

20th January 2023

Dean Forest to wit

Before

At a Special Court of Attachment
of our Sovereign Lord the King at
The Speech House on the 20th
day of January in the First Year of the
Reign of our Lord King Charles the
Third by the Grace of God, etc. in the
Year of Our Lord Two Thousand and
Twenty Three

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 Tom Brockington from Forestry England and who had been invited to make a presentation on the issue of unauthorised mountain biking. He also welcomed Simon Lewis and Mark Lewis who had been invited to attend to present the views of a group set up to press for the retention of Cannop Ponds as presently established. He then invited everyone present to introduce themselves and Mrs Middleton mentioned that although she is a Forestry England employee, when she sits as a Verderer, she is impartial.

APOLOGIES

None

MINUTES

Approved as slightly amended and signed.

MATTERS ARISING

Verderers Website

The Senior Verderer advised a new domain name had been obtained and this is forestofdeanverderers.org.uk. He explained the construction of the framework of a new website has commenced, with content to be added at a later date. The importance of retaining control of content was agreed.

IMPORTANT NEW MATTERS

Cannop Ponds

Mr Simon Lewis introduced himself as a Forest of Dean inhabitant who had been born there and who is very concerned about the future of the Cannop Ponds. Mr Mark Lewis advised he represented Yorkley Angling Club.

Simon Lewis explained there is an enormous groundswell of support to retain the Ponds and over 42,000 had signed an online petition in this regard. He further commented that at a meeting, all 27 local authority councillors had voted for retention. He felt any change would be hugely unpopular and that a large number of species of animals and plants would be adversely affected. Furthermore, he was aware Mark Harper had viewed an unredacted copy of the original engineer's report and supported the idea of carrying out necessary repairs and leaving the two Ponds intact. He added that the Ponds are unique and any change would damage something of historical significance, as well as a source of water in the event of fires in the Forest due to increasing global warming.

Mark Lewis commented that any works should be minimal and for safety reasons only. He explained there are up to 10,000 fish in the ponds and mostly native species, with the exception of some Chinese carp introduced some 40 years ago, so if one of the Ponds must be drained down, he would want the fish moved to the other Pond. In his opinion, he felt Forestry England would like to have the Ponds removed and allow the area to rewild, thereby removing all future responsibility under the Reservoirs Act. He added the two ponds are Category C reservoirs, so there is no danger to life if there is a dam collapse and that the released water would not even reach Parkend.

Mr Daniels commented this view contradicts advice previously given, but Mrs Middleton referred to the Forestry England document "The Next Chapter" which states the three possible options for the way forward and surveys continue to be undertaken and no decision has been reached about the future of the Ponds.

Mr Jenkins congratulated the representatives for the research undertaken and the efforts made by them and others. The Senior Verderer thanked them for attending the Court and for their presentation. They thanked The Verderers in turn for inviting them to the Court and the opportunity to present the views of their Save Cannop Ponds group.

Following their departure, Mrs Middleton advised there is a new engineer's report in the public domain and she would ensure a copy is forwarded to all.

The Deputy Surveyor commented the view that a flood from dam failure would not reach Parkend was incorrect and the Environment Agency had produced a report that dam failure would lead to severe flooding and damage as happened in the Glashutte Dam failure in Germany. He added that although the Lower Cannop Pond had a Category C rating,

nevertheless the Upper Pond had a B rating and in spite of fact it contained less cubic metres of water.

The Senior Verderer stated that in his view, the removal of the Ponds would be a very serious loss to the Forest and both Messrs Daniels and Jenkins agreed with this. Mrs Middleton commented that it was important to wait for the result of all the reports and surveys before making any decision, but Mr Daniels stated that over 40,000 people had already made their views known that they did not wish the Ponds to be removed and the surveys and reports would not change this.

Damage caused by Unauthorised Mountain Biking Trails

The Senior Verderer thanked Tom Brockington for very kindly and at short notice attending the Court to make a presentation on this subject.

Tom explained that Forestry England are trying to tackle and manage the pressure of the increasing number of visitors to the Forest, amounting to over 735,000 across the various visitor sites alone in 2021. He added that Forestry England has a useful tool in the ability to obtain data from Strava, showing areas where walking, running and cycling occur. For example, this data showed over 600,000 “hits” in the Mallards Pike area in 2021 and nearly 4 million around the Cycle Centre at Cannop.

Forestry England’s approach to improve the situation is threefold:

1. Public Engagement

With regard to unauthorised trails, he advised there are two separate groups: those who construct the trails and those who then use these new trails as they come to the attention of the mountain biking community.

The strategy is to focus on the trail builders and engage with and educate the community to reinforce the mountain biking etiquette by stressing the use of official trails to stop the spread of tree disease and taking action such as washing tyres after each ride and also to abide by signage to avoid damage to the ecosystem in a particular area.

2. Advocacy Group

This involves meetings between the Forestry England cycling ranger team and the mountain biking community and is slowly building mutual trust. As a result of working together, the message is getting through to the wider cycling community and, for example, there has been a substantial reduction in activity in Staple Edge due to the tree disease factor.

The community are beginning to understand and appreciate it is in their interest to police themselves to avoid damage and to ensure biosecurity, so some unauthorised trails have been removed from Strava and Trailforks to prevent others accessing dangerous unauthorised trails.

The Deputy Surveyor added that it is mostly local people who are responsible for creating the trails and the Deputy Gaveler added that vandalism of safety fences has substantially reduced due to the cohesive approach and education changing peoples' behaviour. Mr Jenkins commented that although he has seen many mountain bikers, there appears to have been a substantial reduction in the number of horse riders in the Forest. The Deputy Surveyor advised that anecdotally, riders have advised this is due to the presence of wild boar and fear of losing control of a horse if a boar is in close proximity.

3. Events at The Cycling Centre

Although there had been a hiatus in the educational activities at the Centre due to the pandemic, group meetings there have helped Forestry England to educate the mountain bikers on such subjects as Trash Free Trails philosophy and clean bike policy.

Mr Brockington then reviewed Forestry England policies:

a. Trail Feature Removal

There are categories allocated to such features and if dangerous, they fall in to the red category where they will be safely removed. Examples are where features are built over badger setts or archaeologically important sites. Information signage is used to explain the reason for removal. He added that the advocacy groups have an important role to play in educating people to stop digging features and removing trees.

b. Position Statement

Cycling is tolerated on paths provided no damage is caused and other people are not adversely affected, for example. There are byelaws to protect the environment, including no digging without consent; no wilful disturbance of wildlife and no entry to prohibited areas. He added that it is accepted it is very difficult to enforce the byelaws but their existence is very important for policy purposes.

c. Zoning

There are three distinct zones in this proposed policy – protected, quiet and recreation. In a protected zone, such as an SSSI, no unauthorised trails will be permitted. In a quiet zone, the construction of further trails or car parking over and above existing features will not be permitted to ensure the area is kept as safe as possible. Recreation zones are places such as Beechenhurst, for example.

Mr Brockington explained that zoning is a policy that will require strong and robust rationale for creating a particular zone. He added that there are quiet zone trials in High Meadow and Flaxley.

The Senior Verderer thanked Mr Brockington for his very helpful presentation. Mr Daniels commented that it appears weekends are a major problem as the bulk of Forestry England staff are not working and there is no mechanism to report issues and the trail builders are

aware of this. He added that the byelaws are very difficult to enforce due to a high burden of proof and strong evidence of breach, so education is of the utmost importance.

In response to an enquiry, the Deputy Surveyor explained that if a cyclist is injured or causes injury due to riding in an irresponsible way, the cyclist is liable for the accident and Forestry England term a trail as “unauthorised” in view of liability under the Occupiers Liability Act and the duty of care imposed by the legislation. He accepted that there are powers and policies in existence, but simply not enough staff to enforce these.

DEVELOPMENTS AFFECTING THE STATUTORY FOREST

There was nothing new to report.

COMMONING

There was nothing to report on this as the SLG has not had any further meetings, although the Court heard Jeremy Awdry had been in prison for breach of orders imposed on him and there continued to be a problem with Kevin Hancocks’ sheep on the highway, but outside the Statutory Forest. This was therefore a Police issue to resolve under the Highways Act.

In view of the dissolution of the SLG, it was suggested that the Commoners Association should be invited to the Court and perhaps on an annual basis, to enable the Verderers to be updated on this subject. The Steward was directed to invite Mr Holder to the August Court for this purpose.

DEER AND BOAR

The Deputy Surveyor advised the next thermal imaging survey will take place soon and this will enable the cull to be quantified as the present population is very close to the target of 400.

In response to an enquiry about the ecological effect of the presence of the boar, he advised that low numbers of the animals had a beneficial effect in controlling bracken and so forth, but high numbers resulted in significant damage.

Mr Jenkins asked if the deer and boar cull was profitable and was advised the carcass sales did not even cover the cost of one Ranger.

STRATEGIC APPROACH

It was agreed this Agenda item could now be removed as Our Shared Forest is up and running.

DEPUTY SURVEYOR’S REPORT

Statutory Plant Health Notices

A large area of larch is to be removed in the area around Sling as badly affected by phytophthora. It is estimated all larch will have to be removed from the Forest within the next ten years.

Road Safety

Ash dieback removal work continues apace.

Rewild

Although not a matter for the Court, the Deputy Surveyor was aware of a number of complaints about the removal of Rewild from using the Kensley Sheds. He explained that Gloucestershire Wildlife Trust had reported a number of children and young adults under the supervision of a Rewild director had been seen on the ice at Woor Green lake. This was investigated by Forestry England as there had been no prior knowledge of this and certainly no permission given. It transpired there had been no risk assessment and no apology was received, resulting in professional trust of Rewild by Forestry England being shattered. This incident has led to an investigation by the County Council's Local Authority Designated Officer and a notice from Forestry England to Rewild to discontinue using Kensley Sheds as a licence to do so came to an end on December 31st and will not be renewed until trust in the activities of Rewild has been re-established.

Pine Martens

In response to a question from Mr Jenkins, the Deputy Surveyor advised that reintroduction of the animals appeared to be going well and the population had increased to about 50, following successful breeding by the 16 pairs originally introduced. He added it is hoped the population will eventually link up with those in Mid Wales as some animals had already moved out of the Forest and into Herefordshire. At present, it is not known what effect the reintroduction has had on reducing the grey squirrel population as too early to tell.

The Deputy Gaveller commented that a bat surveying group had expressed concern as a pine marten had appeared to take an interest in a mine roost for horseshoe bats.

MINERALS

The Deputy Gaveller presented his Report and a copy is appended to these Minutes. He advised that the Freemaners have to be aware of bad air quality underground due to high water levels. He added there will be a visit by the Mines Inspector as he is soon due to retire.

Mr Daniels expressed concern about the inflexibility of a new policy and procedures causing delay in obtaining a supply of pit timber. The Deputy Surveyor asked him to make a personal approach when required and he would ensure availability.

ANY OTHER BUSINESS

Agendas

It was agreed the pro forma Agenda should be abandoned and a fresh document prepared for each Court with details of invitees listed and the Agenda dated for each Court.

Speed Limits

The Forest Road Safety Group is to meet after a long delay due to the Covid outbreak and it is hoped this will result in some progress.

His Majesty King Charles III

The Steward advised he had received a response to his letter on behalf of the Verderers and it is hoped there will be an official picture of His Majesty to display in the Courtroom following his coronation.

DATES OF THE NEXT COURT SITTINGS

These dates were agreed as 14th April 2023 and 11th August 2023, both commencing at 2.45pm.

Verderers

Deputy Surveyor

Steward