



New Forest CDA

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New Forest Consultation
Rural Payments Agency
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New Forest Commoners Defence Association response to the RPA consultation on the allocation of land on The New Forest common for the Basic Payment Scheme.

Summary

In 2015 we considered several other alternatives for allocation of BPS and concluded that none of them were viable. For these reasons we believe that there is only one realistic option (Option 1) and that the discussion really needs to be focused on the reference period and whether there can be a robust mechanism for new and young commoners to join the scheme in future years.

We believe that Option 2 is both unworkable and inequitable and that Option 3 is overcomplicated and would continue to have an adverse effect on the number of animals being marked and depastured.

Whichever option is chosen we request that a decision is announced as soon as possible to provide clarity and to give claimants the opportunity to adjust the number of entitlements they hold.

Our preferred Option

Option 1

This is the most straightforward of the three options, both for the applicant and for administration by the RPA. We favour this option because a reference period based on marking fees paid will provide the best assessment of relatively recent use of rights and will remove the incentive for commoners to increase the numbers of marking fees paid and in turn animals depastured.

The choice of reference period is especially important, and any decision should consider the following:

- There has been a significant increase in the number of marking fees paid in the most recent years as a result of a relatively small number of claimants manipulating their circumstances in order to increase their share of the New Forest's allocation. This could potentially have an adverse effect on the New Forest and disadvantages those commoners who have maintained a steady number of animals.

THE ASSOCIATION'S AIMS ARE:

1. To promote and safeguard the interests of the Commoners, particularly with regard to the welfare of ponies, cattle and other agistered stock.
2. To co-operate with the Verderers in the maintenance of the perimeter fencing of the perambulation of the New Forest.
3. To investigate and, in appropriate cases, to support any claim by any member of the Association for compensation in respect of death or injury to an animal depastured in the Forest and to assist any member in meeting a claim in respect of damage alleged to have been caused by an animal depastured in the Forest.



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- In some cases, the number of animals marked by a commoner in one particular year may not reflect the extent to which they “typically” exercise their rights. For example, a cattle commoner may have a TB Breakdown and may have significantly reduced the number of animals they marked in that year. Basing the reference year on one particular year risks disadvantaging such claimants.
- The significant drawback with setting a reference year is that it will lock new and young commoners out for the scheme for the remainder of the scheme’s life. Whilst we ask that the RPA explores options for how such individuals could join the scheme, it will be important to have appropriate checks in place to ensure any such applicant is genuine. In the event that it found not to be possible to have such a mechanism which is sufficiently robust, it will be essential that new and young commoners are properly supported through an alternative scheme, which at the very least evens up the playing field for commoners in the New Forest.

Considering the above, we make the following recommendations with regards to setting a reference period:

- 1. The reference period should be based on a range of years as opposed to a single reference year**
- 2. The reference period should be backdated as far as possible**
- 3. Our preferred referred reference period would be an average of marking fees dated from 2015 to 2019**
- 4. Efforts should be made to find a way that allows new and young commoners to join the scheme in a way that does not inadvertently create an opportunity for the scheme to be exploited**

We do not believe that the following options should be considered further for the following reasons:

Option 2

We do not believe that Levancy and Couchancy as a means of assessing use of the common, should be considered further. The only means which RPA has to calculate the amount of back up land which a commoner has is that which is declared on BPS applications, which may or may not all have right of pasture attached to it and will be of varying quality. Many commoners occupy back up grazing land on informal agreements or licences which do not allow them to claim BPS on that land. Much of the land with rights of pasture is occupied by people who are not commoners and land prices around the New Forest are extremely high.

Option 3

We feel that this option would do nothing to prevent further expansion in animal numbers and that it is also overcomplicated to administer. Our understanding is that the commoners do not possess a right to carry out any of the suggested non-productive activities and that these are the responsibility of the landowner.

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Participation in the New Forest HLS through the Verderers Grazing Scheme is an unrelated issue and in many cases those who have participated in VGS have not claimed BPS, either because they choose not to or they cannot meet the criteria. This option should not be given further consideration particularly given the doubt as to whether it could be implemented for 2021.

We would be happy to work with the RPA in any way going forward. Please do not hesitate to contact me should you wish to discuss any of the points we have raised further.

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