

3rd October 2014

Dean Forest to wit

At a Special Court of Attachment
of our Sovereign Lady the Queen at
The Speech House on the Third day
of October in the Sixty Second 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
Fourteen

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 the Deputy Chair of Gloucestershire County Council, Mr Graham Morgan and the Deputy Gaveller, Mr Dan Howell.

APOLOGIES

None

MINUTES

The Minutes of the Court held on the 4th July 2014 were approved and signed.

MATTERS ARISING

None.

MINERALS

Mrs Simpson advised the Court that the economic upturn had led to increased production, with good returns expected from Stowfield Quarry as a result of the increased output.

Also, smaller quarries are seeking lease extensions and/or quarry extensions in view of the demand.

COMMONING

The Deputy Surveyor advised that Ceri Evans (Chair of the Sheep Liaison Group) had worked extremely hard to keep the SLG together in the face of a dispute between the Commoners Association and West Dean PC. The Association had accused the Parish Council of inciting complaints about sheep from parishioners and had threatened to walk out.

The Court also heard that the District Council has new powers to create sheep exclusion areas. These powers can be used to good effect if used sensibly, although the Association is concerned they will be used heavy handedly.

DEER

The Deputy Surveyor reported that muntjac are seen in ever increasing numbers and are becoming a real issue. Otherwise nothing to report.

BOAR AND FERAL PIGS

The Deputy Surveyor advised that the cull had commenced satisfactorily, but there had been increasing activity by campaigners against the cull. The Police were aware of the issue and are monitoring the situation.

The Court heard that the Deer Initiative has contacted a sample of surrounding landowners in order to establish a proposed deer and boar management group. If there is support for the group then there will be an inaugural meeting of the new group in December. The purpose of the group will be to collaborate on managing populations of wild deer and feral wild boar on a larger scale.

In response to a question from Mr Bent concerning a flowering weed that has proliferated on disturbed ground around Ruardean Hill, the Deputy Surveyor advised he would advise the conservation ranger but it appeared to be Willow Herb which was not a concern.

He added that there is an increasing problem with Himalayan Balsam, a very invasive and problematic plant that is difficult to remove, like Japanese Knotweed.

The Court discussed an email from the Office of Mark Harper MP to the Steward and containing a request from a constituent, Mr Rawlings that the Court should be subject to the Freedom of Information Act 2000. It was decided the Court did not need to be subject to the Act as its deliberations are made public on the Court's website and the Minutes of the Court are despatched every year to the County Council's Archivist's Office for retention purposes and can be accessed by members of the public. The Steward was directed to advise the MP's Office accordingly.

CINDERFORD REGENERATION

Mrs Simpson advised that the HCA planning application is now to be considered at the Planning Committee meeting at the end of October.

Action had been taken to protect the great crested newt population (and other European protected species on the site) and the legal drafting work had been completed by Eversheds.

Mr Morgan commented that the newt protection work had proved to be very expensive, but very important to protect wildlife.

In response to a question from Mr Wright, the Court was advised the area of the site totals approximately 10 hectares. He also enquired about the gale and was advised there are ongoing discussions between the developers and the galee. Mr Howells added that there is a survey to be undertaken to establish the coal reserves. Mention had been made of 30 million tons, but this was considered a substantial over-estimate, with a great deal of coal below the water table and unwinnable.

The Senior Verderer advised the Court he had been approached for the Verderers to join a walk around the site in the company of the Bishop of Guildford who would hold a short service. The Pillowell Band had been invited to play. After some discussion, it was decided the Verderers should not attend as it is possible some political issues would arise and this would constitute a breach of the Verderers' duty to remain independent in order to represent Her Majesty's interests

DEPUTY SURVEYOR'S REPORT

Heritage Lottery Funding

The revised bid was awaiting a decision from the national trustees and this is expected by the end of October.

Tree Diseases

There have been concerns about a new outbreak of Phytophthora Ramorum in larch but this had been found to be a beetle infestation – Ips Cembre. Action is under way to try to resolve the problem or the trees will have to be felled if a solution cannot be found.

ANY OTHER BUSINESS

ADPD

The Steward had submitted the Court's comments to the Council, as directed at the last Court.

Deputy Gaveller

Dan Howell thanked the Verderers for inviting him to the Court and explained that he had followed in the footsteps of his grandfather, Albert Howell MBE who as Deputy Gaveller had prepared a report on free miners rights. He explained that the 1838 Dean Forest Mines Act had regulated the Forest mining industry, He added that the free miner had been defined in the Act as a person of more than 21 years of age who had been born in the Hundred of St Briavels and who had worked for a year or a day in a coal or iron mine in the Hundred. The free miner could apply for the right to work minerals in a specified area known as a gale and the Deputy Gaveller's office administered these applications and registered the successful applicants, known as galees. The 1838 Act enabled the rights to be sold or assigned to third parties who did not necessarily meet the eligibility criteria and a galee could hold up to 3 gales.

The rules relating to forfeiture and assignment of gales was explained by the Deputy Gaveller, who then referred to the 1904 Act that permitted the grouping of gales to enable coal to be worked where a single gale would be uneconomic, due to the high water table, for example.

He added that the plans for the 64 square miles of land in the Forest available for mining had been prepared before the 1838 Act had come into effect. There are 4,366 galees registered at present.

The Senior Verderer thanked the Deputy Gaveller for his interesting and very informative explanation of the history of freemining and his office.

DATES OF NEXT TWO COURT SITTINGS

The date for the next two Courts will be Friday the 9th January 2015 and Friday the 17th April 2015.

The Deputy Chairman of the County Council thanked the Verderers for the invitation to the Court and added that it had been an honour and a privilege to attend. He was from a Forest mining family and had found all the matters discussed at Court of great interest

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Verderers

Deputy Surveyor
Forestry Commission

Steward