

MINUTES of the Court of Verderers – Wednesday 20th October 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. The Verderers again adopted a cautious approach this month and met in Open Court, but in Minstead Village Hall; this hall being larger and airier than the Verderers' Hall and therefore safer from the point of view of potential virus transmission.

PRESENT	Lord Manners	Official Verderer
	Mr R Deakin	Elected Verderer & Staff Committee Chairman
	Mr A B Dowsett	Forestry Commission Appointed Verderer
	Mr J Greenwood	Elected 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	Miss J Bayley	Assistant Clerk
	Miss T Tidman	Deputy Land Agent
APOLOGIES	Dr G Ferris	Co-opted Elected Verderer
	Mr J Sanger	New Forest National Park Appointed Verderer
	Miss S Westwood	Clerk to the Verderers

IN COMMITTEE

2021/11888	MINUTES OF THE LAST MEETING	RESUME
	<p>The minutes of the last Court held on Wednesday, 15th September 2021 were approved and will be signed by the Official Verderer at the earliest opportunity.</p>	
2021/11889	DECLARATIONS OF INTEREST	RESUME
	<p>Declarations of Interest can be found on the Verderers' website www.verderers.org.uk.</p>	
2021/11890	APPROVE THE ANNOUNCEMENTS & DECISIONS	RESUME
	<p>The Announcements & Decisions were approved.</p>	
2021/11891	CONDITION OF STOCK – report by the Head Agister	RESUME
	<p>The weather has been very kind to us so far this Autumn and this has helped the Forest stock to continue to keep up in really good condition.</p> <p>We are getting on through the drifts, which have been going OK overall, and the ponies that have been coming in on the roundups are almost without exception looking fantastic. Even the majority of mares with foals look better this year. There are of course always a few exceptions, but if they look poor at the moment then there is something else causing the loss of condition, such as old age, and these ones are removed by the owners.</p> <p>The cattle continue to do well out there, but some herds have been got in as people look to sell calves or are due TB tests. Doesn't at the moment appear to be the clamour to mark the cattle as in previous years, but we are beginning to do that.</p>	

As stated last month, there has been very little for the pigs, and although some are out, several commoners have chosen to not turn their pigs out at all.

Donkeys look well, but as always there are some that need their feet trimming, and this is something we need to keep on top of going into the Winter.

It is tough at present for the Agisters, now being a team member short, but we are all mucking in to cover that, and hopefully the process of appointing a new Agister will run smoothly and we will soon have a new person in place to help out.

2021/11892 REPORT ON MARKING FEES RECEIVED TO DATE / COMPARISON WITH THE PREVIOUS YEAR RESUME

	<u>2021</u>	<u>2020</u>
Forest Ponies	4983	5020
Forest Cattle	3152	5307
Forest Donkeys	150	135
Forest Pigs	27	438
Forest Sheep	0	0
Total Forest Stock	8312	10896
Common Ponies	857	834
Common Cattle	1781	2495
Common Donkeys	136	138
Common Pigs	116	139
Common Sheep	195	223
Total Common Stock	3085	3829
Ponies, Cattle & Donkeys on the Forest	8285	10462
Ponies, Cattle & Donkeys on the Commons	2774	3467
Total Ponies, Cattle & Donkeys	11059	13929
Total Stock – Forest & Commons	11397	14725

2021/11893 BREACHES OF THE BYELAWS RESUME

No byelaw breaches have been identified.

OPEN COURT

IN ATTENDANCE	Miss J Bayley Miss T Tidman	Assistant Clerk Deputy Land Agent
APOLOGIES	Mr C Harrison Mr P Grugeon	Deputy Surveyor Land Agent

The Head Agister opened the Court with his usual proclamation.

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER

2021/11894 THE COMMONS AGREEMENT 1964

The Commons Agreement was entered into by the Verderers of the New Forest and the commoners of certain Adjacent Commons, while the New Forest Bill of 1964 was before Parliament. The commoners on the adjacent commons had not before been required to pay marking fees. In order to encourage the owners of common rights over those commons not to oppose the Bill, the Verderers entered into the agreement which allowed for certain concessions to apply.

Paragraph 5 of the Commons Agreement 1964 provides for concessions to apply to marking fees payable to the Verderers in relation to commonable animals belonging to commoners which are depastured on common lands within the added areas.

The Agreement further provides that the period during which the concessions apply, began on the day on which the New Forest Act 1964 became law and shall end on 31st December 2025.

The purpose of this announcement, is to remind those commoners who benefit from those concessions that the Agreement under which the concessions were granted will end on 31st December 2025.

2021/11895 ELECTRICALLY ASSISTED BICYCLES

Since the cycle network was first approved by the Verderers, electrically assisted bicycles have been invented and their use has become increasingly widespread both in the Forest and elsewhere.

To be lawful in this country, an electrically assisted bicycle must have an electric motor which will not assist the rider when travelling at more than 15.5 mph. Differing views have been expressed on whether the use of such electrically assisted bicycles is appropriate on the Forest cycle network.

The picture is confused by the fact that it is possible to modify electrically assisted bicycles, allowing them to reach speeds considerably in excess of 15.5mph. Furthermore, electric bikes, as opposed to electrically assisted bikes, can reach speeds of approximately 30 miles an hour. The Verderers understand that electric bicycles are not lawful for use on roads or bridleways but are nonetheless reasonably widely available.

The Court is minded to agree to the use of electrically assisted bicycles on the approved network but not electric bicycles.

Before reaching any decision, the Court is interested to hear views on whether the use of electrically assisted bicycles [i.e. those which are limited to 15.5 miles per hour]; on the approved Forest cycle network, should be permitted.

Electric bikes which can reach speeds in excess of 15.5 mph are classed by the DVLA as motorcycles or mopeds. Such machines are not allowed on cycle paths and therefore, under Forestry England's byelaws, are not allowed on the Forest. They may not, however, be easy to distinguish from legal, genuine, electrically assisted bicycles.

We would welcome views by presentment at our November Court.

2021/11896 CAMPSITES

At our July Court we received a presentment from Friends of the New Forest (the New Forest Association) expressing concern about the damage caused to sensitive habitats by the camp sites within the Forest.

The Verderers' policies approve the use and enjoyment of the New Forest by Campers but recognise that the location of the campsites on common land causes problems as a result of both damage caused to the habitat and the interaction between the free roaming stock and campers. Accordingly, the Verderers believe that the campsites should be moved off the Forest, to more suitable and sustainable nearby locations. This would enable the many campers who come to the Forest to continue to enjoy it. The habitat would be able to recover and the scope for interaction between campers and the stock much reduced.

In responding to the National Park's draft partnership plan the Verderers said they appreciate the value of camping within the National Park but feel that "resilient areas" must be found off the open Forest for the benefit of all. We wish to work with Camping in the Forest, Forestry England, the National Park Authority, New Forest District Council, Natural England, private landowners and others to make some headway on this difficult issue which we feel cannot be avoided any longer.

2021/11897 BARBECUES ON FOREST CAMPSITES

In response to Mr Parry Norton's presentment at the July Court, regarding the use of barbecues on Forest campsites, the Deputy Surveyor said that disposable barbecues are not allowed. Barbecues on a stand are allowed because the campsites are a controlled environment with fire hydrants easily to hand. Campfires are not acceptable. Information is given to campers on their arrival. The Deputy Surveyor said he needed to investigate what happened and undertook to contact the Hollands Wood campsite warden to ensure the rules are adhered to. In our last Court, we were advised that he has taken those actions. In addition, we were advised that a review will take place now the camping season has ended and training for campsite staff will be provided prior to next year's camping season. We understand the Commoners' Defence Association has kindly offered assistance in achieving that.

2021/11898 VERDERERS' ELECTION

I would just like to remind everyone that there is an election of three Verderers next month. As I announced at the last Court, nominations for candidates are required by noon on Tuesday, the 2nd November. Nomination forms may be obtained from our office, but completed nominations forms must be delivered to the Office of the Returning Officer, Mrs Rachel Brooks, at the Under Sheriff's Office in Southampton and not our office. If you wish to stand for election, you must not miss this deadline.

ANIMAL ACCIDENT REPORT

2021/11899 THE ANIMAL ACCIDENT REPORT FOR SEPTEMBER 2021

RESUME

The Agisters attended 16 accidents in September, compared with 14 in the same period last year.

3 ponies, 2 donkeys, 2 cows and 1 sheep were killed.

2 donkeys and 1 pig were injured.

5 accidents occurred during daylight, 5 at twilight and 6 in the dark.

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

The total number of commoners' animals killed and injured in 2021 to date is now 39, compared with 45 in the same period last year.

PRESENTMENTS

2021/11900 B3078 ROGER PENNY WAY ACCIDENTS - HUMANS & ANIMALS ALIKE
Presentment by Mrs Mary Gray, Bramshaw Commoner

'Past meetings etc., myself and many others saying the only solution is fencing. Oh No, always the answer, legislation, would have to be passed, we all know!

Surely amends could be done! In this fast moving 21st Century, "Bite the Bullet" get on with it.

Now “A Wonderful National Park” – encouraging more folks to visit, surely their Authority, should count for something.

Our seasons of light to dark cannot be changed. Summer, bright sun driving a.m. west to east, p.m. east to west, the sun can be lethal!!

More houses being built, west of the Forest, hence extra commuting to work each way, be it for trains or work in the city. Avoiding at all costs, the often blocked A31.

Our Police have done wonders, so many caught speeding, has helped!

Authorities, PLEASE get this carnage stopped. FENCE THIS ROAD'

IN COMMITTEE

IN ATTENDANCE Miss S Westwood Clerk to the Verderers

CONSIDERATION OF PRESENTMENTS

2021/11901 B3078 ROGER PENNY WAY - ACCIDENTS - HUMANS & ANIMALS RESUME
 ALIKE – PROPSAL TO FENCE THIS ROAD

The Court gave very careful consideration to Mrs Gray's request that the B3078 Roger Penny Way should be fenced.

Members of the Court 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 road any further, the Court will await supporting or counter presentments at the November Court.

NEW SUBMISSIONS AND OTHER MATTERS RAISED BY FORESTRY ENGLAND

2021/11902 REAL TIME MONITORING OF PEATLAND USING WIRELESS SENSOR DISCHARGE
 NETWORKS FOR EMISSION MANAGEMENT AND WILDFIRE
 MITIGATION (DIBDEN BOTTOM)

The proposal to temporarily site a single pilot node for two weeks in Dibden Bottom, followed by a further 10-15 wireless sensor nodes, if the pilot proves successful, was approved. The approval is given subject to the three usual conditions regarding satisfactory reinstatement, safe working conditions and compensation for loss of grazing.

2021/11903 REQUEST BY BROCKENHURST PARISH COUNCIL TO MOVE A DISCHARGE
 BENCH IN BEACHERN WOOD CAR PARK

The proposal to re-site a bench, which is in a position in the car park where it is frequently damaged by vehicles, was agreed. It was suggested dragons teeth should be installed to protect the grazing on which the seat currently sits. The usual three conditions apply.

DE-MINIMIS CONSENTS TO BE RECORDED AT THIS COURT

2021/11904 DE-MINIMIS CONSENTS RESUME

DM0133 Bournemouth Water, new 4.55m water connection into Toms
 Farm, Toms Lane, Linwood

DM0134 SW Water/Kier, new water connection to Avon Valley Nursery,
 South Gorley

- DM0135 BT Openreach, new 7m duct o/s Forest Haven, Burley Street
DM0136 BT Openreach, new 5m duct on Harlicks Hill, Hatchet Ln
Beaulieu
DM0137 Network Rail, temp siting of crane as before at the B3055
overbridge west of Brockenhurst

MATTERS ARISING FROM PREVIOUS COURTS OF CONCERN TO FORESTRY ENGLAND

- 2021/11905 BT OPENREACH JOINT BOXES DISCHARGE
- Mr Deakin and Mr Dowsett are meeting tomorrow, with Mr Sean Marsh from FE and representatives of BT Openreach to discuss and agree the removal of some non-essential joint boxes. Action RD/BD
- 2021/11906 UNDERPASS GATES DISCHARGE
- The damaged gates will be replaced as soon as the new ones are available and FE can arrange to hang them. Action Head Agister

SSSI RESTORATION WORKS INCLUDING THE ENHANCEMENT LIST

- 2021/11907 ENHANCEMENT LIST RESUME
- Noted.
- 2021/11908 PENNY MOOR DISCHARGE
- Differences of opinion as to how to resolve the problems at this location were again aired. Miss Tidman will provide Mr Pasmore with a copy of the plans and she will also liaise with Mrs Westerhoff about the proposed works. Action TT

ENCROACHMENTS

- 2021/11909 ENCROACHMENT LIST RESUME
- The Encroachment List was noted.

ISSUES REPORTED TO FORESTRY ENGLAND (ACTION LIST)

- 2021/11910 ACTION LIST RESUME
- The Action List was Noted.

ANY OTHER BUSINESS INVOLVING FORESTRY ENGLAND

- 2021/11911 NEW HRA FOR RECREATION EVENTS RESUME
- The Court was disappointed that Forestry England did not consult or discuss this new HRA prior to its use. Concern was expressed that it may negatively impact events that are part of the Forest's cultural history.
- Mrs Linda Devlin (FE) made a presentation recently at meetings of the Recreation Management Strategy Steering and Advisory Groups. Miss Tidman said she will provide a copy. Action TT

Miss Tidman left the meeting

MATTERS ARISING FROM EARLIER IN THE MEETING

2021/11912 CYCLING RESUME

It was suggested other English National Parks should be consulted as respects their experiences with cyclists and whether they have similar problems to the Forest.

MATTERS ARISING FROM PREVIOUS COURTS

2021/11913 VERDERERS' POLICIES REVIEW RESUME

Unfortunately, pressure of work has so far prevented this being taken forward. Action OV

2021/11914 FACEBOOK RESUME

The Official Verderer will copy his suggested protocol to the Clerk. Action OV

2021/11915 VERDERERS' ELECTION RESUME

The Clerk reported that the work connected with the election is progressing satisfactorily. The final electoral register will be published on Friday, at which point the electoral register numbers for proposers and seconders, required for nomination forms, will be available from the Clerk. It was agreed that following publication of the register, it could, on request, be circulated to existing Verderers standing for re-election, and other candidates whose nominations are accepted by the High Sheriff. Action Clerk

2021/11916 NOVEMBER COURT DISCHARGE

A decision as to whether there will be an Open Court in November, will be decided nearer the time. Action OV

2021/11917 AVERAGE SPEED CAMERAS – EARLIER FEASIBILITY STUDY DISCHARGE

Unfortunately, the previous study does not fulfil current requirements.

ENCROACHMENTS NOT INVOLVING FORESTRY ENGLAND

2021/11918 ENCROACHMENT AT PICKET HILL/SHOBLEY DISCHARGE

A further letter will shortly be written to the land owner. The OV has identified a firm of Solicitors who may be able to assist with court proceedings. Action OV

OTHER AGENDA ITEMS

2021/11919 MARKING FEE REVIEW FOR 2022 DISCHARGE

Mr Deakin proposed that marking fees should remain unchanged in 2022. Mr Manley seconded the proposals which was carried unanimously. The Official Verderer will make an announcement to this effect in the November Court. Action OV

2021/11920 REPLACEMENT WATER MAIN ACROSS PLAITFORD COMMON DISCHARGE

The Court approved these works, which are progressing well and are currently ahead of schedule.

2021/11921 NEW FOREST NATIONAL PARK AUTHORITY'S CONSULTATION ON POP-UP CAMPSITES DISCHARGE

It was agreed that pop-up campsites, if properly regulated and in the right place, can alleviate pressure on sensitive parts of the Forest. Concern was expressed that this should not lead to an overall increase in capacity which would only exacerbate the pressure. The Official Verderer will respond to the consultation.

Action OV

2021/11922 STAFF SALARY REVIEW DISCHARGE

The Court approved the Remuneration Committee's recommendation.

Action OV

2021/11923 COMMONS AGREEMENT RESUME

A preliminary meeting will be offered in response to Mr Parry-Norton's letter.

Action OV

2021/11924 FARMING IN PROTECTED LANDSCAPES RESUME

The CDA's proposal requires some clarification before it can be properly considered by the Court. The Official Verderer will write to the Chair.

Action OV

HIGHER LEVEL STEWARDSHIP SCHEME

2021/11925 HLS ROLLOVER RESUME

News is awaited.

REPORTS FROM EXTERNAL COMMITTEES AND WORKING GROUPS

2021/11926 RMS STEERING GROUP DISCHARGE

Discussion with Natural England continues regarding re-fencing Dibden Inclosure. Richard Burke of FE and Thomas Lord of Natural England have visited the site to try and find a way forward.

Work continues on a potential LDO and PSPO.

2021/11927 RMS ADVISORY GROUP DISCHARGE

The result of the survey/consultation on the 5 year Partnership Plan revealed that over three quarters of those responding said the plan is full of aspirations but no actions. It also supports and encourages more cycling.

2021/11928 FOREST FARMING GROUP DISCHARGE

Mr Greenwood updated the Court.

STAFF MATTERS, GENERAL REPORTS AND OTHER ADMINISTRATIVE MATTERS

2021/11929 RECRUITMENT OF REPLACEMENT AGISTER DISCHARGE

The interviewing panel interviewed seven candidates. The successful candidate is Mr Michael Maton.

2021/11930 FINANCIAL STATEMENT

RESUME

The financial statement was noted.

TRAINING & HEALTH & SAFETY

2021/11931 DRIFTS

DISCHARGE

Three riders and a walker have been injured on the drifts so far. The ponies are stronger and more difficult to catch and handle.

FE will be asked to expose a concealed ditch which caused one fall. It may be possible to get the ditch filled in.

Cyclists have appeared in the middle of a number of drifts, despite good signage.

As usual, a review will be undertaken at the end of the drift season. Signage will be on the agenda, following a suggestion that the warning signs on the road on one drift were inadequate.

Action RD

ANY OTHER BUSINESS

2021/11932 LEAVING PRESENT FOR ANDREW NAPHTHINE

DISCHARGE

The expenditure was approved.

Action Clerk

2021/11933 IPLEY CROSSROADS RE-ALIGNMENT

DISCHARGE

The fencing which will be required to protect the area where the old road has been taken up will need to be well constructed post and rail. The Clerk will advise HCC.

Action Clerk

There being no further business, the meeting ended at 13:25 hrs.