

MINUTES of the Court of Verderers – Wednesday 17th November 2021

At the time of this Court, the UK Government has lifted most restrictions in respect of the outbreak of novel Coronavirus, known as Covid-19 which started at the beginning of 2020. Unfortunately, for a number of reasons connected with the Virus, on this occasion it was not practical to hold this meeting in public and therefore it was conducted via Zoom

PRESENT	Mr R Deakin	Elected Verderer, Staff Committee Chairman and in the absence of the Official Verderer, Chairman of this Court
	Mr A B Dowsett	Forestry Commission Appointed Verderer
	Dr G Ferris	Co-opted Elected Verderer
	Mr J Greenwood	Elected Verderer
	Mr R Manley	DEFRA Appointed Verderer
	Mr A H Pasmore	Senior Elected Verderer
	Mr D Readhead	Elected Verderer
	Miss A Sevier MBE	New Forest National Park Appointed Verderer
	Mrs D Westerhoff	Natural England Appointed Verderer
IN ATTENDANCE	Miss S Westwood	Clerk to the Verderers (until Minute No. 2021/11981)
	Miss J Bayley	Assistant Clerk (from Minute No. 2021/11982)
	Mr C Harrison	Deputy Surveyor
	Mr P Grugeon	Area Land Agent
APOLOGIES	Lord Manners	Official Verderer

IN COMMITTEE

2021/11934 WELCOME TO MISS ANN SEVIER AND DECLARATIONS OF INTEREST RESUME

Mr Deakin welcomed Miss Sevier who joined the Court for the first time today.

Miss Sevier has submitted her declarations of interest and they are published on the Verderers' Website.

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

2021/11935 MINUTES OF THE LAST MEETING RESUME

The minutes of the last Court held on Wednesday, 20th October 2021 were approved and will be signed by the Official Verderer at the earliest opportunity.

PRESENTMENTS

The following presentments were received via email to the Clerk

2021/11936 ELECTRICALLY ASSISTED CYCLING
Presentment by PEDALL – New Forest Inclusive Cycling

'PEDALL New Forest Inclusive Cycling helps people who are not able to cycle to get out and enjoy the beauty of the New Forest. It does this using a range of specialised 2- and 3-wheel cycles, some with electric assist. As people get older, fitness and health challenges can often become a barrier to riding a 2-wheel bike. Electric assist on a bike can mean many people can continue to enjoy cycling longer, improving health and wellbeing, maintaining independence and enjoying nature.

Without electric assist on cycles people with additional needs would not be able to enjoy cycling and older people would be forced to substitute their cycle journeys for car journeys. Electric assist on cycles promotes inclusion and provides sustainable transport options.'

2021/11937 CYCLING IN THE NEW FOREST
Presentment by Mr Peter Frost

'My personal view regardless of how poorly managed the cycle routes are now, is that the bylaws regarding motorised vehicles on the New Forest should be upheld. Present and future technology will continue to create more opportunities for people to access remote and wild places more easily. Faster vehicles in greater numbers will also be to the detriment of other forest users.

I would therefore urge the Verderers to take a precautionary approach to any relaxing of the existing bylaws and maintain a firm resistance to motorised bikes.

As Vice President of the Friends of the New Forest (New Forest Association), I quote the following from our website vision statement.

We oppose:

Development of new recreational facilities or promotion of outdoor activities within the Forest that will further adversely impact on its special qualities.

Use of the Forest for intrusive recreation that could just as well be carried out in other more robust locations better able to withstand its impacts.

We will continue to press the view that such policies are required by the need to contain physical erosion, disturbance of wildlife, harassment of stock and loss of wilderness arising from recreational activities. We further believe that any decisions, which flow from a review or strategic approach, should be guided by the principle that recreational use is constrained within environmentally sustainable limits; and that a precautionary approach should be adopted in line with the Sandford Principle.'

2021/11938 PRESENTMENT FOR E-BIKES
Presentment by Mr Ross Kempson, owner of Cyclexperience in Brockenhurst.

'My name is Ross Kempson, owner of Cyclexperience in Brockenhurst.

I understand the Official Verderer is being asked to consider whether permission should be granted to allow electric bikes on the waymarked cycle trails, along with the current permissive use of non-electrically assisted cycles.

The UK government adopted the EU framework for electrically assisted bicycles in April 2015. This stated that EAPC's or Ebikes or Pedelecs can be ridden on any roads or cycle paths and anywhere else that bikes are normally allowed if the rider is aged over 14 years old and the bike has pedals that propel it, an electric motor that won't assist when you are travelling more than 15.5 mph and the power does not exceed 250 watts.

I can reassure the Court that Cyclexperience and all major cycle hire providers in the New Forest only rent and sell bikes that meet this description. We have all increased the number of electric bikes in our hire fleets in line with the growth in popularity of these bike styles which is the only major growth area in volume bike sales within the UK.

I imagine the reason the Verderers Court is being asked to scrutinise Ebike use in the New Forest is due to a small number of private E-Bike owners who are cycling off the approved network as do a small number of non E-Bike riders. However, as far as bike hire is concerned, we are mostly seeing couples aged 50+ who are considering buying EBikes and want to try them first; family groups where the oldest or less healthy members can now participate, families with small children who want to use EBikes to make towing trailers easier and foreign nationals who are simply used to riding E-Bikes in their own country. Regarding E-Bike sales, the most popular demographic seems to be 50+ year old retiree couples who have chosen cycling as their new pastime and have invested in 2 modern

bikes plus accessories and clothing. As businesses, the majority of Ebike related customers we deal with seem both responsible and aware of the cycling access restrictions within the New Forest.

I won't pretend that there aren't shop customers who veer off the network on their own bikes but they are either unaware of the access policy or simply feel they have the right to cycle on trails off the network if they don't feel they are causing harm or disturbance. Personally I feel a few improvements in the current network to join up missing links and better general messaging and awareness of the network will do much to solve off-piste cycling. The danger of introducing penalties and further restrictions will only stir up hostility and discontent if cyclists feel there is an air of inequality within the New Forest when the rest of the country (if not the world) are encouraging cycling as a major force to tackle pollution and congestion while increasing the health and well-being of its citizens.

In short, I would respectfully point the Official Verderer back to the legal framework for EBike use in the UK and Europe which I highlighted at the start and hope he looks to that when making his decision. For example, Ebikes can be ridden on any roads or cycle paths and anywhere else that bikes are normally allowed if the rider is aged over 14 years old and the bike has pedals that propel it, an electric motor that won't assist when you are travelling more than 15.5 mph and the power does not exceed 250 watts.'

2021/11939 CYCLING

Presentment by Robert Teale

'Good Morning

I would like to comment about cycle usage in the New Forest, at present it is being encouraged by everyone that we should embrace activity for both our physical and mental well being, with this in mind there has been a huge increase in cycle purchases throughout the country and in particularly in this area due to the accessibility of the surrounding countryside.

This then poses a problem for those parties that wish to keep the status quo within this area and by that I mean the New Forest.

There are, in my view, two ways to approach this conundrum.

First ban cycles to the Forest, at this conjecture the question would be how do you do that and how would you police it.

Second have an inclusive Forest where all activities are welcomed.

A good "best practice" could be modelled on the Forest of Dean where they could see people would be coming in to the Forest using cycles and so worked together so that the integrity of the Forest was kept.

I use my cycle in the Forest and I am not going to point fingers at different users of the Forest but I would say we are all guilty of causing damage or litter or detritus, that includes horse riders, dog walkers and cyclists.

A simple way forward and a quick fix is to join up the cycle trails so we don't have families, for example, turning onto the A35 from the Burley Road to the Rhinefield way. I am sure there are many ways that could be joined up. Talking to the Cycle shops would be very instructive and a good start.

I look forward to hearing from the Verderers on their approach.'

2021/11940 ELECTRICALLY ASSISTED PEDAL CYCLES (EAPC) ON THE WAYMARKED CYCLE ROUTES

Presentment by Philip C Thomas

'Dear Verderers

Thank you for allowing me to make a Presentment this morning. My name is Philip Thomas. I have lived in Dibden for than 39 years. I regularly visit the New Forest mainly by bicycle but also on foot. I also drive through it when visiting my brother in Lymington and for other reasons. I have been a member of Cycling UK (originally known as the Cyclists' Touring Club, the CTC) for over 25 years. May I state that I am making this Presentment today in a personal capacity?

On the question of using electrically assisted bikes on the gravel tracks as laid out by Forestry England, I ride one nowadays as I have an irregular heartbeat which means that I am taking betablockers. These lower the heart rate which means that when I cycle or walk up a steep hill (take the hill from Beaulieu to Hilltop as an example) I become breathless and cannot keep on cycling or walking (if I attempt to walk up the slope quickly or even on level ground quickly). I find that I cannot pedal a non-electric bike at more than 10 mph without becoming breathless. I regularly ride in Denny Wood on the electric bike and I find it very useful when climbing from Ipley Bridge to Yew Tree Heath and from the Drift Inn back, especially against the wind. Take away the e-bike and I would have to walk up that hill pushing the bike as well as walking and pushing on any steep hills in the Wood. The alternative would be to drive to Denny Wood (5 miles from home one way) and either park on the caravan site in the winter or at Matley in the summer and then walk in the Woods. The Matley car park is full in the summer as is the one at Decoy Pond Farm – the one at Shatterford being closed during the spring and early summer to protect the ground nesting birds. The e-bike saves the production of CO2, keeps me fit, keeps another car out of the Forest car parks and roads and I do not cycle more than about 8 mph on the roads and about 6 mph or less in the Woods. I look at the trees, etc, when I am in the Woods and do not travel fast.

I have also written another Presentment which I have handed to the Clerk of the Verderer's Court. Thank you.'

2021/11941 ELECTRICALLY ASSISTED PEDAL CYCLES (EAPC) ON THE WAYMARKED CYCLE ROUTES

Written Addition to Mr Philip C Thomas' Presentment above

'Dear Verderers

I submit this statement as an extension to my Presentment to the Verderers' Court.

Thank you for allowing me to make the Written Addition to the Presentment this morning. I will repeat my opening statement.

My name is Philip Thomas. I have lived in Dibden for than 39 years. I regularly visit the New Forest mainly by bicycle but also on foot. I also drive through it when visiting my brother in Lymington and for other reasons. I have been a member of Cycling UK (originally known as the Cyclists' Touring Club, the CTC) for over 25 years. May I state that I am making this Presentment today in a personal capacity?

As I mentioned in my Presentment I have been diagnosed with atrial fibrillation, which is an irregular heartbeat, and am taking beta-blockers and wafarin. This heart condition has severely affected my cycling insofar that I cannot cycle the distances which I was able to cycle when younger. I would say that I have cycled around 80,000 miles – commuting to Eastleigh College (where I lectured for 27 years, touring, shopping and day trips within the Forest and beyond to destinations such as Broadchalk, Cranborne and other villages the other side of the River Avon. I now cannot cycle up steep hills, as I have already mentioned,

and need to protect myself from becoming breathless and having to stop to regain my breath. I find that I cannot pedal a non-EAPC at more than 10 mph without becoming breathless. This never used to happen.

My EAPC cannot be cycled at a speed higher than 15 mph as the motor would cut out if I attempted to do this. I enjoy cycling in the woods and do so at a speed slow enough to observe the flora and fauna in the woods and always keep to the way marked tracks. I regularly stop to photograph fungi and deer when I see them and very interested in the history of the area. I meet many cyclists using electrically assisted cycles and we discuss the environment and ecology of the area and the quiet. None of these cyclists are cycling quickly and many are of an elderly disposition or have medical reasons for using this type of cycle. Many such cyclists are only occasional cyclists and need to use such cycles but the main thing is that these cyclists are not using the car to move around the National Park.

I am a member of the New Forest Cycle Working Group (NFCWG) representing the Waterside Cycling Action Group (WCAG) and represent the NFCWG on the Recreation Management Strategy Advisory Group within the National Park. The WCAG is in consultation with Hampshire County Council to improve the connectivity between the Waterside and the National Park to allow safe access for cyclists across the A326 to reduce the need to use motor vehicles to access the Forest. A member of the NFCWG is also a member of Christchurch Bicycle Club, a social cycling club. A number of their riders are elderly and/or have health issues, and need EAPCs in order to cycle any distance. One of these members is wheelchair-bound, and uses an electrically-assisted hand-powered tricycle to get about. All these people would be effectively excluded from the New Forest if electrically assisted bikes were to be banned from being used on Forest tracks.

I feel that as cyclists using EAPCs we make little impact on the areas in which we cycle. The gravel tracks have been laid to support the weight of HGVs carrying felled tree trucks, tractors, Land Rovers and other motor vehicles so the weight of any cycle, whether electrically or self powered and its rider will make little damage to the track surface. Cyclists on the way marked tracks do not disturb the animals as the cyclist can be heard when approaching due to the crunch of the gravel under the tyres. The woods are for enjoying the quiet of nature and the natural environment, for taking photographs of deer, pigs (during the pannage season) and of trees and various plants. The cyclist can enter the woods after reaching them by cycling and, thus, reducing the use of the car in the National Park.

I totally agree that cyclists should not be cycling in protected areas and have spoken to cyclists who I have seen cycling on the open heaths explaining the situation to them. I carry maps printed by the National Park Authority and hand them out when necessary to anyone I see who is looking lost.

It must be remembered that cycles with electric motors larger than 250 W and can be cycled at more than 15 mph (not freewheeling down hill but cycled – throttles were not allowed on electric cycles after around 2015 and these throttles could allow cycles to be ridden without peddling but not beyond 15 mph) are classed as electric motorbikes and need a licence, motorcycle helmet, insurance, etc. These should not be allowed on way marked or any other tracks in the National Park.

Unfortunately, there are some cyclists who wish to act illegally, as do many motor vehicles drivers when observing the speeding in the National Park, and the antics of these few should not be allowed to affect and spoil the pleasure enjoyed by the majority of legal cyclists within the National Park.

Thank you '

2021/11942 ELECTRICALLY ASSISTED PEDAL CYCLES (EAPC) ON THE WAYMARKED CYCLE ROUTES
Presentment by Bob Damper

'Thank you for allowing me to make a presentment this morning. My name is Bob Damper. I have lived in Chandler's Ford for more than 40 years and I am a frequent visitor to the Forest, usually by bicycle. I am a member of the New Forest Association (recently rebranded Friends of the New Forest), of the Local Access Forum for the Forest, and of the Cycle Working Group facilitated by the NFNPA. I am a Life Member of Cycling UK and represent CUK on the Campaign for National Parks. I should emphasise, however, that I am making this presentment today in an entirely personal capacity.

I am keenly interested in conservation and protection of Britain's beautiful natural landscapes, their local communities and their unique heritage. I see cycling as an outstandingly important way for people to enjoy intimately special places such as the New Forest with low environmental impact, as well as significant benefits to their mental and physical wellbeing. It is a sad fact that only about 5% of trips to and within the Forest are by cycle whereas 93% are by car¹. Consequently, there is huge scope for encouraging cycling at the expense of unfettered car use, with great potential to counter the highly damaging effects of climate change that are increasingly being felt. I am very pleased, therefore, to see that the Verderers are minded to agree to the use of electrically assisted cycles on the waymarked Forest cycle routes and I wish to support this unreservedly. EAPCs allow those who through age, infirmity or for whatever reason are less able to propel their machine entirely through their own efforts to enjoy the benefits of cycling. Such inclusivity should be very much encouraged. I am also in complete agreement with the Verderers that fully electrically powered cycles are entirely out of place. Any electric cycle that does not meet EAPC rules is classed as a motorcycle or moped; it needs to be registered and taxed and the rider requires a driving licence².

¹Footprint Ecology, Recreational Use of the New Forest, Telephone Survey, 30 March 2020, report commissioned by partnership of local authorities.

² See <https://www.gov.uk/electric-bike-rules>.

2021/11943 ELECTRIC BIKES ON THE NEW FOREST
Presentment by Caroline Scott, NFEA Chair

'Official verderer, verderers, ladies and gentlemen. I am the Chairman of the New Forest Equestrian Association- many of our members have been reporting incidents involving cyclists on the forest paths. The Forest is already under pressure from visitor numbers (parking on the verges, barbeques, loose dogs), E-bikes would further threaten the fragile environment. The New Forest currently offers over 140 miles of approved cycle trails.

Is the electric bike conducive to the quiet appreciation of nature? The New Forest is promoted to improve the physical and mental wellbeing of users. The concept of going faster over longer distances is hardly in keeping with the appreciation of what the forest stands for, and the quiet peaceful enjoyment that most users seek.

All e-bikes have a motor and are therefore classed as 'motorised'. To the untrained eye, they all look the same and currently contravene the byelaws. They are faster and able to access more remote forest areas, without the full effort of cycling, the e-bike allows the rider far more freedom.

Without any sort of control or enforcement of the current regulations, opening the Forest to these speed seekers, will accelerate the denigration of the forest fabric, presenting a danger to other users, the grazing livestock, and in particular ground nesting birds.

Permitting Motorisation per se on the Forest is punching a hole in the legal armour of protection. After E-bikes it is a small step then to ATV's and scramble bikes, any form of motorisation should continue to be banned.

The number of cyclists on the forest has increased dramatically, the biggest problem is the cyclist who traverses the forest on any path they can find, many have no idea that they should not be there, and most are dismissive of any challenge from other forest users.

This has had an increasingly serious effect on both the tracks (damaged) and the risk to other forest users. I have personally been involved in two incidents in the last few weeks. 10th October 3 cyclists were riding at speed from the forest, down a footpath on private land, dodging around a horse being led between fields, and throwing their bikes over the two gates encountered, to their van parked on the verge. Aggressive when challenged.

30th October Moyles Court Ford, I was riding at a walk, on the forest with a friend, in what is always a crowded area on a warm Saturday afternoon, a cyclist, without looking, came down a hill path from the forest, at speed, cannoning into my friend, knocking her and the horse down and into the road, my horse bolted in to oncoming traffic. The rider of the felled mare was badly bruised and shaken, the horse is still under veterinary care. We were wearing high viz, the cyclist came out of a heavily shaded area, dressed in black, on a black bike so quite invisible in terms of safety. Sadly, these types of incidents are becoming all too frequent. It will continue until some enforcement is carried out and the education of cyclists. If either of these incidents had included an e-bike, they could have proved much more serious.

Rather than open the Forest to significantly more potential damage it would be prudent to find a solution to address the current problems and start to educate cyclists and enforce the byelaws before allowing free access to those with more powerful means of abusing this fragile environment at the expense of other users.

I did originally put in rather a detailed description of the types of cycles, but they are both virtually identical to look at whether pedal assisted or 'throttle' activated, they boil down to the same principle of use. Given the lack of enforcement of ordinary bikes the distinction between these becomes immaterial to the damage on the forest and the very likely excuse of not knowing it was the 'wrong sort of e-bike'!

2021/11944 ELECTRICALLY ASSISTED PEDAL CYCLES (EAPCs)
Presentment by Richard Taylor

'Thank you for allowing me to make this presentment regarding Electrically Assisted Pedal Cycles (EAPCs)

I am Richard Taylor – Minstead resident for 28 years, keen cyclist, Minstead Parish Councillor, NE Quadrant NFNPA Member and New Forest Cycle Working group chair. However, this presentment is purely on a personal basis.

My late father in-law lived in Sway and purchased an EAPC in his late 70s after serious health issues. This allowed him to continue cycling well into his 80s. He could cycle with his family on the gravel in the Forest, and pop down to the local shops for his daily paper and milk. This had huge benefits for his health, both physically and mentally.

I believe this demonstrates very well the benefits that use of EAPCs can have for those who would otherwise only be able to access the tranquillity of the New Forest by car. I only support use of approved EAPCs on the permitted network, and would welcome a better connected network with better information about how to use that network appropriately.'

2021/11945 ELECTRICALLY ASSISTED BICYCLES (EBIKES) ON THE CROWN LANDS
Presentment by Brian Tarnoff, Local Resident

'The Verderers will be aware that I most often contribute here as a representative of the New Forest Association / Friends of the New Forest. You will have already received a response to your call for views from our Chair, John Ward on behalf of our council. What follows are merely my personal notes, which frame the issue in the context of the legal and statutory obligations under byelaws, habitat regulations, and the purposes of the National Park.

To be specific, any policy adopted should reference:

Forestry Commission Byelaws:

Byelaw 6 which restricts vehicles to routes or ways provided by the Commissioners

Byelaw 10 speed limited to 20 mph on FC land in the New Forest.

Habitats Regulations

Uprooting of plants on SSSI, soil disturbance, et. al.

National Park Purposes

Protecting the Practice of Commoning (as part of Conserving the Habitat and Heritage of the Forest)

Promotion of Special Qualities, Including Tranquillity, and the Culture of Commoning

This is consistent with past interventions by the New Forest Association which limited comments on cycling to this criteria, otherwise viewing the activity within the bigger picture of all recreation pressure on the Forest. The NFA objected to a commercial cycling event that was held with callous disregard to the local drift. The drift planned long before the cycling was cancelled for safety reasons. The event organisers were oblivious to the priority for the working Forest. The NFA objected to a night time event part sponsored by a high power headlamp manufacturer both to point out the implications of the byelaws regarding night use of the Forest, and the unacceptable disturbance to wildlife including light sensitive nocturnal species. When additions to the cycle network have been considered, the NFA did not object, but pointed out that they should be subject to impact assessments as necessary to protect the SSSI.

By that same criteria, Ebikes that merely assist healthy exercise by augmenting the pedal power of the rider should be treated no different than other cyclists. This of course means that one would expect them to behave responsibly, not break the FC's New Forest specific byelaw of speed limited to 20 mph, and not go off-piste damaging the habitats, churning up vegetation and soil, and flouting the Forestry Commission byelaws keeping all vehicles to the specified network.

However, any Ebikes modified to be solely motorized should be banned, as this would fly in the face of the restrictions to permitted motorized vehicles, as well as nullifying health benefit. Similarly, any that could easily reach speeds over 20 mph or which motors are too loud, creating disturbance for nature and other recreation alike, should not be permitted. This poses a conundrum for enforcement as it may be difficult to distinguish, but that difficulty is no excuse for failures to enforce. While speed and noise are measurable, equipment would be needed. Those responsible will have to unpick how to make such determinations. At the very least starting with obvious infringement, those riding bikes off the network where there is clear damage to habitats and soils, or those causing disturbance with any motorized vehicles including Ebikes.

I hope we all welcome responsible cyclists, manual or electronically assisted. They are aware of the duty of recreational users to follow the byelaws and respect the forest and others. They stick to the network of gravel tracks designated by the Verderers and Forestry Commission to protect the fabric of the forest. They practice due care and attention near livestock and off the lead dogs (and children). They are prepared to slow or stop for any one or thing to preserve the safety and tranquillity of the Forest.'

(More information on the New Forest Byelaw Watch: <https://newforestassociation.org/new-forest-byelaw-watch/> An analysis of the 1st stage of the survey will be available soon.)

2021/11946 CYCLING

Presentment by John Spinks, Bransgore Parish Council (though submitted in my private capacity) Chairman, Bransgore and District Residents' Association

'The Verderers' Policies and Bylaws document, paragraph 6.1, states the belief that the New Forest should be available to the public for their quiet recreation. For a great many this takes the form of cycling and a proportion have reached the stage in life when the occasional cycle ride involves muscles that are no longer as pliable and capable as they once were and for whom the assistance provided by electrically assisted bicycles makes possible the continued enjoyment of a pastime otherwise lost. The extensive network of waymarked cycle tracks thus enables access by cycle to the heart of the Forest, especially at this special time of year, and for this section of the community the ability to use an electrically assisted bicycle or tricycle is a lifeline; to deny them the use of a means of transport that is perfectly legal to use on the highway is to compound the cruelty of advancing years and serves no useful purpose; they are just wishing to pursue the quiet recreation which is central to the Policies of the Verderers.

Cycling in the forest already caters for a range of riding experiences from the quiet enjoyment of level trails to the adrenaline fuelled downhill MTB as indicated on the Forestry England website. I suggest that users of the downhill MTB courses are unlikely to encounter walkers whatever their choice of machine and that one limited to 15.5 mph will in any case be of no interest to such a rider.

It is not the machine that should be of concern but the manner in which it is used, and indeed the same can be said of horses. I am not aware of conflict between riders and walkers but it must be recognised that the potential does exist for the inconsiderate rider to cause alarm and injury to walkers; the fact that reported incidents are rare is undoubtedly due to the consideration of both parties. Just because a horse can canter at around 15 mph does not mean that it will be ridden in such a manner close to walkers, and likewise just because an electrically assisted pedal cycle can achieve the same speed does not mean that in all cases it will be ridden so fast when walkers are encountered. Rare examples of both will be found, no doubt, but in the main I suggest that the average user of an electrically assisted pedal cycle will be no more inconsiderate or aggressive than the average horse rider or the rider of an unassisted pedal cycle. It is indeed possible for electrically assisted pedal cycles to be made to exceed the approved speed limit and power rating but even that does not mean that they will be used irresponsibly, in just the same way that the magnificent thoroughbred horses that some of the riders are fortunate enough to ride are capable of so much more than the mild pony but in the main they are not ridden irresponsibly; however the potential still exists.

There will, unfortunately, always be "anti-social behaviour" but within the context of cycling I do wonder how this is defined. I cannot feel that the use of a perfectly legal electrically assisted bicycle as a means of quiet recreation is so serious as to merit the same anti-social label as, for instance, lighting fires and barbeques, particularly during dry spells, or of throwing stones at ponies. Or feeding them on the roadside, for that matter. A fine of £100 and to be considered as anti-social, as is implied in an article in the A&T of 1st October, simply for quietly cycling in an otherwise responsible manner in such a delightful setting seems to me to be contrary to the open access to a national park that we strive to achieve, and I would suggest to those making these difficult decisions that quiet recreation

takes many forms and the riding of a bicycle of whatever kind is no more or no less than the riding of a horse and the freedoms to do either should be equal. Electrically assisted pedal cycles are here, and are here to stay, and should be as acceptable on waymarked cycle tracks as they are on the public highway and the problems caused by the few should be dealt with under the same anti-social behaviour measures that apply to other Forest users who misbehave.'

2021/11947 **BYELAW ENFORCEMENT**
Presentment by Brian Tarnoff, Local Resident

'Byelaw Enforcement is key to any controls that may be deemed necessary for Ebikes, but is a wider and more vital issue in itself. With this in mind I'd like to refer both to previous comments I've made here and in various consultations on behalf of the NFA, and their current campaign.

All enforcement requires adequate staff and resources, available at levels to give Forest users the expectation that infringements may be answered with action. The Glover Landscapes Review bemoaned the level of rangers nationally, only 177 across all the National Parks covering approx 10% of England and upwards of 55 million annual visitors. The Landscapes Review called for the creation of a National Landscapes Ranger Service, which would promote best practice across the National Parks. In consultation responses for the NFA, I explicitly added that this should include education about and enforcement of byelaws.

The Friends of the New Forest are currently running the first stage of a survey on byelaw infringement. This is both to promote awareness of the byelaws and other rules that pertain to recreational use of the Forest, and to gather data to bolster our call for more resources to be given to the Forestry Commission and National Park and other public land managers for enforcement of the rules already in place to keep the Forest safe and healthy.

(More information on the New Forest Byelaw Watch: <https://newforestassociation.org/new-forest-byelaw-watch/> An analysis of the 1st stage of the survey will be available soon.

2021/11948 **E-BIKES - FURTHER PRESENTMENT & TWO LETTERS**

In addition to the above, a further presentment was sent to the office by Mr Martin Lander but unfortunately it was not received in time for the Court. Two letters have also been received on the subject of electrically assisted bicycles. All are in favour of this type of bicycle being permitted on the waymarked cycle network.

CONSIDERATION OF PRESENTMENTS

2021/11949 **ELECTRICALLY ASSISTED PEDAL CYCLES** **RESUME**

The Court discussed the various issues raised but given the number of relatively long and detailed presentments received, it was agreed that this very important and potentially contentious issue needs additional time for consideration, in order to ensure the correct decision is reached. A separate meeting of the Court, in committee, will therefore be held as soon as possible, with the Official Verderer present. In that meeting all the views expressed will be given the careful consideration that they deserve. Forestry England's view including how it proposes to control cycling is essential.

Action
RD/Clerk

2021/11950 **BYELAW ENFORCEMENT** **DISCHARGE**

The Court looks forward to receiving the report to be compiled by the New Forest Association / Friends of the New Forest, once its survey of infringements of Forestry England's byelaws is complete.

NEW SUBMISSIONS AND OTHER MATTERS RAISED BY FORESTRY ENGLAND

2021/11951 BROCKENHURST CRICKET CLUB – DRAFT MANAGEMENT PLAN & LICENCE RENEWAL DISCHARGE

Consent was given for the new licence, subject to a few minor corrections which are required to the plan. Mr Grugeon undertook to ensure this happens before the licence and plan are issued.

Action PG

DE-MINIMIS CONSENTS TO BE RECORDED AT THIS COURT

2021/11952 DE-MINIMIS CONSENTS RESUME

DM0138 ESSO Mid Pipeline - GW8330 Repair, nr Ipley Manor
DM0139 Resident in Queens Close, Burley. Domestic sewer connection - 9m pipe

MATTERS ARISING FROM PREVIOUS COURTS OF CONCERN TO FORESTRY ENGLAND

2021/11953 DIBDEN INCLOSURE RE-FENCING RESUME

Further discussion and consideration of the circumstances surrounding the suggestion that Dibden Inclosure should be re-fenced is required before a decision can be made.

Action DS

2021/11954 FORESTRY ENGLAND INCLOSURES – LONG TERM STRATEGY RESUME

The DS explained that work is continuing on a plan (which will run from now until 2029) for the FE inclosures. Responsibility and funding for fencing which is not required by FE, has to be agreed.

Action DS

2021/11955 B3078 ROGER PENNY WAY ROAD TRAFFIC ACCIDENTS / PROPOSAL TO FENCE DISCHARGE

No further presentments on this matter were heard at this Court.

It is agreed that before fencing the road is considered, additional means of reducing animal casualties must be tried, such as average speed cameras. Other technologies which are under development may also assist. Fencing cannot be undertaken without a change to the legislation and that will not be achieved quickly.

2021/11956 NEW HABITAT REGULATIONS ASSESSMENT (HRA) FOR RECREATIONAL EVENTS DISCHARGE

The Verderers welcomed the presentation that Forestry England shared on the HRA permissions process and any further communication that would help the applicants understand the process better.

The Court, however, remains concerned that no proper consultation with those who would be affected by the HRA was undertaken and it was requested that in future, discussions about the process with relevant parties take place well in advance. It is considered there has been a lack of transparency and the interests of permit seekers may not have been fully taken into account.

SSSI RESTORATION WORKS INCLUDING THE ENHANCEMENT LIST

2021/11957 ENHANCEMENTS LIST RESUME

The list was circulated in advance of the Court. There was nothing new to add to the list

ISSUES REPORTED TO FORESTRY ENGLAND (ACTION LIST)

2021/11958 ACTION LIST RESUME

Items on the list are complete.

OTHER AGENDA ITEMS INVOLVING OR OF INTEREST TO FORESTRY ENGLAND

2021/11959 INFECTIOUS DISEASES CONTINGENCY PLAN (ANIMALS) RESUME

This plan is overdue for review. The DS said it is in hand and Mr Dave Morris (FE) is overseeing it.

2021/11960 NETWORK RAILWAY BRIDGE REPLACEMENT DISCHARGE

The Court was appraised of NWR's proposals to replace Crook Hill, Lovely Hill and Pignal railway bridges. Subject to public access rights being assured, the Court approved the proposals.

Action PG

The Court remains keen to encourage NWR to remove two nearby pedestrian crossings. Doing so would greatly enhance tranquillity in the area as approaching trains would no longer need to sound their hooters on approaching the crossings.

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

2021/11961 FORMER TALLY-HO RESTAURANT SITE ON THE A31 RESUME

This small area of land immediately adjacent to the A31 at Stoney Cross North has been unoccupied for many years. It is unregistered land and the last occupiers went bankrupt. Earlier this year the area was used by travellers. Mr Grugeon reported that FE is in discussions with NFDC, the NFNPA and the Crown Estate regarding bringing the land back into the Forest. Apart from the clearance work that will be required, legal costs will be incurred and the Court was asked to consider making a contribution.

The Court requested more information, including a breakdown of the costs and how they are to be disbursed amongst interested parties. Subject to that, the Court may be in a position to consider making a contribution.

Action PG

2021/11962 SMALL FENCED AREA AT BARTLEY CRICKET PITCH DISCHARGE

Mr Greenwood reported that there is a small fenced area, containing a couple of trees adjacent to Bartley Cricket Pitch. Immediately outside the fence is a stone commemorative plaque. The fence is in poor condition and various signs have been attached to it. Forestry England is requested to arrange for it to be tidied up.

Action PG

The Deputy Surveyor and FE Land Agent left the Meeting

ANNOUNCEMENTS & DECISIONS

The A&Ds were approved. They will be placed on the Verderers' Website after this meeting.

2021/11963 MARKING FEES 2022

Marking fees have remained at the same level since 2012 and I am pleased to announce that there will be no increase next year.

Marking fees for 2022 are therefore the same as this year:

Ponies & Donkeys on the Forest £24.00 per head
Ponies & Donkeys on the Commons £12.00 being ½ of the Forest marking fee
Cattle on the Forest £24.00
Cattle on the Commons £3.00 being 1/8 of the Forest marking fee
Sheep on the Forest £8.00

Sheep on the Commons £4.00
Pigs on the Forest £4.00
Pigs on the Commons £2.00 per head

Please remember that marking fees are due from the 1st January. Under our Byelaws, the deadline for payment of all marking fees for continuously depastured animals is 31st March.

If not paid by 31st March, you will not be eligible to join the Verderers Grazing Scheme. Marking fees for animals which are not continuously depastured are due before the animals are turned out. It is the responsibility of commoners to volunteer payment of marking fees, not the responsibility of the Agister to chase you for them.

2021/11964 ELECTED VERDERER JIM GREENWOOD

We would like to take this opportunity to thank Jim for his very valuable contributions to our work over his 6 years as an elected verderer. Jim has decided not to stand for re-election and we wish him all the best and we hope he enjoys the additional free time he will now have!

2021/11965 APPOINTED NATIONAL PARK AUTHORITY VERDERER

It is with regret we have to report that Mr John Sanger, who was appointed as the National Park's Verderer in July this year, felt he was unable to continue in that position. He resigned in October and his replacement is Miss Ann Sevier who we welcome to the Court this morning.

2021/11966 FOREST BRIDGES

In our September Court, we heard a presentment from Charlotte Lines on behalf of the CDA concerning the very poor and dangerous condition of three bridges. In response the Deputy Surveyor explained the constraints that sometimes prevent Forestry England undertaking repairs as quickly as they would like. He confirmed there are 8 bridges on FE's list which need repair and the work will be done as soon as possible. He undertook to do his best to ensure that bridges needed for the drifts would be repaired first and we understand a significant amount of work has now been completed on a number of these bridges.

2021/11967 B3078 ROGER PENNY WAY - ACCIDENTS - HUMANS & ANIMALS ALIKE – PROPSAL TO FENCE THIS ROAD

The Court gave very careful consideration to Mrs Gray’s suggestion, in our October Court, that the B3078 Roger Penny Way should be fenced.

Unsurprisingly perhaps, we were unable to reach a unanimous view and it was agreed that as usual, prior to considering whether to take the suggestion of fencing the B3078 any further, the Court would await supporting or counter presentments at this Court.

GENERAL REPORTS AND ADMINISTRATIVE MATTERS

2021/11968 CONDITION OF STOCK RESUME
Report from the Head Agister

The Head Agister reported that the ponies are still looking really well, the drifts are almost finished and mares coming in with foals are all looking very good.

There are still a lot of cattle on the Forest due to the lack of acorns. Cattle with new born calves are losing condition quickly and the Agisters are notifying owners where necessary. It will be helpful if Commoners will keep an eye on their cattle, especially those still calving on the Forest.

At a recent Staff Committee Meeting, the Agisters were assured that they have full support from the Verderers in ensuring animals are removed from the Forest. Although the Forest looks green, the quality of late grass is not great.

2021/11969 WELFARE TOUR DISCHARGE

in view of the continuing difficulties caused by Covid-19, and as the Forest’s animals are in a good state, rather than arrange a welfare tour, the Head Agister and the VGS Officer, Mrs Woodley, will draft a note to send to those who would usually attend the tours. It is hoped a tour can be arranged in the spring of 2022.

2021/11970 REPORT ON MARKING FEES RECEIVED TO DATE / COMPARISON WITH THE PREVIOUS YEAR RESUME

	<u>2021</u>	<u>2020</u>
Forest Ponies	4988	5029
Forest Cattle	3160	5422
Forest Donkeys	150	135
Forest Pigs	73	504
Forest Sheep	0	0
Total Forest Stock	8371	11090
Common Ponies	863	839
Common Cattle	1781	2540
Common Donkeys	136	138
Common Pigs	116	139
Common Sheep	195	223
Total Common Stock	3091	3879
Ponies, Cattle & Donkeys on the Forest	8298	10586
Ponies, Cattle & Donkeys on the Commons	2780	3517
Total Ponies, Cattle & Donkeys	11078	14103
Total Stock – Forest & Commons	11462	14969

- 2021/11971 BYELAW BREACHES RESUME
- There are no current byelaw breaches.
- 2021/11972 NEW FOREST HOUNDS / FLESH COLLECTION SERVICE DISCHARGE
- Dr Ferris advised the Court that whilst the Hunt's trail hunting licence is currently suspended, the flesh collection service will continue for this season. Dr Ferris promised to keep the Court informed, given the importance of the service to commoning.

MATTERS ARISING FROM PREVIOUS COURTS

- 2021/11973 FACEBOOK DISCHARGE
- The Court approved the protocol which had been circulated prior to the meeting. Action Tina Woodley
- 2021/11974 VERDERERS' ELECTION RESUME
- The Clerk reported that everything is ready. A request has been made for voters email addresses to be made available to candidates for canvassing purposes. The Clerk felt this may be problematic because of GDPR but it was agreed the suggestion should be considered for future elections. Action Clerk
- 2021/11975 COMMONS AGREEMENT RESUME
- Dr Ferris reported that he and the Official Verderer met with Mr Ian Burgess (Chairman) and Mr Andrew Parry-Norton (Vice Chairman) of the Northern Commoners Association. It was considered a useful and helpful meeting. The Northern Commoners Association has some specific concerns and priorities. Action OV
- 2021/11976 FARMING IN PROTECTED LANDSCAPES (FIPL) – COMMONERS' DEFENCE ASSOCIATION DRAFT APPLICATION RESUME
- It was agreed this will be resumed in December.

OTHER AGENDA ITEMS

- 2021/11977 CYCLING PAPER RESUME
- It was agreed that a dedicated meeting to discuss e-bikes and the cycling paper should be arranged when the OV is available. This will hopefully occur before the December Court. Action Clerk

STAFF MATTERS

- 2021/11978 STAFF COMMITTEE DISCHARGE
- The Staff Committee Minutes were noted.

FINANCIAL MATTERS

- 2021/11979 FINANCIAL STATEMENT RESUME
- The financial statement was noted.

2021/11980 FIVE YEAR PLAN DISCHARGE

The Five-Year Financial Plan, drafted by the Official Verderer and the Clerk was circulated. The forecast increase in funding required over the period of the plan is largely the result of increased recreational pressures affecting the management of the animals, together with reduced marking fee income following the changes and phasing out of the Basic Payment Scheme.

Miss Westwood left the meeting at this point and Miss Bayley joined

TRAINING

2021/11981 NEW AGISTER RESUME

The new agister is in post and familiarising himself with his area. He will need a lot of induction training and a programme will be designed. Action RD

HEALTH & SAFETY

2021/11982 DRIFTS DISCHARGE

A drift review meeting has been held. Resulting actions will be stewarded through the Staff Committee and will include improve signage and a request for FE to expose a dangerous ditch at Aldridge Hill. Action RD

ANY OTHER BUSINESS

2021/11983 ENCROACHMENT AT PICKET HILL / SHOBLEY RESUME

Mrs Westerhoff remarked that this item had been missed earlier in the meeting. She reported the situation remains the same. The area is fenced off and the gate is locked. It is very green inside the fenced area, artificial green probably resulting from all the manure from the stables which had been dumped, plus that directly from livestock.

The CDA is leading on this case with support from the OV. A solicitor and barrister have been instructed and another letter will be sent shortly. It was suggested the matter should be progressed as quickly as possible in case nearby property owners also think about enclosing common land. Action CDA / OV

2021/11984 BEAULIEU ROAD SALE YARD DISCHARGE

A small modification is required to the scaffolding, after which the carpenter and roofer will dismantle the burned sections of roof.

2021/11985 PUBLIC SPACE PROTECTION ORDER (PSPO) DISCHARGE

Miss Sevier reported that in her role as a District Councillor, she has been asked to advise on the PSPO and she will be seeking input from the Court. Action AS

2021/11986 JIM GREENWOOD DISCHARGE

Mr Readhead thanked Mr Greenwood for his years of service on the Court and his excellent input, especially his knowledge of cattle.

Mr Deakin thanked Mr Greenwood for his time and contribution to the Court and said he will be missed. Mr Greenwood thanked Mr Deakin and said that he has some other projects he wishes to pursue but he will be happy to assist the Court in the future if needed.

2021/11987 FORMER TALLY-HO RESTAURANT SITE ON THE A31

DISCHARGE

A further short discussion took place on this subject. It was suggested that other sources of funding should be explored. It was further suggested that the land could form part of the mitigation required in respect of the Network Rail Woodfidley site. These points will be fed back to the Land Agent.

Action BD

There being no further business, the meeting ended at 12:27 hrs.

Judith Anne
15 December 2021