

11th August 2023

Dean Forest to wit

Before

At a Special Court of Attachment
of our Sovereign Lord the King at
The Speech House on the 11th
day of August 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.

I.J. Standing Esq., BDS, M.A. MUSMS Dip.
R.W. Jenkins Esq., J.P.
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 Mick Holder from the Forest of Dean Commoners Association who had been invited to make a presentation on the issue of Commoning in the Forest.

APOLOGIES AND DECLARATIONS OF INTEREST

There were no apologies and the Senior Verderer asked Mrs Middleton to declare any interests. Mrs Middleton stated that she worked for Forestry England and is Vice Chair of the Forest of Dean Local History Society. The Senior Verderer said that it was only important to record those items that could be perceived to be a conflict of interest. Mrs Middleton asked if any other Verderers were going to be asked to declare any interest. For example, if the Court was going to discuss Freemining, shouldn't Mr Daniels declare an interest in Freemining? The Senior Verderer replied that if the Court were to discuss Freemining, then Mr Daniels would declare an interest then.

MINUTES

The steward handed out copies of the minutes of the last meeting, but Mrs Middleton commented that they were not the correct minutes because some amendments to the draft minutes had not been included. The correct minutes had been emailed to Verderers, so this version was approved and signed. The Steward was directed to send out the correct version of the minutes again (as the emailed version sent as an attachment had not opened properly) and, in future, to send hard copies to all Verderers following any amendments to his initial draft set of minutes.

MATTERS ARISING

Mountain Biking

No response had been received to the Verderers' letter to the Chief Executive of Forestry England, but the Deputy Surveyor confirmed Mike Seddon had seen this.

Commoning

The Senior Verderer invited Mr Holder to address the Court on the issue and to air the views of the Commoners Association. Mr Holder thanked the Verderers for the opportunity to do so. He commented that there had been problems on both the A48 and in Coleford with sheep belonging to graziers who are not members of the Association, but the situation had improved.

However, he added there are problems looming, especially with the large number of sheep owned by Mr Awdry. He had been moving sheep towards Coleford and also near to the A48 at Lydney. He had been advised to respect the common in the Forest, but had not taken any notice of the warning. He commented that there had been no assistance from Forestry England to deal with these issues and the problems will undoubtedly resurface.

He referred to the recent and temporary resurrection of the SLG and advised the Association would very much like to see this group reinstated with one of the Verderers as an independent Chair.

He mentioned that six families at Blaize Bailey had been badly inconvenienced for a week when their lane had been closed to enable the installation of fibre broadband cabling. Forestry England had been requested to assist to prevent the problem of residents not having vehicular access to their homes but had not done so.

The Senior Verderer thanked Mr Holder for bringing these issues to the attention of the Court and advised the Verderers would consider the request to chair the SLG and reply to him in due course.

In response, the Deputy Surveyor reminded the Court that Forestry England can only use the byelaws to deal with sheep related issues. In the past, the Forestry England shepherd has assisted to lift sheep at the request of the Police, but one of the outcomes of the case, decided in Cardiff was that the Town Police Clauses Act must not be used for a pre-planned event, leaving Police enforcement under the Highways Act as the only measure available.

Mr Holder commented the Police will take no action where sheep merely cross the highway. But the major problem is the lack of markings on sheep, so it is difficult to establish ownership.

Mr Daniels enquired if the sheep causing problems in the Coleford area belonged to Kevin Hancocks. He was advised that Mr Hancocks was in hospital and seriously ill and there are ongoing attempts to move his sheep away to resolve the problem, especially as there have been many complaints about sheep left unshorn, suffering from fly strike and indeed, there had been some deaths.

Mr Jenkins asked if Forestry England is responsible for sheep leaving their land and was advised that the sheep are not owned by Forestry England and any problems are vested in the owners, with the main issue being irresponsible shepherding by those who are not members of the Association. He added that Kevin Hancocks' teenage son is trying to look after his father's sheep.

The Deputy Surveyor commented that contrary to public opinion, Forestry England welcome sheep in the Forest and would actively encourage this provided there is responsible shepherding. He added the Police are reluctant to act because of the ruling in the Cardiff case, but Forestry England will lift unmarked sheep on their land and Gloucestershire County Council Trading Standards officers will act if there is an animal welfare issue involved, such as the operations in the Coleford area and on the A48.

Mr Holder commented that the Association had attended to help where the Trading Standards officers had taken action and despite the sheep involved being unmarked and not owned by members of the Association.

He added the main instigators to restore the SLG are the Association and Councillor Terry H Hale from FODDC. The Deputy Surveyor commented that no-one from the Council has been proposed to attend the SLG and the Police and Trading Standards may be reluctant to rejoin if not seen as an effective body, so it is of great importance to get all stakeholders on board to ensure this is the case.

Mr Daniels enquired if the issue at Blaize Bailey could have been alleviated by Forestry England cooperating with the residents on Blaize Bailey by allowing access via the Forest to Blaize Bailey in an emergency whilst the road was shut. Mr Daniels declared an interest in that he has an elderly relative who lives on Blaize Bailey. The Deputy Surveyor replied that the matter should have been dealt with by the Highways Department and Gigaclear. In response to a query about using a Forestry England access road to overcome the problem, he added this was not possible due to insurance issues and that a licence is required for this purpose.

On this point, Mr Holder enquired as to the position of Association members who hold public liability insurance and need access to remove dead sheep, for example. He was advised to contact Kate Garbett at Forestry England with details and the registration number of the vehicles involved in order to obtain a licence. He accepted there would be an issue where access gates have combination locks in place of keys, but this is for security reasons and the numbers are changed regularly. An approach to Kate Garbett should resolve any issues. Mr Holder commented that many felt the present Deputy Surveyor had been far less accommodating to the Association than his predecessor, Rob Guest.

The Senior Verderer thanked Mr Holder for attending the Court and expressed the sympathy of the Verderers with all the problems faced by him and his members, but thanked the Association for all their hard work despite these continuing issues.

IMPORTANT NEW MATTERS

Speed Limits

Mr Daniels advised he had spoken to County Councillor Beki Hoyland and there is a groundswell of opinion for addressing this issue. Following a general discussion, he will draft a letter to the Police and liaise with the Steward to progress matters.

DEVELOPMENTS AFFECTING THE STATUTORY FOREST

Forest Fires

Mr Daniels commented that in view of the ongoing issues with wildfires around the World, there is a fear this could affect the Forest and he asked if the waters at Cannop Ponds would be used to quell any fire.

The Deputy Surveyor advised Cannop Ponds would not be used as the pumps would be rendered inoperable if the waters were used and the Fire Service would rely on the hydrants to operate service pumps.

He added that the Forest comprised mostly broadleaf trees on very wet soils and although very high temperatures for an extended period could present problems, a few days of exceptionally hot weather would not be an issue. However, Forestry England is not complacent and a great deal of work is ongoing to ensure forests are not subject to uncontrolled wild fires and future safeguarding is being planned, including the use of fire breaks. He added that barbeques are now banned in the New Forest and it is a criminal offence to use them. There is also a ban in the Forest, although not a criminal offence in the Dean.

Silvicultural Methods

In response to a query from Mr Daniels about damage caused by large and heavy machinery used for forestry operations, the Deputy Surveyor explained that there is less damage caused by specialised equipment than agricultural machinery, due to big balloon tyres. In addition, extraction route design has improved and new beat foresters are very aware of the improved methods and the use of the continuous cover method in place of clear felling.

Community Orchards

An enquiry was made by Mr Daniels to express public concern at the growth of public orchards, benches and so forth replacing open forest in an unwanted trend people have termed "parkification" of the Forest. The Deputy Surveyor explained that the land in question formed part of York Lodge and was not open access land. It had previously been used under licence to keep horses and when the licence ended, the community wanted to create an orchard.

Mrs Middleton added that a similar project existed at Worcester Lodge and it had proved to be very popular, well run and open to all.

Mr Howell commented the plan is for trees to be planted, but no fencing or mowing to take

place.

DEER AND BOAR

There was nothing new to report on this matter.

DEPUTY SURVEYOR'S REPORT

Forestry Commission Visit

On 10th August, Forestry Commission executives had visited the Forest and had visited various sites, including Russells Enclosure and Beechenhurst.

Mountain Biking

The World Championship had been held in Scotland and four out of the top five had used the Forest for training, including the gold medallist. The Dean is viewed as one of the premier places for mountain biking, but has led to pressure on the Forest due to the overwhelming number of visitors, especially at weekends. The lack of green space elsewhere has led to overcrowding and it is hoped initiatives such as the Severn Corridor strategy will relieve this pressure. Mr Daniels commented that the policy of encouraging unrestricted cycling in the Dean had caused this problem and he felt the success at the Scottish event was not something to be applauded.

The Deputy Surveyor added that Our Shared Forest principles involve locals sharing the Forest with tourists, but all visitors should protect the ecosystem and wildlife in their pursuits.

Tree Health

The Deputy Surveyor advised this is getting worse, with tree diseases increasing and climate change causing very real issues, due to lack of frosts and heavy rain and drought cycles. Oak trees are badly affected and the Forest Waters Project aims to tackle the problems of surface water flooding and drought and to mitigate the effects of climate change. The aim is to slow the rate of water leaving the Forest to prevent drought. He added that Forestry England is doing everything possible to mitigate future risks, yet is constantly and very unfairly being blamed for mismanagement.

Cycle Centre

This is seen as a world class mecca in the Dean and there is a project to train 200 youngsters to use official trails. Mrs Middleton questioned if this is a good idea and would it not escalate the existing problem, unless the training included the importance of using authorised tracks and not unauthorised trails, but the Deputy Surveyor saw this as a good opportunity to educate local people and create responsible cyclists.

Mr Jenkins enquired how many official trails exist and was advised these comprise some 70 kilometres. He asked if this included the much-used Staunton area but was advised this was in fact unofficial and used by huge numbers.

The Senior Verderer commented that although the family cycling trail is excellent, there is a huge and increasing problem with unofficial cycling and he felt this has been caused by many years of encouragement by Forestry England. (mentioned at start of minutes).

Mr Daniels commented that the Commission in Scotland had acknowledged the problem of damage caused by uncontrolled mountain biking and an active campaign is in place to address this issue, but why not in England where this activity is causing so much damage and about 20% of Strava trails are in the Forest.

The Deputy Surveyor responded by suggesting the Verderers await the Chief Executive's response but added that the Forest is not alone with regard to the unauthorised trails issue. Woodland throughout the whole of the country is affected and some cyclists are oblivious to the concept of responsible cycling, as indicated in the aggressive response to the excellent video about responsible cycling on social media, with the attitude that they will go where they want and do what they like.

MINERALS

The Deputy Gaveller presented his Report and a copy is appended to these Minutes. Mr Daniels commented that he felt very positive about the future of freemining.

The Deputy Gaveller added there had been a number of complaints about poor and inadequate fencing around licensed sites and licensees are being reminded of the obligation to repair or replace. In response to an enquiry, he advised Forestry England supply the original fence but it is the duty of the licence holder to maintain and keep in repair.

Mr Daniels enquired about the road closure between Soudley and Cinderford and was advised this is due to an underground collapse, but the cause is unknown. It will be investigated by Gloucestershire Highways and repaired.

ANY OTHER BUSINESS

Hawkwell

The Senior Verderer enquired about the large amount of felling in the Northern United area and was advised this was a phytophthora affected site and there is no plan to extend or expand the existing development site.

The Deputy Surveyor commented that the District Council should be contacted if an update on the Northern Quarter is required. The project had been reviewed by the Council as the only development had been the construction of the College, but no report had been forthcoming, so far as he was aware. He added that the extension of the road will not happen due to the astronomical cost for the planned work.

Speech House

Mr Jenkins mentioned the unsightly appearance of dead trees opposite the building and mentioned at the last Court. The Deputy Surveyor advised this is a SSSI and Natural England

consent is required to move trees. The Court requested an application for consent be made as the site looks so unsightly and neglected.

Roadside tree removal

Mr Jenkins asked about the tree felling on the road to Monmouth as there is a lot of timber lying at the roadside. The Deputy Surveyor explained that the area is being cleared and chipping will take place to resolve the issue.

Website

Mrs Middleton enquired if this is ready and the Senior Verderer advised the development work has not been fully finished but it should be completed in the very near future.

Our Forest

Mrs Middleton reported there had been 45 attendees at the June Forum event and the Forestry England update had been well received, although there had been very strong feeling more needs to be done about unofficial cycling. She added that Rich Daniels and herself are due to visit the Forest Waters Project on Tues 15th Aug. .

DATES OF THE NEXT COURT SITTINGS

These dates were agreed as 24th November 2023 and February 2nd 2024, both commencing at 2.45pm.

Verderers

Deputy Surveyor

Steward



-VERDERERS COURT MEETING 11th August 2023- Minerals report from the Deputy Gaveler

-Contents-

1. Freemining – General
2. Coal Authority
3. Health and Safety Executive
4. Quarries (Subject to the DFMA 1838)
5. Quarries (Being dealt with by the ALA)
6. Other general information

● Freemining - General

- No new requests for Application to register as a Freemaner since the last Court meeting of the 14th April 2023.
- Total number of Freemaner registrations since 01/09/1838 = **4370**.
Total number of Free Quarrymen registered = **320**
New Grant of Gales since last court = 0
New requests for Grant or re-Grant since last court = 0
- No reports received from any operational site to suggest significant problems or new issues.
- Previously reported 'new' site - work continues with a number of communications between the Beat Forester concerning tree removal. The Deputy Gaveler had received report from a member of public that unlawful activity had been undertaken. The Deputy Gaveler can confirm that all licences and permissions regarding trees and minerals are in place.
- No news or feedback to report regarding 'Freemining Futures' legacy project.

● Coal Authority

- All formal Licencing with the CA in the Forest of Dean is up-to-date
- The Deputy Gaveler continues to liaise with the permissions team at the CA on a regular basis regarding disturbance of minerals for development purposes.
- All operational sites are compliant with Reg 59(1) – working plans are up-to-date.
- Bi-annual meeting between CA and Deputy Gaveler scheduled for the 19th April 2023 took place without any outstanding or required actions.
- No further outstanding issues



-VERDERERS COURT MEETING 11th August 2023-

Minerals report from the Deputy Gaveller

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- **Other General Information**

- The Deputy Gaveler has received a number of reports concerning poor and inadequate safety fences around certain remote historical mining sites - all have now been actioned for immediate repair.

The Deputy Gaveler would like to remind all operating sites of their responsibility to ensure that safety fences around Rule 10 mineral site are the responsibility of the Licensee and as such should ensure that they are in good condition and fit for purpose.

REPORT END.



Deputy Gaveler

D Howell
Deputy Gaveler
Dean Forest.



"Moneo et Munio"





- **Health and Safety Executive (HMIM)**

- General HSE administration for ED6 is being covered by Adrian Jurg (HMIM) Until further notice.

- **Quarries (Administered by the Land Agent but subject to DFMA 1838)**

- No new applications for Grant of Stone-tract by a Freequarryman OR Freeminer.

Main Quarry Sites: - No further news to add since last court.

- **Bixshead Quarry** – Occupied by Forest of Dean Stone Firms Ltd under existing lease agreement but undergoing renewal process with Forestry England Land Agent. Highly productive with Minerals planning extension in the pipeline.
- **Great Berry Quarry** – Occupied by Mr McGindle and undergoing renewal with new Forestry England Land Agent. Not currently working any minerals.
- **Knobb Quarry** – Occupied by Norton Stone of Gloucester under a new lease agreement. Quietly productive with nothing further to report.
- **Monument Quarry** – Occupied by Mr H Cole under existing lease agreement. Quietly productive with nothing further to report.
- **Birch Hill Quarry** – Occupied by Cotwold Stone under existing lease agreement. Quietly productive after a recent change of staffing and site management. Nothing further to report.
- **Mine Train Quarry** – Occupied by Mr J Tainton but is not currently extracting any minerals. The lease agreement and planning are preserved, and Mr Tainton has expressed an interest returning to the quarry when the market for his unique product becomes more favourable.
- **Copes Quarry Blakeney** – Occupied by Mr N Jenkins and Mr N Bull. Currently under new lease offer and being dealt with new Forestry England Land Agent

- **Quarries (Administered by the Land Agent but not subject to the DFMA 1838) including matters from previous Court**

- **Stowfield** – Reporting business as usual.
- **Stowe Hill** – No further movement regarding the planning on the option site containing FE reserved minerals. Until this has been secured there is no conversation to be had with Crown Estates unless they begin to extract from the exempted area in their existing quarry. Forestry England's original offer regarding extraction option now requires renewal should the quarry get go-ahead.