

NEW FOREST NOTES APRIL 2006

A new threat to the Forest's protection

Someone from another country might look at the New Forest and wonder how it has survived at all in the suburban sprawl which stretches from Poole to Portsmouth. There were all sorts of geological and administrative reasons for this survival in the distant past, but the answer over more recent times is probably quite obvious to anyone who lives here: it is because the New Forest has been protected by special Acts of Parliament for the last 150 years. Without them the Forest would have been split-up, sold-off and built-upon long ago. The Acts were the culmination of a long battle with the Crown which had sought to exploit the area for profit. They were passed at a time when the protection of open spaces for people to enjoy had become almost a national crusade. However, once these laws had been enacted they soon became a thorn in the side of governments of all political persuasions, because they restricted what could be done in the way of money-making and economic or physical development. The fact that the Forest was protected by legislation, which could only be overthrown by new legislation, made the potential despoilers back off each time. To get a Bill through Parliament attacking the Forest would have been virtually impossible. However irritating the Forest's protection may have been to government, it was simply not worth the battle and the political unpopularity to attempt to undermine it. The Forest was left to get on with things, blocking road-building, oil-drilling, pipelines, pylons, car parks, camps and so on. In short, it survived.

All this could now be about to change if the present government gets its way through a seemingly innocuous Bill now before Parliament. The Legislative and Regulatory Reform Bill will enable ministers to alter almost any Act of Parliament they choose by means of an order. A professor of law at Cambridge, John Spencer QC, described the proposals on the radio last week as "unbelievably dangerous" and from a constitutional point of view they are clearly frightening. As the professor pointed out, such minor safeguards as the Bill contains could themselves be swept away by the very powers which are to be granted. Its effect on national legislation is a matter for politicians, although I fear they will be doing a very poor job if it is allowed to pass. From the Forest's point of view the Bill could turn out equally disastrous as it specifically brings within its scope "local" legislation and that means the New Forest Acts. Subject to very minor exceptions in the Bill, the government could simply strike down the Forest's present protection and push forward any development or exploitation ideas it may have. Practically, of course, the use of such powers is likely to be infrequent, but in any insoluble dispute the Forest would end up the loser. Why there has not been a public outcry about the Bill was well summed up by the professor. It is masked by a "soporifically boring" title and has simply been overlooked, although to be fair, the BBC has been doing its best.

This is not just a New Forest problem. Many areas of our most beautiful and wild countryside are protected by local legislation which governments frequently find annoying and

restrictive. Examples are Dartmoor, Ashdown Forest and the Forest of Dean. Similarly the National Trust's powers to protect its inalienable land have blocked all sorts of road schemes and other damage. How convenient it would be for government to have those powers out of the way.

In the Forest, one might hope that the national park would throw its weight against such threatening legislation, but I suppose that as a creature of government it is hardly likely to do that. Moreover, the New Forest Acts, although subservient to the park in many respects, are still capable of acting as a restraint on development and exploitation ambitions. That the Acts should be finally emasculated might not be considered as entirely a bad thing in park circles.

Single Farm Payment

Official DEFRA publications are full of "good news" stories at present, telling how joyful farmers have been receiving their notices of entitlements under the Single Payment Scheme and how fat cheques are following close on the heels of the notices. What is really happening is rather different, with notices of entitlements arriving late and stamped "subject to change pending completion of our validation checks". Before "validation", no payments will be made. The New Forest in particular looks like having to wait and wait for definitive results. The allocation of these "entitlements" (the units in respect of which subsidy will be paid out) are here supposed to include a large measure of subsidy which reflects the numbers of stock turned out in 2004. So far as I have been able to ascertain, few if any commoners have yet received statements including the Forest allocation. My own letter to DEFRA on the subject has been met with the usual silence, despite a desperate plea for a written acknowledgement. DEFRA's special Single Payment helpline, set up to answer questions of this nature, gave the unhelpful response that "we are just a call-centre – you will have to write in"! The Verderers, through their Stewardship Manager (Colin Draper) are trying to sort out the muddle, but I fear we may be in for a long wait.

Brands

All the ponies and cattle in the New Forest have to be clearly marked to show who they belong to. In the case of ponies, this is done with a hot iron and in the case of cattle with freeze brands or an additional plastic ear tag bearing a representation of the owner's brand. This identification is essential for the proper enforcement of health and welfare regulations and to ensure that marking fees have been paid. It is also crucial in the event of accident or injury, ensuring prompt notification of the owner and the arrival of timely veterinary assistance.

The Verderers keep a register of these brands and on it there are over 1600 separate marks recorded. The Court estimates that only 500 are actually in use, so the register is full of dead wood and hopelessly out of date. Now, with an EU threat of compulsory micro-chipping hanging over areas like the Forest, the Verderers have decided that the register must be thoroughly overhauled. Micro-chipping would be wholly impractical, both as to installation and reading, in semi-wild ponies. It would also be extremely expensive. So long

as the Court can demonstrate the existence of a water-tight recording system of brands, the threat is likely to be lifted.

Last month a notice was sent out to commoners requiring the re-registration of all brands in use, by 31st May this year. Each person turning out stock must have his or her own brand: shared brands will no longer be permitted. Shared brands, of course, give endless scope for dispute and uncertainty. A man prosecuted for depasturing (and failing to remove) a donkey with a serious infectious disease, has only to say that the animal does not belong to him, but to his sister's husband's niece (with whom he shares a brand), to escape conviction. To avoid the imposition of micro-chipping it is going to be necessary to prove that such abuse is in future ruled out and that the ownership of an animal is not in doubt.

I think that on the whole there has been general acceptance of the need for this reform, but at the Commoners' Defence general meeting in March there was concern expressed by several families who have a long tradition of sharing brands. They wanted neither the expense nor the inconvenience of change. There is also a sentimental value attached to a brand which may have been in the family for several generations. This is just one of those cases where a new policy, however sound and reasonable, is never going to please everyone.

One interesting point was made to me after the meeting by a senior member of the Association. In order to qualify for the special concessions which allow commoners to build houses in otherwise protected areas, a history of depasturing and commitment to the Forest must be demonstrated. A young commoner whose herd of, say, a dozen ponies, is simply merged with his father's animals, carries his father's brand and has the marking fees paid out of family funds, may be in difficulty in demonstrating the necessary history when he comes to seek planning permission for a house. Once he has his own brand under the new scheme and pays for the animals in his own right, it will be much easier to make out a case to the planning authority.

Rubbish

A presentment from the Commoners Defence Association at the March Court expressed concern that the new garden waste collection service run by New Forest District Council, may result in open bags of poisonous garden waste being put outside houses on the Open Forest for the authority to collect. They will inevitably be found and, if not secured at the top, emptied by Forest animals. There is the further fear that the cost of collection is such that some people may decide to dump their waste in the Forest.

The Verderers hope that it will be possible to overcome the open-sack difficulty by discussions with the District Council and by persuading people to leave bags inside the front gate for collection. Illegal dumping is another matter.

A short time ago there was a ludicrous suggestion that householders producing more than average amounts of waste (often households with a lot of children and perhaps lower than average income) should be charged £2 per sack on the excess volume. This could only have been dreamed up by someone living in the middle of a city. Its consequences for the

Forest would be dreadful. The unscrupulous householder (and the Forest is not short of them) would simply load the extra bags in the boot of the car, drive to the nearest bit of Forest after dark, and dump the refuse in a gorse bush. The increasing volume of commercial waste being dumped in the Forest is a direct consequence of high charges and growing regulation. The Forestry Commission is responsible for dealing with this fly-tipping and the cost is hitting them hard. They can do without a flood of extra garden and domestic rubbish thrown about.

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