

## **New Forest Notes – November 1995**

### **The Great Ice Cream Dispute**

In the present fractious state of the New Forest, it seems that a good row can blow up from the most trivial-seeming origins. So it is with ice cream, or rather the highly profitable issue of permits to sell it in various parts of the Forest. For some time the Verderers have been under pressure to challenge the Forestry Commission's right to grant such permits without the consent of the Court. The fact that the Commission has been doing this for years and ignoring the position of the Verderers is not (or ought not to be) a material factor in the argument.

Repeated presentments made in open court, together with legal moves behind the scenes have extracted an official admission that the Verderers' consent is required and has not been obtained. A list of proposed ice cream selling points has accordingly been sent to the Verderers with a request that the court should approve it. The Act of Parliament covering such applications does not require the Deputy Surveyor to make a presentment in open court, which would automatically become subject to the Verderers' standing procedures whereby observations from those for or against the presentment would be heard at the subsequent Court. Any views expressed would then be taken into account before arriving at a decision. However, over the years the Court has developed a nose for potential trouble, and ice cream sales, together with the large sums of money tied up in the issue of permits, show all the symptoms of producing serious trouble. The Verderers have accordingly said that the proposals will be announced in open court on November 20th and comments will be received in January in the same way as if the Deputy Surveyor were to make a presentment. A decision will then be made.

Why have ice cream sales, which have been going on in the New Forest for years, suddenly become so controversial? The root of the problem is that they comprise one of the wide range of recreational and trading activities authorised by the Forestry Commission under the Countryside Act 1968 and the New Forest Act 1970. The former Act gave power to the Commission to permit a great many things which are potentially damaging to the Forest, but by the 1970 Act that power was subjected to the veto of the Verderers' Court so far as the New Forest is concerned. If it had not been for the fury caused over the illegal establishment of tracks, I suppose that no-one would have bothered to stir up this pot of other dubious permissions. Now, however, learned ladies and gentlemen are rooting through their files and law books, digging up the sins of commission and omission of the last three or four Deputy Surveyors of the New Forest. As a rule the Forest community tends to be fairly tolerant and not worry unduly about legal technicalities, but this time its tail has been twisted beyond endurance - hence the ice cream row.

No-one knows how much money the Forestry Commission receives for ice cream selling permits. Rumour has it that many thousands of pounds are paid each year for some pitches, but the receipts are kept secret and there are many who believe they should be made public. From a practical point of view also, there are objections to the selling of ice cream at certain sites where there are already conflicts between ponies and the picnic eating public. The mixture of irritated (often provoked) ponies, picnic tables, small children and ice cream, all against the background of a hot overcrowded recreation site, is a lethal one. Kicking and biting is an almost inevitable consequence. The ice cream sales are not solely responsible, but they can be a significant contributory factor. The Verderers may well want to consider whether sales are appropriate in such sites until the human and equine competitors can be physically segregated. In other less troublesome sites there may be little objection. The problem for the Commission is, of course, that the more intensively used the recreation site, the higher the tenders of the salesmen are likely to be.

There is another line of objection to New Forest ice cream sales, and that comes from local traders battling against business rates and the thousand and one other commercial pressures associated with trying to make a living from a small village shop. They see the ice cream fleet as grossly unfair competition, creaming off profits which are rightfully theirs. When the village shop has been forced out of business, you will not be able to buy a loaf of bread or a can of beans from an ice cream van at 5.30 on a December evening. It is a compelling argument, but how far the Verderers ought to make judgements to manipulate trading competition is another matter. One thing is clear: this is certainly the last issue that ought to be decided before everyone has had their say.

### **Indestructible Dung**

It makes an effort of mind to make a comfortable transition from ice cream to dung disposal but the Forest has always been a rich source of such contrasts. Last month the British Horse society visited us on one of its regular welfare checks. Verderers and agisters attended the various meetings. As we crossed Lyndhurst Racecourse, stumbling between the rock hard piles of dung which adorned it, a vet from Exmoor asked if the Forest was yet experiencing problems with wormer residues killing those minute residents of the turf which destroy innumerable dung piles every day. His question may seem to some to be rather esoteric, but consideration of the potential scale of the problem shows that it could become of vital importance in determining how the Forest ponies are managed.

One of the principal factors causing loss of bodily condition in Forest ponies is the worm burden they carry. Last year the Verderers spent over £9,000 in the supply of free wormers for use by commoners on Forest Stock. This is a valuable subsidy when it is remembered that each wormer would cost a private purchaser between six and eight pounds. The most popular and successful wormers (although not the one currently being supplied to the Verderers), used for both ponies and cattle, are based on the drug Ivermectin. The residues of this drug,

passed through the treated animals, are claimed to have a particularly severe effect on the dung beetles and other insects which normally destroy the dung piles. There are four thousand ponies in the Forest, ignoring foals, each producing at least twelve dung piles a day - a total of forty eight thousand dung piles in twenty four hours or seventeen million, five hundred thousand each year. I have no scientific evidence of the production rate of the cattle, but observation suggests it is not much less. The consequences of any wholesale destruction of the dung beetles are therefore too dreadful to contemplate. However, worming of the forest ponies is still sporadic at best and I think we are a long way from making severe inroads into the forest's beetle population. The state of Lyndhurst Racecourse in early October probably had more to do with the drought than with wormer residues. On the other hand. I have seen fairly convincing evidence of the problem in small paddocks where conscientious owners worm their riding ponies at six week intervals recommended by some manufacturers. The resultant build-up of indestructible dung is frightening and the possible long term effects on the Forest itself cannot be ignored.

### **New Charities for the Forest**

This autumn has seen the blossoming of two new registered charities, both concerned with Forest animals but with very different objectives. The first, the Commoning Animals Protection Society (its organisers are to call it CAPS), has educational objectives. It is designed to explain the often complex system of farming in the Forest particularly to visitors, who often entertain notions about the animals and their management. For example a complaint once received by an agister was from a lady infuriated to find that a number of bulls had been turned out on the Forest to the evident danger of the visiting public. The agister politely enquired if the lady was really sure that she had seen bulls. "Of course they were bulls"- came the irritated reply, "They all have horns". In another recent incident, an elderly visitor enquired about the huge logistical problem of getting all the Forest ponies into stables at night. These and the, far more serious misunderstandings about feeding and petting the ponies in car parks, are among the type of ignorance which CAPS hopes to combat. I have some reservations about what can be actually achieved by education but that does not make the attempt any less laudable. The Society has made a good start by issuing thousands of informative and accurate leaflets to hotels and visitor attractions. These describe the chief elements of common right farming and the Forest's management.

I suspect that whether with justification or not, the local public will come to the conclusion that if you like New, Forest Farming and the traditions and institutions of the Forest you should support CAPS and that if you are opposed to them you will join the second new charity. This is apparently a reliant of the New Forest Animal Welfare Group under the title "Caring for New Forest Animals". It presumably now has a constitution acceptable to the Charity Commissioners and it has made frequent statements to the effect that it is not out to destroy the commoner and Verderers, but merely wishes to protect the commoners animals. The

Forest community remains unconvinced and deeply suspicious, preferring to judge from past actions rather than expressed intentions. Within the Forest itself, the two different objectives of the two charities are clear and widely understood. To the man in a Southampton suburb, the confusing similarity of titles may be altogether too much to unravel. He will instead send his £5 to the local cats home.