

11th October 2013

Dean Forest to wit

At a Special Court of Attachment
of our Sovereign Lady the Queen at
The Speech House on the Eleventh
day of October in the Sixty First year
of the reign of our Lady Queen Elizabeth
the Second by the Grace of God , etc in
the year of our Lord Two Thousand and
Thirteen

Before

R.W. Jenkins Esq., J.P.
Ray Wright, Esq.
M.V. Bent Esq.
I. J. Standing Esq., BDS, M.A. MUSMS Dip.

K.G.Stannard Esq., Deputy Surveyor
Forestry Commission
Penny Simpson (Mrs) M.R.I.C.S.,
Area Land Agent, Forestry Commission

K. P. Griffin B.A. Solicitor, Steward

Prior to the commencement of the Court, the Senior Verderer welcomed former Deputy Surveyor and Director of Forest Enterprise England, Brian Mahony and his wife to the Court. Mr Mahony thanked the Verderers for dedicating a second tree to him as the first had collapsed. He added that the first tree had been very important to him as it had been chosen with the help of Dr Cyril Hart. The second tree is an oak in the heart of the Forest and in the Arboretum dedicated to Dr Hart, so is highly appropriate. He commented how much he had enjoyed his time in the Forest and indeed his 34 years with the Forestry Commission. He had always been grateful for the support and wise counsel of the Verderers in his time in office and felt they had an increasingly important role to play in the affairs of the Dean, as shown in representations made to the Independent Panel on Forestry.

In response, the Senior Verderer commented that both he and his colleagues had been very pleased to dedicate the second tree and that it was the right tree in the right place.

APOLOGIES

None

MINUTES

The Minutes of the Court held on the 5th July 2013 were approved and signed.

MATTERS ARISING

David Heath

The Deputy Surveyor advised that the Ministerial visit in July had been a success but unfortunately, the Minister was no longer in post due to a recent 'reshuffle'. It was agreed to invite his successor when known.

MINERALS

Mrs Simpson advised the Court that the assignment of the existing lease of the Birch Hill Quarry had been completed and increased activity was expected. The assignment had been triggered by the retirement of the former lessees.

The Court also heard that ongoing negotiations with Bredon Aggregates who had taken over Clearwell had been very positive.

There was also positive news concerning Stowfield Quarry, with increased activity after some years of stagnation due to lack of building activity and so forth.

The Deputy Gaveller, Dan Howell, had been assisting local freeminers by acting as a mines surveyor, to enable them to meet new standards. He was also considering visits to local schools to advise on mine safety and the danger of unsupervised mine entry, as "black damp" is present and can kill if inhaled.

The Court also heard a grille had been fitted over the shaft at New Fancy.

COMMONING

The Deputy Surveyor advised he was awaiting approval of the new proposed 'Agreement for Responsible Shepherding' by the Commoners Association and that the deadline for signing by the 10th October had passed. He explained that the sticking point is the introduction of new penalties for failure to comply with responsible shepherding standards, namely a 12 month ban for repeated failure to comply in this regard. The Commoners Association Committee are broadly happy with this but some members are not and thus the Association is not yet in a position to sign.

The Deputy Surveyor also commented that if the Heritage Lottery Bid is successful, there will be funds to help the Association, but these may not be forthcoming if there is no progress with regard to the new Agreement.

The Senior Verderer commented that the problems involve non-Association members. The Deputy Surveyor advised that both members and non-members were the source of complaints from the wider community. His plan was to have as many practicing commoners sign a supporting agreement at a signing ceremony to try and pull in the main non-member into the Agreement.

The new Agreement will give formal authority to the Sheep Liaison Group to ask the Forestry Commission to lift sheep where problems arise.

The Court also heard that the Forest of Dean District Council is continue to explore opportunities to use other statutory powers to address long term issues surrounding sheep in the communities.

The Senior Verderer commented that in the past, sheep banning orders have been circumvented by the transfer of sheep to another family member or nominee. The Deputy Surveyor advised that the new Agreement would address that issue by accepting the principle that all marks will belong to the Association and it will have sole power to issue marks, thereby keeping greater control.

DEER

The Deputy Surveyor had nothing to report on this issue, save that more muntjac had been shot than ever before. In addition, red deer are more established in the Forest.

BOAR AND FERAL PIGS

The Deputy Surveyor advised that the recent informal meeting between the UK Wild Boar Trust and the Forestry Commission, as chaired by the Senior Verderer had agreed the population at a target number of 400.

The Deputy Surveyor added that all parties accepted that the best count available had been the thermal imaging survey carried out in January / February 2013 – and that had indicated a minimum population of 535 animals. After much debate and discussion that meeting accepted a cull of 135 animals would take place. The cull commenced on the 1st September and will continue into January. The cull had accounted for over 50 animals so far.

The basic formula for the cull target has been agreed for three years. Hence if future thermal imaging surveys show the population is continuing to increase, as the Deputy Surveyor expects, the cull target will be increased to keep theoretically reducing back to the 400 population figure.

The Deputy Surveyor advised that RTAs for boar are increasing with a greater number of incidents than deer incidents. He reported one recent accident involving a truck killing a family group of 7 animals and a car killing a huge beast of over 250kgs, all in daylight conditions.

Following a general discussion, Mr Bent commented that he was extremely concerned about public safety, especially with children and dog walkers. The Deputy Surveyor responded that public safety is taken very seriously, as is the safety of the Rangers who are to be issued with protective clothing as injured animals are dangerous and unpredictable.

CINDERFORD REGENERATION

Mrs Simpson advised that since the last Court, the HCA have been undertaking ground investigation work and that the Council are in negotiations with the Commission for leases of land to construct replacement bat roosts, as existing buildings are to be demolished.

Mrs Simpson added that the Council had recently completed the Biodiversity Strategy that would guide planning decisions for the site.

The Court heard that a planning application for the site will be made early in 2014 and the issue of environmental mitigation will be extremely important. In addition, the design for the proposed new College has been published.

The Deputy Surveyor commented that the land exchange package had not been finalised.

The Senior Verderer commented that Mr P A Morgan had updated his Report on the unsuitable ground conditions prevailing at the site and provided a copy to all interested parties.

All Verderers expressed continuing concern about the development of the site and Mr Standing was particularly concerned at the impact on wildlife.

The Court heard that the Commission is providing technical assistance to the Council to mitigate any bio-diversity damage, but the Commission's main thrust is there must be no loss of land availability for public access and grazing.

Mr Bent's final comment was to express his disgust at what he considered to be a waste of a huge amount of funds on this project.

DEPUTY SURVEYOR'S REPORT

Inclosure Commissioners

The 2013 Commission had been established and had met for the first time to undertake its duties.

Tree Diseases

The Deputy Surveyor mentioned there had been no new cases of phytophthora noted but it was too early to say that the 2012 felling operation had been successful.

Heritage Lottery Funding

The trustees will meet on the 22nd October to discuss the bids and the Commission will know if the landscape bid had been successful shortly after this date.

Verderers Court

The Court reviewed the Deputy Surveyor's discussion document. The Steward advised he had deputised for Robin Haines at the outset, but had been appointed by the Minister of Agriculture as his replacement following the provision of references and so forth.

It was agreed that the Deputy Surveyor and Steward would work together to prepare a contract for the funding of the Court.

ANY OTHER BUSINESS

Cannop Lido

In response to a question from Mr Bent concerning cleaning up the lido, the Deputy Surveyor commented that he would be concerned about objections from the Environment Agency due to the possible presence of crayfish and newts and that an apparently relatively straight forward job is likely to be anything but.

Cannop Cycle Centre

Mr Wright asked about the new signage showing a crown image and the Deputy Surveyor explained this was the tourism branding agreed by the Commission and other organisations to promote tourism in the Dean and Wye Valley.

Cyril Hart

The Senior Verderer mentioned that he had been approached by a person who holds many signed volumes of Dr Hart's books. Following discussion, it was agreed the person's best course of action would be to approach a local auction house.

Probyn Family

Mr Standing advised he had been contacted by a lady who is reputedly the last member of the family and he will assist her with finding a suitable home for family memorabilia.

Baroness Royall of Blaisdon

The Steward was directed to invite the Baroness to a future Court

DATES OF NEXT TWO COURT SITTINGS

The date for the next two Courts will be Friday the 17th January 2014 and Friday the 25th April 2014.

Mr Mahony thanked the Verderers for inviting him and his wife to the Court. Mrs Mahony commented that she had found the proceedings to be extremely interesting and Mr Mahony added that the Verderers role continued to be extremely important in protecting the Forest.

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Verderers

Deputy Surveyor
Forestry Commission

Steward