

NEW FOREST NOTES - APRIL 2000

New Grazing Controls for Common Land

The Department of the Environment has issued a consultation document outlining possible new legislation for common land. The proposals are radical and are apparently produced by academics without too much mud on their boots. If applied to the New Forest, they would have far-reaching consequences, particularly for commoners exercising grazing rights. At the moment, we do not know if the government will allow the New Forest to remain outside the scope of the new legislation. On the evidence of the national park proposals - that the Forest no longer merits enough parliamentary time for its own special legislation - it seems highly probable that the new law will be made to apply to the New Forest as it will to all other common land. In the past we have escaped such uniformity because, in Acts of Parliament, common land is usually defined as land registered under the Commons Registration Act of 1965. The Forest already had a register of rights at that time and was specifically excluded from registration. That exclusion has been passed on (perhaps unnoticed) from statute to statute. As usually happens in these cases, no-one in DETR has bothered to consult the Verderers of other Forest bodies.

What agricultural changes would the new legislation bring about if applied to the New Forest? The government evidently sees the main farming problems of common land as being those of overgrazing, unsuitable supplementary feeding, and the turning out of uncastrated stock. The last of these is not relevant to the New Forest because the practice is already prohibited by byelaw. The consultation document quotes the statutory definition of overgrazing, as applied to subsidy schemes: "grazing land with livestock in such numbers as adversely to affect the growth, quality or species composition of vegetation . . . on that land to a significant degree". It considers an alternative and tighter definition to include "any level of grazing which results in an adverse impact on the environment, regardless of the degree". It then goes on to look at ways of controlling the problem including self-regulation, withdrawal of cattle subsidies and so on. In the New Forest there is already power for self-regulation under our special legislation, but the Verderers have always regarded such restraint as unnecessary.

The consultation document further considers "unsuitable supplementary feeding", defining it as feeding in "such a manner as to result in damage to vegetation through excessive trampling or poaching of the land by animals or excessive rutting by vehicles".

It has to be said that there are, as yet, no hard-and-fast proposals for legislating on these points and the government is inviting public comment by 10th April. If the new law is to apply to the Forest, it will bypass much of the present jurisdiction of the Forestry Commission, so that both they and the Verderers' Court will need to look carefully at what is planned.

My own assessment is that the New Forest's problem is quite as much one of undergrazing as of the reverse, although conditions vary from one part of the Forest to

another. A prime example of too little grazing pressure can be seen on the National Trust and gravel company common at Rockford where scrub has been steadily encroaching throughout my lifetime and where English Nature's contractors are engaged in a determined (if extremely messy and rather insensitive) attempt at control. It may be argued that this is an exceptional case, but there are very large areas of the Crown Forest also, where present stocking levels seem barely able to keep pace with vegetation growth. On the other hand, there are some places, often relatively small and partially isolated from the remainder, where pressure is so great that they clearly fall within the quoted definitions of overgrazing and more particularly within the example which the report gives of "significant and unwelcome vegetational change such as heather being replaced by coarse grasses or bracken".

The lesson from this seems to be, as always, that blanket prescriptions imposed from outside the Forest will achieve little beyond annoying the local people. You cannot apply to the whole Forest a set of principles which are appropriate to only a part of it. However, it remains to be seen if we shall be forced into a national common land strait-jacket or if we shall be allowed to continue our own internal agricultural management.

New Draghunting Proposals

In the words of the Forestry Commission's Deputy Surveyor, "This is a subject which will not go away." That, of course, is only because he (or more probably his political masters) will not allow it to do so: many other people in the Forest would be very happy never to hear of it again. At the Verderers' Court on 20th March, he announced a series of trials which, as he delicately put it, "are being submitted to the Verderers". That is polite code for saying that whatever the Court's view of the matter, he has decided to go ahead with the trials secure in the belief that there will be no legal challenge over what appears to the Commission so trivial a matter. I think his assessment is probably right. The Verderers will go through the motions of receiving public comment in this month's Court and then, unless there has been a marked change of heart, they will confirm their opposition. The Commission will then ignore that opposition. All this is rather a pity when the Forest is under such sustained attack from outside and the Court and the Commission would do much better to be pulling together.

The Market for Ponies

Last week I was stopped by someone in the Queen's House car park who wanted to know where she could go to buy New Forest Ponies. For fear of starting a stampede among my fellow (pony keeping) Verderers, I directed her to the breed society's Hon. Secretary in Burley. Such enquiries are now depressingly rare events - at least from people with more than £5 in their pocket. It remains to be seen if the Society's new rule requiring a minimum ten guinea first bid at Beaulieu Road will be successful in putting a bottom into the market. At best it can be no more than a palliative. There is also the unsolved problem of what happens to the foals for which there is no ten guinea bid.

The real problem over ponies is that there are too many of them chasing too few purchasers. Those fillies that fail to find buyers for one reason or another, swell the numbers

on the Forest, breeding themselves after three or four years and giving twist after twist to the miserable cycle of over-production and falling prices. Old mares, unwanted foals, ponies of poor conformation or inability to live on the Forest are worth virtually nothing and are too expensive to kill. If this was simply a New Forest problem, it is just possible it could be solved if everyone worked together - although that is not something which is easy to achieve in the Forest. The difficulty is that there are too many low grade ponies nationally and we cannot solve a nation-wide problem by controlling production in only one area. The British Horse Society has launched a very sensible national campaign entitled "Don't Breed MISERY !", trying to hold back the tide of unwanted foals. I expect it will be largely ignored.

Meanwhile, in the New Forest, reams of paper are flying about with proposals for different cull schemes. If one of them eventually gets off the ground, I suspect it is more likely to result in meeting the Ministry's grazing pressure concerns than in securing a profitable market for ponies.

The Commoners and the Countryside Agency

Last week the Countryside Agency held its first meeting on the national park proposals with groups loosely described as having an interest in commoning. They ranged from the bodies with large memberships such as the Pony Breeding Society and the Commoners Defence to groups with a handful of members and particular local interests.

The meeting produced few surprises. The Countryside Agency's representatives were, as always, courteous and friendly, but they could offer no comfort to the Forest or its commoners. Under questioning, they acknowledged that they can do nothing about the constitution of a park and that it must by law comprise 75% councillors, that if the Forest succeeds in securing one or two representatives, they can always be outvoted by a huge majority if the councillors see fit. In other words, the future of the park must be determined by the majority will of the councillors and by that alone. That is parliament's will expressed through the Acts which govern the park.

There were, as usual, vague suggestions that a councillor-controlled park might, if it felt inclined, spend money on the Forest, although with what objective was not defined. Whether such spending (if it took place) would approach the funds at present put in by the Forestry Commission and the EU, was not discussed. It was also said that there could be more research and more agri-environment schemes, both of which proposals seemed rather less than overwhelmingly attractive to those present.

One new (to me) fact did emerge, and this related to the supposed unique and comprehensive planning protection given by a national park. The Agency representatives admitted that park protection is no greater than that conferred by the ordinary planning designation "Area of Outstanding Natural Beauty". This accorded exactly with the information given to the Verderers by a senior planning officer earlier in the week. Such protection already exists over a large part of the Forest's southern fringe and could perfectly well be extended to any valuable part of the remainder. Since the Agency did not question

the adequacy of the existing protection in the "real" New Forest, it seems that little more than political dogma is driving the national park plan.

It is also becoming increasingly clear that the assurances of "no interference with the Verderers' powers" are very far from the truth. A national park authority carrying out the sort of recreational development currently in the hands of the Forestry Commission and subject to the Verderers' veto, would be able simply to bypass the court and do as it pleased - within the usual planning and wildlife constraints. A central plank of the Verderers' jurisdiction would thus be knocked away.

Altogether, I gained the impression that the Agency, perhaps against its better judgement (certainly against its original recommendation), has been told to get on with cramming the New Forest into a standard national park mould and to turn a deaf ear to all contrary argument.