

24th November 2023

Dean Forest to wit

Before

At a Special Court of Attachment
of our Sovereign Lord the King at
The Speech House on the 24th
day of November 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.

APOLOGIES

None.

MINUTES

These were approved and signed.

MATTERS ARISING

Sheep Liaison Group Chair

The matter was discussed and no Verderer wished to be considered to become the Chair of the SLG. Mr Jenkins had already held the post for many years previously. The Steward was directed to advise the Secretary to the Commoners Association of this decision.

Speed Limits

It was noted there had been no response to the email to Mr Choat, although the Steward advised an incorrect email address had initially been provided. He was instructed to chase on this matter.

Website

The Senior Verderer advised a skeleton of the new website has been constructed and content is being considered. The role of the Verderers was discussed for incorporation on to

the website to explain how the Court holds Forestry England to account in pursuance of its duty to protect the vert and venison on behalf of the Crown. It was suggested the website could be useful in advising the public of such items as Forest design plans and so forth. Mr Daniels commented that Forestry England are often criticised but nevertheless do some amazing things and these should be highlighted on the website.

The Verderers also discussed the future of the Court itself as it has been a closed Court for many years, with invited guests only, such as the representatives of the Commoners Association and the Save Cannop Ponds group at recent Courts. It was suggested that members of the public could possibly be invited to make presentments to the Court via the Steward. This would operate in a similar fashion to the New Forest Verderers Court, with a small number of such presentments each court and limited in time for presentation, and with a decision to follow after discussion by the Verderers. Mr Daniels and Mrs Middleton agreed to review the public view of the Verderers arising from the consultation on Our Shared Forest, with a view to discussing this whole matter at a future Court.

Speech House

The Deputy Surveyor advised he had identified the trees but added they will not be moved as they are considered to show exemplary management of standing deadwood, so no approach will be made to Natural England for a licence to remove the trees. The Verderers wished it to be recorded that the eyesore created by leaving the trees in the vicinity of the most prestigious building in the Forest far outweighs the biological value.

IMPORTANT NEW MATTERS

Sallow Vallets Strategy Plan

It was noted the plan is out for consultation.

Cycling

The Forestry England strategy had been published in a booklet. Mr Daniels noted that clear signage had been erected to advise mountain bikers of rules, etc. He considered this an important step, although he had not noticed any immediate change in behaviour by the cyclists.

DEVELOPMENTS AFFECTING THE STATUTORY FOREST

Road Closure

The Deputy Gaveller reported that the problem had been found to be a collapsed culvert under the road and not a mine collapse as originally feared. Repairs are to be undertaken by the County Council.

Forest Waters

The situation at Buckshaft was discussed, where the Environment Agency had licensed Severn Trent to pump water from the limestone aquifer. The water company had wished to close the sewage treatment works there but the EA had declined to allow this on the basis it would adversely affect the flow of water in the area.

The Deputy Surveyor commented there is significant scope to develop the area to prevent flooding and to make ecological improvements. The Senior Verderer mentioned the frequent sewage disposal events polluting the stream there and the Deputy Surveyor agreed the Cinderford Brook is the most polluted stream in the Forest, with pollution also occurring from several individual sites that border the stream.

The Deputy Gaveller advised he had met with a Severn Trent representative who had explained the company pumps water from the low level at Buckshaft to Lydbrook. He added that too much water had been pumped and this had caused issues at Lydbrook.

The Court heard the water company had given up the licence to pump sewage into Hawkwell. Mr Jenkins enquired how far down in Hawkwell before the water is found and the Deputy Gaveller advised about 350 feet.

COMMONING

There was nothing new to report and it was noted the SLG remains inactive.

DEER AND BOAR

The Deputy Surveyor advised the most recent survey results show deer to number about 1,650. This is double the target number and there are a disappointing number of muntjac present.

Boar number 620 and this is about 200 more than in 2022. Unusually, this 30% increase has not been reflected in an increase in RTAs involving the boar.

He added that there are presently four Rangers and one trainee, but no budget to retain more than four altogether.

DEPUTY SURVEYOR'S REPORT

Forestry England Income

The Deputy Surveyor advised Forestry England is operating under considerable financial constraints due to the collapse of the sawn log market. This is due to a substantial drop in house building due to high mortgage rates putting a brake on the housing market and combined with European wood being dumped into the UK due to a decline in softwood trading in Europe. Sawmills are working at greatly reduced capacity as a result. On the other hand, the market for small wood for fuel and chipwood is going well. Recreation visitor numbers remain stable but due to financial constraints, expenditure has reduced substantially.

A perfect storm has been created with salary pressure upwards but income much lower. In addition, contractors' rates are significantly higher with increases between 15 and 30%. Many contractors have left the market to add to the problem.

The result is that Forestry England has been unable to create a settled business plan for 2023-24, a difficulty affecting all NGOs. The forestry authorities in both Wales and Scotland are encountering the same problem. All discretionary expenditure has stopped, with the exception of work funded by DEFRA.

Mr Jenkins enquired how much timber is imported and the Deputy Surveyor advised that about 85% is always imported, mainly from USA and Eastern Europe. Mr Daniels expressed surprise and enquired why the UK only produces 15% of the timber it needs. The Deputy Surveyor explained that a vast amount of woodland in the private sector is broadleaf and not worked for timber production. He added that Forestry England is bound to provide things other than timber production, such as recreation. This benefits the public but does not make money and the business model is tied to construction and this needs to recover.

Mr Daniels enquired about the organisation established to market and promote British timber and was advised the promotion is good but badly affected by the construction industry being at such a low ebb.

Mr Jenkins enquired about the size of the Forest of Dean and was advised it is just under 50,000 acres in total

MINERALS

The Deputy Gaveler presented his Report and a copy is appended to these Minutes. He referred to his meeting with the Coal Authority representatives and advised the Authority plans to be in the Dean in 2024 to deal with abandoned mines, mine entrances and so forth. He also mentioned the work being carried out by the new Land Agent, Mari Sibley. Finally, he commented that the output at Stowfield has increased substantially to over 290,000 tonnes.

ANY OTHER BUSINESS

New Forest Verderers

Mr Daniels and Mrs Middleton had visited the New Forest and reported on their trip. It had been very interesting to both enjoy a tour and to see the Court and view the presentments which to some extent mirrored issues in the Dean, such as return to common and water course opposition. Mrs Middleton mentioned the Court's tranquillity policy, being an attempt to protect the beauty of the New Forest. She added the Verderers have extensive powers to stop development and to set speed limits. In the New Forest, speed limits are on the road itself and not roadside signs, following an application to the Department of Transport. They noted signage about protecting the New Forest and highlighting rules and regulations.

The Deputy Surveyor commented the powers vested in the New Forest Verderers are substantial and far-reaching, with significantly different views held between the thirteen Verderers, some elected and some appointed. There is a very different system in place and the Court is very proactive with the Police, for example.

Mr Daniels commented that in the New Forest, commoning is seen as a positive pursuit and not vilified as in the Dean. There are warning signs, use of reflective collars and so forth. The Court receives income from the use of the common for cattle, ponies and sheep, and employ agisters to deal with these matters. Also, Forestry England employees and commoners have housing available to rent in the New Forest.

Steward's Retirement

The Court was aware the Steward had advised he wished to retire after nearly 40 years in post, initially as deputy to Robin Haines who had been unable to attend due to ill health and later officially appointed in 1987. Mr Jenkins commented that the Steward had been extremely helpful to him in his many years as Senior Verderer and all the Verderers thanked him for his long service to the Court.

The Deputy Surveyor commented that the Verderers should formulate a job prospectus to attract a suitable candidate from the legal profession as the Steward's contract ends in March 2024. The Steward advised that he would be willing to continue for a short additional period until his successor is appointed if this would assist the Court.

His Majesty The King's Official Portrait

The Deputy Gaveller will apply for a copy for the Court as this must be done by February 2024.

Forestry (Transfer of Woods) Order 1924

It was noted that in 2024, a century will have passed since the Forestry Commission was appointed to look after the Forest under the Forestry (Transfer of Woods) Order in 1924

New Fancy

The Senior Verderer thanked the Deputy Surveyor and his staff for the work done to the viewpoint.

Community Project Meeting

Mrs Middleton mentioned that she and Mr Daniels would be attending a meeting on the 27th November to discuss grazing opportunities and this would be a forum for ideas to be brainstormed and involve presentations by Forestry England staff.

DATES OF THE NEXT COURT SITTINGS

These dates were agreed as February 2nd 2024 and 10th May 2024, both commencing at 2.45pm.

Verderers

Deputy Surveyor

Steward



-VERDERERS COURT MEETING 24th November 2023-

Minerals report from the Deputy Gaveler

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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

1. Freemining - General

- No new requests for Application to register as a Freeminer since the last Court meeting of the 11th August 2023.
- Total number of Freeminer registrations since 01/09/1838 = 4371.
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 regarding normal operations on the Public Estate.
- Freeming Future CIC - Item removed from Verderers report

2. Coal Authority

- All formal Licencing with the CA in the Forest of Dean is up-to-date
- The Deputy Gaveller continues to liaise with the permissions team at the CA on a regular basis regarding disturbance of minerals for development purposes and confirmation of ownership liabilities.
- All operational sites are compliant with Reg 59(1) working plans are up-to-date.
- Bi-annual meeting between CA and Deputy Gaveller took place 8th November. In attendance for the CA, Helen Day (Licencing and Permissions) and Andy Hoskins (Project Manager). A number of outstanding issues regarding submission of historical abandonment plans, working statements and situation reports were discussed and all actions subsequently resolved/completed by the DG. Photographic records for safety and compliancy inspections are now used as key points of discussion with the focus of safety and site management being priority.
- Concerns surrounding the surrender of a licence between the EA and Severn Trent raised alarm bells after Severn Trent were considering exploring contaminants (sewerage and associated flocculants) historically pumped into Hawkwell Shaft to establish if there had been any ground water contamination. The Deputy Gaveller provide relevant licencing information to the CA for their consideration as a drilling programme had been considered as a way forward. I can confirm that no public funding has been made available for this undertaking which was going to be part of a nation-wide project. The existing monitors across the Dean will continue to provide information regarding ground-water quality.
- No further outstanding issues

3. Health and Safety Executive (HMIM)

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

4. Quarries (Administered by the Land Agent but subject to DFMA1838)

- 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. Planning now agreed and formal Agreements now being progressed by our new Land Agent Mari Sibley alongside Wardell Armstrong.

- **Great Berry Quarry** — Occupied by Mr McGindle and undergoing renewal with new Forestry England Land Agent. Not currently working any minerals. The status quo remains.
- **Knobb Quarry** - Occupied by Norton Stone of Gloucester under a new lease agreement. Quietly productive with nothing further to report. Currently exploring additional mineral-take to the West of the site but the Deputy Gaveler has explained the confliction over the iron interests as encountered in Mine-Train quarry.
- **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.

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

- **Stowfield** - Reporting business as usual. Production figure 01/04/23 up to and including 30/09/23 totalled approximately 291.5K Tonnes of product.
- **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. Currently on hold until further notice.

6. Other General Information

- A reminder to all Galees that the annual Galeage rents are due 31' December and will be issued in due course. In accordance with normal Office practice, those Galees that are currently in arrears with payment in excess of two years will be given final notice of forfeiture in the event of non-payment ye 2024.

REPORT END.





Deputy Gaveller

D Howell
Deputy Gaveller
Dean Forest.

"Moneo et Munio"

Minerals Report Verderers 24/11/2023 DH



Forestry England