

NEW FOREST NOTES OCTOBER 2010

Information on Forest subsidies

The tentacles of Forest affairs spread far beyond the perambulation, often quite unknown to most of us who live here. Last week one of my Verderer colleagues drew to my attention to the judgement in an appeal against a decision by the Information Commissioner, which was issued in August, but which had seemingly not percolated far into the Forest. The judgement seemed to my informant to contain a lot of errors of fact and as to the regulations and practice of the Forest. After reading the thirty three pages of very indigestible text on the internet, I agree with her conclusions, although I don't think any harm has been done or that correct information would have altered the judgement. Anyone who wants to refer to the document itself will find it at <http://www.informationtribunal.gov.uk> with the reference number EA/2010/0032.

All this seems to have arisen from a very long-running dispute between a Linwood commoner, Ms Bickford Smith, and the Rural Payments Agency. A good many years ago now, DEFRA decided to allocate subsidy to New Forest commoners on the basis of a headage payment reflecting the number of animals on which they should have paid marking fees in 2004. That was quite different from other parts of the country where subsidy was allocated in respect of the number of animals a commoner was entitled to turn out – not those he actually did turn out. That may seem an unimportant difference, but for those farming in and around the Forest, it was crucial. People who possessed common rights, but who were not exercising them in 2004, received nothing. Small commoners turning out in that year were granted a few hundred or thousand pounds annually, while very large ones received a handsome income right through until the scheme finishes in a couple of years time. For example, a man turning out one hundred cows in 2004, would now be receiving over £20,000 per annum.

Ms Bickford Smith was not, it seems, turning out in 2004, although she may well have done so in earlier years, and accordingly received nothing. She was dissatisfied with this and sought information from the Rural Payments Agency as to how the subsidies had been allocated. In particular she seemed concerned to discover how subsidy had been given to commoners of the Adjacent Commons (privately-owned sub-divisions of the Forest's common land) as opposed to the Crown common land. The relevance of that distinction escapes me. My memory of those events of many years ago is now very indistinct, but I think DEFRA lumped all the common land into one block for subsidy purposes. It did not matter if you had ponies on Hightown Common at Ringwood or were turning out animals on the Crown Forest at Blackfield seventeen miles away. I think most commoners were advised of this at the time and simply filled in their forms with "New Forest" rather than bothering with any more local designations. Anyhow, Ms Bickford Smith evidently regarded the distinction as important and I assume that her enquiries are a preliminary to seeking a judicial review of DEFRA's actions. She applied to the RPA for the information she wanted and was refused on various grounds including the cost of producing it, confidentiality of the information and the

fact that some of it was not available. She then took the matter to the Information Commissioner who, by and large, supported the RPA. Ms Bickford Smith next appealed to the Information Tribunal, whose judgment was issued in August, finding in her favour.

Exactly where the saga will go from this point, I do not know. We are in the dying days of the Single Payment Scheme, with this year's money due shortly and thereafter only two more years of subsidy guaranteed. If some court ultimately overturns DEFRA's basis of allocation, I can hardly see the government pursuing hundreds of small farmers for money they have already spent years ago and then distributing it to non-practicing commoners from Salisbury to Bournemouth and Southampton to Cranborne. However matters go, I expect the only people likely to emerge rich from the contest are the lawyers.

Tree diseases

If you walk through some of the Forest's Inclosures at the moment, you will see many of the Corsican pine trees affected by withered needles making them look as though they had been singed by fire. I have noted it particularly in Oakley, Roe and Milkham, but no doubt it is present throughout the Forest. This fungal disease, called red band needle blight, can also affect Scots pine, but to a lesser extent. Corsican pine is an important timber tree in the New Forest (I believe its planting is currently suspended because of the blight), although, perhaps fortunately, of very little scenic interest. In that it contrasts with the Scots pine. Whether we are about to see the elimination of Corsican pine along the lines of Dutch elm disease, I do not know. A forester with whom I discussed the matter did not offer any predictions either, but did say that he is far more worried about the threat from "sudden oak death" (phytophthora ramorum). The immediate threat is to larch rather than oak, with the disease raging through the West Country after spreading from a garden centre in 2002. In the spring of 2010 there were fifteen known sites of infection, but by the end of August that total had risen to over one hundred. Infection is spreading rapidly eastwards and has been confirmed in both Dorset and Wiltshire, although it is not yet destroying larch in the New Forest. That said, phytophthora arrived here a couple of years ago, attacking rhododendron off the Ornamental Drive at Rhinefield, so I imagine it is only a matter of time before larches are hit. Particularly vulnerable species seem to include rhododendron, bilberry and Japanese larch. In the West, larch is being cleared wholesale from infected woodland, so the outlook for New Forest larch seems very depressing.

Early pigs

In last month's Notes, I included the dates of the pannage season as originally announced by the Forestry Commission. Since that time the seriousness of the heavy acorn crop has become only too plain. On further representations from the Verderers, the Forestry Commission, with commendable speed and cooperation, agreed to an early start to the season, with the commencement of pannage brought forward from 18th September by a week or so. I fear that even this concession, together with an enhanced subsidy allocation for pigs out of HLS funding, will not avert a serious loss of ponies and cattle. The first autumn storm will bring down many tons of acorns right across the Forest. Moreover, the Verderers were

told at the September court that pig numbers have not yet shown much response to either subsidy or crop. In my travels through the Forest, admittedly not in the pig heartlands, I have so far encountered only a single sow.

The proceedings of the Verderers tend to be very matter-of-fact and lacking in the mystery of "the ancient Mediaeval court" beloved of poor quality guide book writers. That is hardly remarkable seeing that almost all the Court's powers are of 20th century date. Perhaps that is why the Deputy Surveyor's announcement of the pannage season during presentments at the September meeting, seems such an interesting exception. I doubt whether the Commission in fact has the slightest interest in seeing that pannage pigs are "levant and couchant" on the commoners' holdings, but it sounds good, as does the remainder of the archaic language. That is probably why one Deputy Surveyor after another has continued the tradition !

Warwickslade drainage and new stream engineering projects

The long-running dispute between the Verderers and the Forestry Commission over stream filling operations at Warwickslade seems finally to be nearing a resolution. On 15th September, the Deputy Surveyor told the Verderers that he was issuing instructions for the removal of the embryo debris dams (tree trunks deliberately placed across the new stream course so as to encourage eventual blockages). He also said that ponding alongside the stream would be eliminated by lateral drains and that the disputed adequacy of the fall in the new stream near to Poundhill would be kept under review and corrected if necessary. While this falls short of the ideal from the grazing point of view, it may go some way to restoring lost confidence in the Commission's undertakings over stream engineering works.

At the same court, new plans were produced for major works at Fletchers Water, the Lymington River north of New Park, streams at Wide Lawn and Gritnam, Silver Stream, Pitts Wood, Ashley Fields and Penny Moor. All of these schemes await detailed consideration by the Verderers over the next six months, but in respect of Latchmore Bottom a decision was reached in September. The Court has approved the western part of a major drainage disruption project (re-alignment of the watercourse), but has refused to allow work nearer to Alderhill where the proposals, if implemented, would have created a serious risk of long term damage to grazing interests.

In all these cases the Forestry Commission's aim is to restore the watercourses to an 18th century state, pre-dating the improvements to the Forest's grazing which were designed to benefit the ponies and cattle. The commoners, not surprisingly, see matters from a rather different point of view. The Verderers were told that many have become increasingly disillusioned and depressed about the engineering works, believing that they will be pushed through regardless of the commoners' opinions, because extreme scientific conservation is now omnipotent. If that is the case, it is a very sad state of affairs and, to my mind, quite unnecessary. The Verderers can certainly stand up for grazing concerns. The Commission, astutely, seeks to play off the Commoners Defence Association against the Court, latching onto off the cuff remarks made in rushed site visits. Such visits are the last place where

anyone should commit himself. The plans are complex and, especially in matters of levels and of long term consequences, require leasured and reasoned examination, including return visits on occasions. Only then can a satisfactory response be made.

September has seen the introduction of a further check on the Commission's ambitions in the matter of streams, because of the Higher Level Stewardship funding. All work thus financed is now scrutinized by a consultative committee. While that in itself is not likely to apply the brakes, it does at least give early warning, while the Official Verderer is one of three on the management board representing the Court's views. Ultimately the decision as to whether to allow stream works still rests with the full court – whatever the funding position.

Anthony Pasmore