

29<sup>th</sup> April 2022

Dean Forest to wit

Before

At a Special Court of Attachment  
Of our Sovereign Lady the Queen at  
The Speech House on the twenty ninth  
day of April in the Seventieth 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  
Twenty Two

R.W. Jenkins Esq., J.P.  
I.J. Standing Esq., BDS, M.A. MUSMS Dip.  
R.G. Daniels Esq., MBE.  
Mrs S. Middleton B.Sc.

K.G. Stannard Esq., Deputy Surveyor,  
Forestry England.  
D.L. Howell Esq., CSM, IMMM, Deputy  
Gaveller, Forestry England.  
K.P. Griffin B.A. Solicitor, Steward to the Court.

Prior to the commencement of the Court, the Senior Verderer welcomed Sue Middleton, the new Verderer and congratulated her on being the first female Verderer in the 800 year history of the Court. He also welcomed Mick Holder, representing the Commoners Association

#### **APOLOGIES**

None.

#### **MINUTES**

Approved and signed.

#### **MATTERS ARISING**

None.

#### **IMPORTANT NEW MATTERS**

##### **Foresters Forest Forum**

It was agreed the Verderers would chair a meeting on a date to be set and that this would help to continue the momentum of the Foresters Forest project and also serve to increase the profile of the Verderers, with the caveat this involvement should do nothing to diminish the spirit of the Verderers Court. The meeting would probably be in July and Forestry England would be responsible for financing the venue and administration. The Deputy Surveyor added there would be a workshop on Forest waters in the Autumn.

## **Commoning**

The Senior Verderer invited Mr Holder to address the Court and he commenced by asking if Forestry England supported commoning and wished the custom of to continue as the Association did not believe this to be the case. He commented that signage on the highways had not been put in place and that over 70 notifications of sheep on the A48 had been ignored at the last SLG meeting. He added that an injured sheep had been left on the roadside and not despatched for three days and that there is lack of enforcement of the marking of sheep in the Forest, so that when a sheep is killed, the ear tags are removed and the Association is left to collect the carcass. Similarly, the Association had reported scab in sheep in The Pludds, but the Trading Standards officers had been unable to find the problem as the sheep head been moved before the inspection took place.

The Senior Verderer commented that the problems appeared to be a lack of control of people who are not members of the Association as well as a breakdown of communication.

Mr Holder replied that the offending parties have all been accepted as private graziers by Forestry England in spite of the fact two had been expelled from the Association and another had left of her own accord after receiving a warning. He added that the Association receives all the complaints and bad press, but the members have not caused any of the problems. He also referred to the Wildlife Trust having sheep in the Forest

The Deputy Surveyor responded by stating Forestry England fully support commoning in the Forest provided the custom is carried out in a responsible way and that the present Chair of the SLG is passionate about the custom and wishes to promote it. He asked why the Association had withdrawn its support for the Responsible Shepherding Agreement and Mr Holder replied that Henry Mills, the Chair of the Association did not agree with it.

The Deputy Surveyor also advised the County Council is responsible for road signage as the signs used by Forestry England had not met the required standards and with regard to the A48 issue, the sheep owner had been warned and the Police would take the matter further. He was aware of the marking issue and advised the decision to prosecute is up to Trading Standards or DEFRA. Byelaws require sheep to be marked and the Association had been given the list of marks and are the first port of call on marking issues. He added that Rachel Nyland no longer owns sheep and has had her mark removed. He advised Forestry England have no legal authority to despatch sheep, but will remove dead carcasses when advised. He commented that Trading Standards will undoubtedly be collecting evidence about the scab issue and the Wildlife Trust's animals are in the conservation enclosures only and not on the open forest.

Following a general discussion, it was noted that Forestry England have no power to force graziers to be members of the Association but the SLG has terms of reference that clearly set out responsibilities for grazing and this requires consensus. The way forward is to negotiate a new Agreement that will benefit the Association and request all graziers to sign, giving potential control and the right to have sheep removed if warnings are given. The Deputy Surveyor commented that the recent court case had established the use of the Police and Town Clauses Act to remove sheep in a pre-planned operation is not permitted and can only be used to deal with an immediate nuisance.

Mr Holder commented that a flock at Moseley Green are well shepherded and would benefit from appropriate signage to help slow traffic in the area and Mr Daniels agreed the sheep looked very well and that perhaps a way forward would be to concentrate on this excellent example of good shepherding to encourage new members to the Commoners Association and build its reputation as responsible shepherds. It could then be made clear those outside the Association who do not look after their sheep are nothing to do with the Association.

Mr Holder thanked the Verderers for the opportunity to address the Court and to air some of the grievances of the Commoners Association and to receive the views of Forestry England.

## **DEVELOPMENTS AFFECTING THE STATUTORY FOREST**

### **Forest Plan**

The Parkend Walk and Blakeney Hill Walk Plan is the first of four such plans and the Verderers commented the plans and ideas were excellent but there were concerns about the opening up of Blaize Bailey and zoning. The Deputy Surveyor commented these matters were not in the draft and the issue of zoning is to be clarified, but the Baize Bailey re-opening is not going to happen. Mr Daniels commented his concern about the zoning issue affecting the open nature of the Forest. The Deputy Surveyor advised the Forest Nature Reserves will be defined to protect ecosystems from roaming dogs and mountain biking for example, and the Recreation Investment Zones will be mapped but the remainder will effectively be quiet areas without signage or fencing.

The Deputy Surveyor advised Forestry England cannot police or control mountain biking in areas that are not nature reserves or built heritage sites and fencing will be used sparingly as there is no wish to transform the Forest into a mass of fenced enclosures. He added the zoning policy is a first and the Forestry England hierarchy have been invited to visit to view the issues and to see how they can be overcome by the use of the policy.

Messrs Daniels and Standing commented that a common mountain biking policy for the public forest estate is perhaps inappropriate as forests have different characteristics and the policy should be flexible to recognise this. Damage and material changes to a forest such as the Dean by uncontrolled mountain biking should not be enabled by the argument that there is a common policy. Both Verderers offered their support in making any representations at whatever level necessary to facilitate a reconsideration of the common policy.

## **COMMONING**

There was nothing further to report on this matter.

## **DEER AND BOAR**

The Deputy Surveyor advised the results of the thermal imaging survey had been sent to the researchers and the results are awaited, but over 800 boar had been culled.

The Forest has the largest group of boar in the UK and there is increasing concern about diseases that affect the boar getting into the pig population, so if any suspect animals are found, samples are taken and sent to the laboratory.

With regard to deer, it is almost certain numbers exceed the desired population as there has been less control due to concentration of culling efforts on the boar.

## **STRATEGIC APPROACH**

The issue of uncontrolled mountain biking had been addressed at the previous Court but Mrs Middleton had circulated a document detailing unauthorised bike trails in the High Meadow area in response to a concern from Mr Daniels about the proliferation of unauthorised bike trails. The Deputy Surveyor confirmed all means of communication are being or will be used to ensure the mountain biking fraternity are aware of the need to respect the Forest as it is seen as a major area for biking on unauthorised trails and large numbers flock to the Forest for this pursuit. Some people move to the Forest specifically for the bike trails and the current Forestry England Recreation and Engagement Manager had done so and she has good contacts with the editors and journalists of cycling magazines. Mrs Middleton asked in particular what would happen about the 'jumps' identified in the High Meadow Woods and the Deputy Surveyor reported that the cycling Ranger would inspect them and remove them if they were considered to be dangerous (rather than removing all unauthorised structures built in the Forest as 'jumps').

There was also some discussion about the issue of cycling guides complaining to their MP about FE charges for permission impeding their entrepreneurial business, which they claimed was providing a benefit to health. Mr Daniels pointed out that we should ensure that DEFRA/our MP counter that argument by the need to conserve the Forest, otherwise people will be destroying the very thing they are coming to visit.

## **DEPUTY SURVEYOR'S REPORT**

### **Diseases**

Chronic oak decline and ash dieback continue and it is clear the beetle spreading the fungus is thriving due to the increasingly warm climate

Phytophthora ramorum continues to infect larch in the Forest and infected areas are immediately removed on receipt of statutory tree notices. A new strain of phytophthora named pluvialis is affecting different species in Cornwall and Wales and the spread of this is a cause for concern.

### **Forest Waters**

A Forest Waters Officer is being recruited and the Foxes Bridge bog is to be restored. The Deputy Gaveller is project managing the Cannop dams investigation for a decision how best to resolve the problems by November and in view of the Environment Agency order.

### **Foresters Forest**

Following the end of the project, concentration is now firmly on ensuring the continuation of the outcomes

### **MINERALS**

The Deputy Gaveller presented his Report and a copy is appended to these Minutes.

### **ANY OTHER BUSINESS**

#### **AONB**

Mrs Middleton had received a letter asking if any plans or proposals are in place to seek AONB status for the Forest and was advised this issue had been discussed for almost 50 years without a solution. In addition, she advised she had received a number of invitations to address meetings since her election and was given authority to do so.

#### **Tin Tabernacle**

The Court heard this was originally constructed for use by gypsies but had later been given to Cinderford Town Council and moved by them a century ago. It is now closed up and dangerous and due to be demolished. It is in Forestry England land but the building is of course owned by the Council.

#### **Verderers Brooch**

As it is inappropriate for Mrs Middleton to receive a tie, it was agreed she should have a brooch made containing the Verderers emblem.

#### **New Fancy**

Mr Standing commented the site appears somewhat derelict and the Deputy Surveyor stated he would have this investigated.

#### **Verderers Website**

The Steward advised it is out of date and needs to be replaced. He gave details of the solution proposed by ilateral who host the site and it was agreed to investigate how best to replace the present site.

### **DATES OF THE NEXT COURT SITTINGS**

These dates were agreed as 1<sup>st</sup> July 2022 and 7<sup>th</sup> October 2022, both commencing at 2.45pm.

pVerderers

Deputy Surveyor

Steward