there are numerous small encroachments that the Encroachment Committee is currently working on.

2021/11747 ENCROACHMENT AT PICKET HILL/SHOBLEY RESUME
September

The deadline for the removal of the illegal fencing is 30th June 2021. The Official Verderer said he expects there will be a need to litigate.

Action OV

OTHER AGENDA ITEMS

2021/11748 LEADERSHIP GROUP – PARTNERSHIP PLAN CONSULTATION DRAFT RESUME

Something further about the campsites needs to be included. Mrs Westerhoff undertook to draft a response. The deadline is the end of June. The Plan is due to be published in the autumn.

Action DW

2021/11749 SEARCH FEE REVIEW DISCHARGE

The fees charged to solicitors and others seeking information on common rights have remained unchanged since 2014. It was agreed an increase in the region of 25% across the board should be applied.

Action Clerk

VERDERERS GRAZING SCHEME (VGS)

2021/11750 QUALIFYING PERIOD FOR CATTLE DISCHARGE

The VGS committee met and agreed that the qualifying period for cattle entered into the VGS should be reduced from 4 months to 3 months. The reduction will apply to this year only.

REPORTS FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2021/11751 OPEN FOREST MANAGEMENT MEETING DISCHARGE

A number of Verderers met with FE and NE in the garden at Queen's House.

Two matters of concern were discussed.

Firstly, it looks like the use of Asulox (used for spraying bracken) will be limited to areas where livestock are not present. There is nothing else which is as effective.

Secondly, the Govt is looking to further regulate burning. This may prove disastrous for the New Forest. The Official Verderer is meeting with Natural England to discuss how the Forest's interests can be made clear to DEFRA.

Action
OV/DW/NE

2021/11752 MEETING WITH APHA TO DISCUSS BOVINE TB DISCHARGE

Mr Deakin advised that the TB plan is being updated. It will be circulated once it has been finalised.

Action RD

2021/11753 NEW FOREST CATCHMENT PARTNERSHIP (WATER) DISCHARGE

Mrs Westerhoff said storm resilience has been identified as a weakness in flood prevention in the Forest and the immediate surrounding area.

2021/11754 RECREATION MANAGEMENT STRATEGY ADVISORY GROUP DISCHARGE

The Green Way Spaces Project is providing several areas off the Forest for public recreation. These areas should help to ease the pressures on the Forest by providing alternatives for dog walkers and others.

STAFF MATTERS, GENERAL REPORTS AND OTHER ADMINISTRATIVE MATTERS

2021/11755 UNPAID MARKING FEES RESUME

Three commoners have received letters as they are late paying their marking fees. They have been given 7 days to pay before action to enforce the byelaws commences.

Action
RD/Clerk

2021/11756 AGISTERS' VEHICLES RESUME

No final decision has yet been made on how to replace the current five Land Rovers. Quotations are being sought from Land Rover, Toyota and Isuzu. Further work is required with a view to a decision being made at the July Court.

Action OV/
Vehicle Sub-
Committee

2021/11757 FINANCIAL STATEMENT RESUME

The financial statement was noted.

2021/11758 REPORT ON MARKING FEES RECEIVED TO DATE AND COMPARISON WITH PREVIOUS YEAR RESUME

	<u>2021</u>	<u>2020</u>
Forest Ponies	4849	4845
Forest Cattle	2192	3859
Forest Donkeys	150	132
Forest Pigs	0	0
Forest Sheep	0	0
Total Forest Stock	6645	8836
Common Ponies	854	631
Common Cattle	1650	1986
Common Donkeys	136	72
Common Pigs	68	74
Common Sheep	195	223
Total Common Stock	2903	2986
Ponies, Cattle & Donkeys on the Forest	7191	8836
Ponies, Cattle & Donkeys on the Commons	2640	2689
Total Ponies, Cattle & Donkeys	9831	11525
Total Stock – Forest & Commons	10094	11822

The significant decrease in cattle numbers is thought to be due to a combination of cattle being sold, commoners not needing to mark as many animals for the BPS and cattle being turned out late due to the late spring.

2021/11759 CONDITION OF STOCK REPORT by Head Agister Jonathan Gerrelli

RESUME

'Well at last the rain came and it warmed up, and the grass finally started to grow, and the stock are starting to benefit from this. Overall, the ponies are looking OK, and the majority of the plainer ones are now putting on condition and losing the last of their winter coats.

We have, and are still, having to remove a few ponies, mostly mares that have just foaled and don't look like they are going to improve without some help, and some old mares that have probably been kept too long by their owners. As I mentioned last month with the cattle, we have also had some ponies turned out in a condition below our standard or on the borderline, that have gone back further since being let out. The owners have been spoken to and the animals removed. Unnecessary extra work for all concerned.

We are now seeing quite a lot of foals being born, and they are looking good and appear to be doing well.

The stallions have now been out about a month and have settled down in their areas, although some have inevitably moved from where they were released. This always happens. Unfortunately, we have had a number of incidents involving several of the stallions and recreational horse riders. Despite all our efforts to get the message out, it appears some riders are still very unaware of the stallions being there, or how to behave when riding in the Forest, and it seems some choose to ride where the stallions are regardless. All the incidents that I have been told about have occurred with people riding into places where the stallions are, and often riding right through large herds of mares with them, not thinking that perhaps a stallion may be there.

The cattle situation has improved slightly with the grass coming through, and more cattle are now being turned out. Several commoners have quite sensibly waited for the grass to come through, and some have been waiting to have their radial TB tests done. On that note, we have been notified by a commoner in the Brockenhurst area that his herd has had a TB breakdown, discovered while having a radial test. TB is going to be an ongoing issue for the foreseeable future.'

2021/11760 ROAD TRAFFIC ACCIDENT REPORT FOR MAY

RESUME

The Agisters attended 7 accidents in May, compared with 4 in the same period last year.

A pony and a cow were injured and had to be destroyed by the Agister.

2 ponies were injured.

6 accidents occurred in daylight, and the other in the dark.

All the drivers reported having been involved in an accident.

The total number of commoners' animals killed and injured in 2021 to date is 11, compared with 21 in the same period last year.

TRAINING & HEALTH & SAFETY

- | | | |
|------------|--|--------------------------------------|
| 2021/11761 | TRAILER SERVICING | DISCHARGE |
| | The Agisters' livestock trailers are being serviced, along with the two flat-bed trailers. | |
| 2021/11762 | RISK ASSESSMENTS IN RESPECT OF STALLIONS | RESUME
September

Action RD |
| | Following Mr Grugeon's earlier queries, Mr Deakin repeated that all reported incidents, together with any decisions which have to be made as to whether the stallions involved remain on the Forest, are carefully documented. He added he is unsure how risk assessments on stallions can be carried out, but he will give the matter careful consideration with a view to discussing the matter further in July. | |

ANY OTHER BUSINESS

- | | | |
|------------|---|-----------|
| 2021/11763 | GOOD PRACTICE GUIDANCE FOR DEPASTURING LIVESTOCK IN THE NEW FOREST | DISCHARGE |
| | The NFCDA has produced a document which has been circulated to all members of the Court. The intention is for it to be sent to all commoners who depasture cattle. Dr Ferris will revert to the CDA with a small number of comments. | Action GF |
| | The Court supports the guidance. | |
| 2021/11764 | BEAULIEU ROAD SALE YARD FIRE | DISCHARGE |
| | Mr Deakin reported that a plan has been drawn up for the repairs which are needed following the recent fire. The damaged ground areas have been cleared. The Livestock Society is now waiting for the structural engineer to design the bespoke scaffolding which will be needed to support the roof whilst the damaged timbers are replaced. | |
| 2021/11765 | RPA CONSULTATION ON THE LUMP SUM RETIREMENT SCHEME | DISCHARGE |
| | It has been pointed out to DEFRA that the Forest/commoning is different to a normal farming activity. The Court felt it should not assist the RPA in verifying that a commoner is not turning out as claims should be a matter for the claimant and the RPA only. It was agreed the Court will not respond to the consultation. | |
| 2021/11766 | BURLEY GOLF COURSE | DISCHARGE |
| | Mrs Westerhoff asked to be provided with a copy of the Site Management Survey (SMS) from Natural England, before a site meeting is arranged. | Action PG |
| 2021/11767 | VAT REGISTRATION | RESUME |
| | The Official Verderer has received further advice from the auditors regarding the possibility of the Court registering for VAT. The OV is happy to engage further with those members of the Court who think this would be | Action OV |

a worthwhile exercise. It is essential to find out how much the Court could actually reclaim.

2021/11768 BEAULIEU ROAD SALE ONLINE

DISCHARGE

The New Forest Pony Breeding and Cattle Society held a very successful online sale. Prices were quite high and most animals sold.

2021/11769 DYING GORSE

DISCHARGE

It is evident that in some areas, gorse is dying. Mrs Westerhoff said it has been investigated. There is no evidence of disease and it is thought it may be down to the weather.

There being no further business, the video conference ended at 13:06 hrs.

Jill Nansen
21 July 2021