

New Forest Notes - June 1995

Pony welfare inspections

Each spring and autumn, the success or failure of the Verderers in enforcing an acceptable welfare standard amongst Forest ponies, is scrutinised by two separate welfare teams. It is an anxious time for the Court and its officers.

The first team Comprises representatives from all the major welfare organisations including the R.S.P.C.A., British Horse Society, International League for the Protection of Horses and the Ministry of Agriculture, Five vets attend including the Verderers' own vet and the chairman of the New Forest Commoners Defence Association, both of whom Practise in the Forest area. The inspection comprises a bus tour of the Forest along a route determined by the Ministry vet and not announced to the Verderers in advance. There is therefore no question of the area being cleaned in advance of the visit. The route usually takes in those parts of the Forest where concentrations of poor animals are likely to be found. The tour is followed by a discussion of the findings, in which the visiting experts pass judgement on the Forest. Perhaps "judgement" is too harsh a word because in recent years the visits have been far from confrontational and the Verderers have been working closely with the experts and Commoners Defence in devising and enforcing a new series of standards for ponies. Nothing in the Forest is ever straightforward and, inevitably, the standards introduced in 1994 and enforced for the first time in the winter of 1994/95 are complicated.

The ponies are allotted one of four grades according to their bodily condition. In effect, Grade 1 ponies are fat, Grade 2 are in good but not fat condition, Grade 3 are thin but acceptable on the Forest during the months of April and May only. Grade 4 ponies are very thin and are never acceptable. Mares suckling foals must be in Grade 1 condition at the end of the drift (round-up) season in November, but are subsequently allowed to fall to Grade 2 condition. Any animal falling below the standards must be removed from the Forest.

Last winter things started well. At the end of the drifts the ponies had been "weeded" to the extent that those remaining on the Forest looked in excellent condition. Throughout the winter the agisters were busy enforcing the standards as the endless rain (far worse for animals than cold) took its toll. By the end of the winter it was very rare indeed to see foals remaining on mares. As a result of this hard work the pony population looked in better condition than I have seen it for years, right up to the end of March. Regular spot checks in all parts showed about 5% falling below the standard, representing no more than the expected level of failure as mares deteriorated and were successively removed. Then in April things started to go wrong. The first problem was that, within the new rules, Grade 3 mares may be returned to the Forest in April without prior inspection by the Verderers, provided that they were not removed in the first place under a formal written order. Many owners, desperate to conserve expensive feeding stocks, lay up fields for haymaking, or to restore damaged pasture, accordingly returned their Grade 3 mares to the Forest. Some of these quickly deteriorated to grade 4. Meanwhile mares heavy in foal lost condition rapidly and, if not removed before, were in Grade 4 condition immediately after foaling. Complaints (notably absent earlier in the winter) started to come in and the agisters were hard pressed for several weeks. By the beginning of May the problem was being brought under control and when the welfare teams visited on the 10th and 11th,

they were generally satisfied with what they found. However, the conditions which prevailed in April had caused much concern and the standards and methods of enforcement are being reconsidered in the light of these difficulties.

One comment made by almost all of the visiting vets related to the desirability, as they saw it, of assessing the carrying capacity of the Forest in winter and controlling the numbers of animals within that capacity. The capacity is, of course extremely difficult to calculate, while control of numbers, although perfectly possible by byelaw, has never been attempted. Many commoners argue strongly against such control and it remains to be seen whether standards which the public will tolerate can be achieved without it.

The second inspection team comes exclusively from the British Horse Society's Welfare Committee. Their viewing of the ponies is carried out by groups of two or three people, each group visiting a different part of the Forest. Their findings and comments were in general, in accord with those of the previous day and they had been able to see a far larger number of ponies. One vet expressed himself disappointed in what he saw, but his view was not shared by the majority. Once again, concerns were expressed about the numbers of stock and their control.

Charging for Horse Riding

It looks as though the Forestry Commission has finally decided to take the plunge and charge for horse riding in the Forest. A recent circular from the New Forest Equestrian Association sets out in graphic detail the restrictions on riders which they fear will follow.

I have heard few complaints about the proposal to charge commercial riding stables, but a great many objections to such a levy on private riders. On the other hand, I have also met a surprisingly large number of riders who have expressed themselves quite willing to pay if they could be sure that the money collected would be spent on maintaining tracks and bridges to a higher standard. They suspect, however, that the payments would simply vanish into some general fund of the Forestry Commission or would replace existing funding of maintenance so that nothing would improve.

Leaving aside the desirability or otherwise of charging private riders, the problems of doing so seem to me to present the Forestry Commission with almost insuperable problems unless they seek fresh legislation. Those problems arise out of common rights.

A past Deputy Surveyor gave a categorical assurance to the Commoners Defence Association that no attempt would be made to impose charges on commoners. So far as I know, he did not explain what he meant by "commoners", but it was generally taken to mean those actually exercising rights of pasture. I assume that the Commission will honour that undertaking and we can therefore rule out of the equation those farming the Forest. The target, therefore, must be the innumerable horse owners who live in and around the Forest and who (with some exceptions) own or rent land as a base for their horse keeping. This is where the commissions plans could fall at the first fence. By far the greater part of that owned or rented land (the reputed area is 65,000 acres) carries rights of common over the New Forest. A right of common is property. It is a legal interest in the Forest, just as the Minister of Agriculture has a legal interest through his ownership of the freehold. Indeed, 19th Century estimates of the relative value of the freeholders and commoners interests put

the latter at 75% of the whole. Since the horse keepers in effect own a share of the Forest, can the Commission prevent them from entering on land which is subject to their rights in a manner employed by their predecessors for untold generations - namely, on horseback? The purpose of that entry may be different from that of the mediaeval peasant, but I wonder if this is a distinction which the law would take into account. Today we use footpaths for recreation which were designed for purely local agricultural purposes, but the law does not seem to distinguish between the jolly rambles outing on a Sunday afternoon and the walk to work of a Victorian ploughman. If I am right in this supposition, the possession of rights would prevent the Commission charging almost everyone in say, Beaulieu, Lyndhurst, Burley, Bramshaw and Brockenhurst. Only a small portion of those living in the Avon Valley villages, the Waterside or around Lymington would not escape the net.

If (and I think it improbable) the mere possession of common rights is insufficient to secure free riding in the Forest, how does the paper commoner avail himself of the dispensation guaranteed to the Commoners Defence Association? It would seem to be a very simple matter. During a regular visit of the farrier, he has his pony's shoes removed (shod horses may not be depastured on the Forest under the Verderers byelaws). Prior to this he must have had his pony branded with a brand approved by the Verderers and he must have arranged for the agister to attend. He pays the agister the due marking fee and the agister marks the tail of the pony which is then led into the Forest where it takes a bite of grass. The owner has now attained the proud status of a practising New Forest Commoner and is exempt from any charges. The pony is taken in again and shod. All sorts of variations on this evasion theme are possible. Altogether, I think the Commission is facing a much harder task than they suspected in charging for riding in the New Forest.