

New Forest Notes – November 1996

One more Agister

Within ten days of the RSPCA issuing a firm warning to commoners over maintaining the condition of their animals, the Verderers advertised for a sixth (junior) agister with special responsibilities for the north of the Forest. These two events were, in fact, entirely unconnected, but the Society may not have been too unhappy to see them apparently linked in the public's mind. Ever since its unsuccessful and unwarranted prosecution of an agister about a year ago, relations between the Society and the Court have been polite, but nothing more than that. The Verderers have, on the whole, found it more congenial to work closely with such organisations as the British Horse Society's welfare committee, which now keeps a very close eye on the Forest. The recent BHS award to head agister Brian Ingram for his work in enforcing the Verderers' standards and promoting pony welfare generally is a measure of the success of this co-operation.

The RSPCA's statement followed the dismissal of a commoner's appeal against conviction for causing unnecessary suffering to a Forest mare. How far it will be followed up by further action remains to be seen, but with the Society apparently well content with its investment in large and unrecoverable legal costs, the warning is unlikely to be mere empty rhetoric.

The Verderers, meanwhile, have been pursuing an entirely separate course. Their decision to appoint a sixth agister was made in early September, weeks before the appeal was heard. The new appointment will bring the Verderers' field staff to record levels and reflects the seriousness with which the Court now takes its livestock supervision duties. In the September "Notes" I said that staff levels have tended to reflect the degree of welfare pressure on the Court, but in this instance the Verderers are seeking to pre-empt the development of that pressure. The new agister will help in covering periods of sickness and holidays and will assist in the early location and removal of animals losing condition. However, his responsibilities for the north of the Forest are also significant.

Although the Forest is divided into four agisters' areas with a head agister as overall foreman, all five of the present officers live south of the A35 road. In other words, they are all in the southern third of the Forest. Geographical exigencies inevitably mean that supervision of the extreme north is less easy than in other parts. It is also the area where, whether by coincidence or not, some of the more severe welfare problems of recent years have occurred.

Those unfamiliar with the Forest community may wonder why the Verderers have been careless enough to appoint agisters with such a seemingly illogical distribution. There are several reasons for this. The agisters are drawn from among the commoners themselves and it is in the south of the Forest that small farmers exercising rights are most numerous. Over the years the few surviving northern commoners have dwindled in numbers. Many have been forced out of exercising rights by the appalling animal killing rate on the Cadnam to Godshill road. Retirement and death have further thinned out the ranks of those who remained.

Even the geography of the area has been unfavourable. There are, for example, virtually no small farms for over three miles along the Forest's north east boundary from Nomansland to Redlynch. Housing costs in the area are high and the price of smallholdings quite prohibitive so that applicants for the post of agister find it virtually impossible to move into this northern sector. It remains to be seen whether or not the present northern recruitment attempt will be more successful than its predecessors.

There is one very common misunderstanding as to the responsibilities of the agisters in the New Forest. They are not the owners of the animals or the owners' agents. They are the servants of the Verderers' Court and are employed to supervise the farming of the Forest and to enforce byelaws and the maintenance of proper standards of husbandry. The agisters give all possible assistance to owners but they do not take on personal responsibility for each and every animal. That responsibility remains with the owners. It is a subtle but important difference, especially when something goes wrong.

European control of the Forest

The extent to which European legislation is tightening its grip on the management, of the New Forest became clear last month. Representatives of various management organisations were invited to attend a lecture given by one of English Nature's independent planning consultants and his subject was "The Habitat Directives and the New Forest". The title suggested a necessary but rather boring session for the delegates. In fact, I suspect most of us left the meeting rather horrified at the extent to which control of the Forest has slipped, almost unnoticed, out of the hands of local managers. It was made perfectly clear that whatever British Acts of Parliament may say on the subject, key areas of the Forest's control have been taken out of the hands of the Forestry Commission and the Verderers and, effectively, given to English Nature. Whether or not English Nature is likely to be sympathetic to traditional management practices is rather beside the point, its staff is already so stretched that they are unable to attend key meetings and the whole process of managing the Forest seems in danger of grinding to a halt.

The technicalities of the Habitat Directives are immense. However, in very broad terms they mean that few management decisions can be made in the New Forest without the application of a complicated series of tests designed to discover if the policy under consideration might, even remotely, affect the protection of certain rare species or habitats. In most cases English Nature must be consulted. If that body decides against the proposed policy or judgment of the managing authority, then the latter goes ahead at its peril. It is likely to be sat upon by Brussels legislation. In any case, the application of the tests would probably have knocked the proposal down long before that stage was reached. The range of protected species and habitats is at present fairly limited, but is to be greatly increased.

Two examples will illustrate the process very well. If, in the course of carrying out its duties under the New Forest Acts, the Forestry Commission wishes to carry out certain drainage works which might

affect protected species or habitats, its proposals must be subjected to the Directive tests and approved by English Nature. The proposals may be agreed, but it will be a long and tortuous process. This is not very different from what has been done for years because of the Forest's SSSI status, but the rules are now extended to almost every significant area of the Commission's work. Anyone working for the Commission might be forgiven for concluding that the whole system of management is about to become hopelessly bogged down.

So far as the Verderers are concerned, the new rules will effectively take away their power of making decisions on applications put to the Court, until the "tests" have been applied and English Nature's consent obtained. Perhaps in practice it may be possible to require applicants to obtain English Nature's approval and to prepare such "environmental assessments" as may be necessary, before the Court is approached. Apart from judging applications (requests for roads, camp sites, car parks and so on, the Verderers' decisions are fairly limited in number and scope, However, they will no longer be able to fix new rates of marking fees and subsidies without reference to the new rules, since fees and subsidies affect animal numbers and stocking levels in turn affect the vegetation of the Forest. This could cause endless difficulties if English Nature develops any very decided view on the subject. This year the problem could be side stepped by leaving both the marking fees and subsidies unchanged.

Verderers' Records

The Verderers have decided to part with all their records over twenty years old, packing them off to the record office in Winchester. This will mean that the fine set of leather-bound minute books will no longer be held in Lyndhurst where they were readily accessible for local research, although admittedly they were seldom consulted. In Winchester, on the other hand, they will be open to public inspection by those holding readers' tickets and they will no doubt be better cared for than at present. All the early books (from 1877) are in beautiful copper plate handwriting and chart the history of the Court from its establishment. Later minutes are in typed, duplicated or photocopied form and are stuck into guard books.

The material now going to Winchester will not contain any dramatic revelations as it has been repeatedly raked through by local historians. The minute books will join the other surviving papers belonging to the Verderers which were deposited in the record office in about 1977. Some few additional files (over twenty years old) are also to be sent. Some of these may cover the period during which the numerous camp sites and car parks were established - a period which generated a great deal of paper.