

**The Friends of the New Forest**  
**New Forest Byelaw Watch 2022**



## The Friends of the New Forest

The Friends of the New Forest (FoNF) was established in 1867 as the New Forest Association and is one of the oldest conservation organisations in the world. With the establishment of the New Forest National Park in 2005, the Association was recognised as an official representative of the New Forest National Park on the Council of the Campaign for National Parks, established in 1936, for championing the interest of the National Parks. The Association is a charity registered in England and Wales No 260328.

### Summary

This review presents the results of the Byelaw Watches conducted by the FoNF between 25<sup>th</sup> July 2022 and 31<sup>st</sup> August 2022 recording observed breaches of the most significant of Forestry Commission Byelaws, as well as breaches of the Verderers' Byelaw relating to feeding of livestock. Other significantly harmful observed activities were also noted. The Watches were conducted in two forms:

*A Free-Range Watch* – in which observers, when walking or otherwise visiting the New Forest, during 25<sup>th</sup> July 2022 and 31<sup>st</sup> August 2022 recorded the breaches of the Byelaws they observed.

*A Static Byelaw Watch* – in which observers were located at nine popular visitor locations across the New Forest between the hours of 10.00-14.30 on the August Bank Holiday on 29<sup>th</sup> August 2022 and recorded the breaches of the Byelaw they observed.

Further explanation of the methodology used in the conduct of these Watches is set out in Process Sections below.

The motivation of these Watches is essentially two-fold:

- First, it is to raise the public profile and importance of the Byelaws regulating public use and enjoyment of the New Forest.
- Secondly, it is also to encourage the relevant authorities to consider the effectiveness of the current Byelaws in regulating public use and enjoyment of the New Forest with, if necessary, an increased emphasis on education and selective enforcement whether through enforcement of the Byelaws themselves or other available measures including Public Space Protection Orders. To this end we set out a set out a series of recommendations.

## **Contents**

|  |           |
|--|-----------|
| <b>Friends of the New Forest</b>   | <b>1</b>  |
| <b>Summary</b>   | <b>1</b>  |
| <b>Contents</b>  | <b>2</b>  |
| <b>Introduction</b>  | <b>3</b>  |
| <b>Background</b>  | <b>4</b>  |
| <b>Public Rights of Access and Use of the Forest</b>                     | <b>4</b>  |
| <b>The Byelaws</b>   | <b>4</b>  |
| <b>The Free-Range Byelaw Watch</b>                                       | <b>5</b>  |
| <b>The Process</b>   | <b>6</b>  |
| <b>The Quantitative Results</b>  | <b>6</b>  |
| <b>Qualitative Results</b>   | <b>8</b>  |
| <b>Static Byelaw Watch</b>   | <b>9</b>  |
| <b>The Process</b>   | <b>9</b>  |
| <b>The Quantitative Results</b>  | <b>9</b>  |
| <b>Qualitative Results</b>   | <b>11</b> |
| <b>Conclusion and Recommendations</b>                                    | <b>12</b> |
| <b>Acknowledgements</b>  | <b>13</b> |
| <b>APPENDIX 1 – Forestry Commission Byelaws</b>                          | <b>14</b> |
| <b>APPENDIX 2 – New Forest Byelaw Watch (Recording for Static Watch)</b> | <b>19</b> |

## Introduction

The Forestry Commission Byelaws (the FC Byelaws) are national and apply to all Forestry Commission managed land, thus they are not specifically drafted for the New Forest. The aims of the FC Byelaws are to protect the lands managed by the Forestry Commission and to regulate recreational and commercial use. However, the increase in local recreational pressure, particularly evident with lifting of COVID-19 travel restrictions in 2020, highlighted issues around limited public awareness of the FC Byelaws and a general lack of enforcement by the appropriate authorities.<sup>1</sup>

Local fire fighters, police, conservationists, rangers, and commoners were among those who reported repeated incidents of unacceptable behaviour by some visitors who ignored the measures in place to protect the fragile habitats of the area. Cars were found parked irresponsibly, blocking gateways that are used by the emergency services, park rangers, and commoners accessing their livestock. Grass verges that have international conservation designations upon them were driven over or used for parking. Visitors were found wild camping, lighting fires or using disposable barbeques, and some of the New Forest's most important ponds for wildlife were used for swimming, kayaking and even paddle boarding.

In June 2020 the FoNF undertook to review what is known about the relationship of the Special Qualities of the New Forest with its use as a recreational resource. This review was stimulated by the long-standing debates into a strategy for recreation management in the National Park, together with witnessing the unprecedented pressures on the Forest that arose when the lock-down phase of the COVID-19 pandemic was partially lifted.<sup>2</sup>

The review inspired a Pilot Byelaw Watch, which was conducted by volunteers in autumn 2021.<sup>3</sup> Its aims were to:

- Help promote local New Forest byelaws, and the New Forest Code, and
- Generate independent data highlighting which recreational and/or commercial activities are of most concern.

As the old saying goes, 'a thing can't be managed if it cannot be measured'. The Pilot Byelaw Watch findings were welcomed by statutory and voluntary organisations across the New Forest (and other National Parks) and demonstrated the necessity of monitoring byelaw breaches. It was thus decided to repeat a Byelaw Watch in 2022 drawing on the lessons learned from the Pilot Byelaw Watch.

The 2022 Byelaw Watch, conducted by volunteers, represents a further commitment to promoting the measures in place to protect this unique landscape and understanding of the scale of the problem in an earnest desire to provide data and recommendations that will protect the special qualities of the New Forest for future generations.

---

<sup>1</sup> BBC news online (10/03/21) 'New Forest visitor 'frenzy' fear as lockdown eases'  
<https://www.bbc.co.uk/news/uk-england-hampshire-56199596>

<sup>2</sup> Chatters, C & Wynn R (2020) 'A contribution to understanding the relationship of the recreational use of the New Forest with its Special Qualities'. New Forest Association.

<sup>3</sup> Ward, J (2021) 'Damaging and Illegal Activities Revealed in the New Forest'  
<https://newforestassociation.org/damaging-and-illegal-activities-revealed-in-the-new-forest/> access 29/09/22.

## Background

### Public Rights of Access and Use of the New Forest

According to statistics published in 2019 by the New Forest National Park Authority,<sup>4</sup> the New Forest National Park receives over 15 million day visits a year, an increase of 12% since the last study in 2004. That figure has undoubtedly increased, and it is estimated that by 2037 the number of day visits will total at least 17 million. Approximately 77% of day visits are made by people living in or close by the New Forest with 16 million people living within a 90-minute drive of the New Forest including 35,000 people living within the New Forest National Park itself.

These estimates are alarming given that the New Forest National Park is the smallest national park in the United Kingdom covering just 38,000 hectares. Yet it has the highest proportion of Sites of Special Scientific Interest (SSSIs) of any national park with 56% deserving this recognition.

Within the New Forest National Park there are over 30,000 hectares of open access land with over 325 kilometres of rights of way and a mosaic of different owners. There are at least three means by which the public can enjoy access:

- Section 193 of the Law of Property Act 1925 grants rights of access on foot and horseback over those parts of the New Forest which are classified as urban commons.
- The Countryside and Rights of Way Act 2000 grants the public rights of access on foot over designated access land within the New Forest but excludes those areas of land to which rights of access are granted under s193 Law of Property Act 1925.
- The National Trust Commons Act 1907, section 29 allows rights of access over common land owned by the National Trust including those adjacent commons within the New Forest National Park owned and managed by the National Trust including, for example, Rockford and Hightown Commons.

Landowners may also grant permissive rights to the public to enjoy rights of access. For example, cyclists are permitted to use over 100 miles of cycle tracks designated by Forestry England. Certain other specified activities may be granted permission on application to Forestry England.

### The Byelaws

Public rights of access are not a free for all. A free for all would lead to what is often call a 'Tragedy of the Commons'<sup>5</sup> where over exploitation of rights of access and use would deplete the common and destroy its fragile fabric to the detriment of all. Rights of access over the New Forest are primarily subject to regulation through the FC Byelaws given that the state land in the New Forest, including the open forest and inclosures, is managed by the Forestry Commission, through their agent Forestry England. The Adjacent Commons are also subject to the FC Byelaws by virtue of section 11 of the New Forest Act 1964.

Byelaws are local laws that are made to regulate use of a specified area. They are widespread in regulating the use of public open spaces. The statutory authority that has power to issue the relevant byelaws can enforce them usually through the Magistrates Courts with conviction resulting in a fine prescribed by the current scales.<sup>6</sup> In certain circumstances provision can be made for the

---

<sup>4</sup> See <https://www.newforestonpa.gov.uk/news/new-study-shows-nationally-important-new-forest-wildlife-sites-under-pressure/> accessed 28/09/22.

<sup>5</sup> Perhaps the best-known exposition is by GJ Hardin, (1968) 162 Science 1243

<sup>6</sup> The maximum fine for breach of a local authority byelaw is currently set at £500.

imposition of fixed penalty notices.<sup>7</sup> In the case of the FC Byelaws the primary authority responsible for enforcement is the Forestry Commission who can call upon the police to assist them. In addition, the Verderers' Court is given power to inquire into and punish breaches of the FC Byelaws.<sup>8</sup>

The FC Byelaws are thus the primary focus of both the Free Range and Static Byelaw Watches though the opportunity was also taken to collect data on other matters of concern. The FC Byelaws are set out in Appendix 1. They are made pursuant to section 46 of the Forestry Act 1967 with the present version made in 1982.<sup>9</sup> The statutory purpose of the byelaws is stated to be:

- “(a) for the preservation of any trees or timber on the land, or of any property of [the Forestry Commission]; and
- (b) for prohibiting or regulating any act or thing tending to injury or disfigurement of the land or its amenities; and
- (c) without prejudice to the generality of the foregoing, for regulating the reasonable use of the land by the public for the purposes of exercise and recreation.”

There are other, present and potential, sources of regulation of public access. The National Trust Byelaws regulate the use of the adjacent commons owned by the National Trust and the Verderers' Byelaws regulate the rights of common exercised by the commoners of the New Forest and are overseen by the Court of Verderers. The Verderers Byelaws also reflect a concern with the interaction of the public with commoners' livestock.

The rights of access granted by both the Law of Property Act 1925 and the Countryside and Rights of Way Act 2000 are also subject to restrictions. For example, the section 193 right of access over urban commons does not include a right to drive any vehicle (including a caravan, truck or bicycle) over the common or to camp or light a fire. Furthermore, the relevant minister has the power, at the request of the commoners, to impose further restrictions. The Countryside and Rights of Way Act 2000 schedule 2 also contains a detailed list of restrictions which may be supplemented by Codes of Conduct. The New Forest National Park Authority, or other appropriate authority, also may issue and enforce any byelaws affecting access land within the national park, although to date it has not done so.<sup>10</sup> Finally English Nature may issue byelaws to regulate activity on SSSIs.<sup>11</sup>

## **The Free-Range Byelaw Watch**

Observers were asked to submit a range of FC Byelaw breaches that they observed within the New Forest between the dates of 25th July 2022 and 31st August 2022. These focussed on commonly reported FC Byelaw breaches, but also sought reports of other areas of concern. Whilst verge parking and fungi picking are not specifically against the FC Byelaws, both activities have raised concern. In addition, observers were asked to record breaches of the Verderers' Byelaw No 16 against the feeding of ponies, which was expanded to include petting given the risk of injury that such actions can trigger in semi-feral stock.

Observers volunteered to take part in the Watch. In addition to members of FoNF, requests for volunteers were widely publicised both in the local press and amongst New Forest organisations. Observers submitted reports on-line using MS Forms – see Appendix 2. Where records were

---

<sup>7</sup> Regulatory Fixed Enforcement and Sanctions Act 2008, s39

<sup>8</sup> See section 47 Forestry Act 1967.

<sup>9</sup> Statutory Instrument 1982 No 648.

<sup>10</sup> National Parks and Access to the Countryside Act 1949, s90, Countryside and Rights of Way Act 2000, s17.

<sup>11</sup> National Parks and Access to the Countryside Act 1949 s20, and Wildlife and Countryside Act 1981, s28R.

received outside this format, the observations were inputted via MS Forms completed by a FoNF Council member.

## The Process

In total 362 entries were submitted via MS Forms (a handful of totally blank lines are not included within this number) these covered observations made during the period 25th July 2022 and 31<sup>st</sup> August 2022.

The data was downloaded from MS Teams and imported into Excel. The following data processing was conducted:

- blank lines were deleted for Nil responses;
- the dates were amended into UK format;
- the locations provided in the forms were reviewed for areas that should not be included within the survey which were then excluded from further analysis.

Of the remaining 360 submissions the following was performed:

- 17 lines were added to the table in which to record the numerical values recorded within the form - the numerical data included within the form was split out into these 17 columns (see Data Analysis below).
- narrative data was reviewed for breaches that was questionable in nature and might be called out in any scrutiny of the data. This questionable data was removed from the process;
- totals were inserted and pivot tables were created to count the number of respondents who recorded breaches by category, together with the number of submissions received in each category.

Splitting out of the numerical data submitted through MS Forms was completed manually since many observers had recorded a number of breaches observed and also included narrative to support their observations within the same field. This narrative forms the basis for the qualitative analysis recorded below to provide a rich flavour of observations beyond the raw figures.

Most data could be easily classified, e.g., a report of one to the question “How many instances of fly tipping have you seen on the Forest?” was recorded as one. Where the narrative led to a confusing picture of the observation, a judgement was made, which was based on the principal of minimising the possible breaches recorded. For example, “10 people petting donkey and foal” was recorded as one instance of a breach since the tense implies 10 people petting the same donkey and foal. Where a recorder recorded of “10+” occurrences, the data was capped at 10. As a general rule, this approach resulted in an under-recording of byelaw breaches.

A record of these interpretational/removal judgments has been retained for inspection if required.

## The Quantitative Results

In total of 362 responses were received from at least 98 respondents,<sup>12</sup> with two responses being removed from the dataset because they recorded breaches on adjacent commons subject to other byelaws.

Over 5,000 individual breaches of the FC Byelaws or other areas of concern were recorded by respondents. The recurring breaches included:

---

<sup>12</sup> Due to initials and first names used in some submissions it wasn't possible to ascertain an accurate number of respondents, however at least 98 individual observers submitted reports.

- Litter and dog excrement being ubiquitous, with over 1,000 of each recorded. One report recorded over 100 piles of dog excrement within 300m of Andrew's Mare car park.
- Widespread cycling off designating cycle-tracks, with over 700 breaches recorded.
- Disturbance of wildlife and livestock by both dogs and people as well as the feeding and petting of ponies when taken together also produced a worrying picture with a total of 421 cumulative incidents recorded.
- Widespread verge parking with associated damage, with over 450 records. Parking in front of gates with the potential to interfere with emergency vehicles added another 170 records to this picture of irresponsible parking.

Incidents that might not be expected when the FC Byelaws, was enacted in 1982 were also recorded, such as more widespread nocturnal cycling off designated cycle-paths (given improved headlights), eBikes being used off designated cycle-paths and drones (given their wider availability) being flown across the Forest.

Summary of Byelaw Breaches by Category:

| Category   | Number of records | % of respondents recording the breach | Instances |
|--|-------------------|---------------------------------------|-----------|
| Wildlife being disturbed by people               | 19                | 5                                     | 124       |
| Wildlife being disturbed by dogs                 | 30                | 8                                     | 79        |
| Livestock being disturbed by dogs                | 20                | 6                                     | 31        |
| Livestock being fed or petted                    | 92                | 26                                    | 187       |
| Dog waste  | 109               | 30                                    | 1,118     |
| Fly tipping                                      | 10                | 3                                     | 14        |
| Litter   | 136               | 38                                    | 1,959     |
| BBQs & Camp Fires                                | 18                | 5                                     | 22        |
| Tents & Gazebos                                  | 27                | 8                                     | 51        |
| Cycling Off Designated Tracks                    | 175               | 49                                    | 713       |
| Use of drones, model vehicles or metal detectors | 17                | 5                                     | 24        |
| Use of Paragliders                               | 1                 | 0                                     | 1         |
| Gates left open                                  | 1                 | 0                                     | 1         |
| Vehicles parked across gates                     | 70                | 19                                    | 170       |
| Vehicles left overnight in car parks             | 43                | 12                                    | 89        |
| Plants being picked                              | 6                 | 2                                     | 7         |

**TOTAL 4,589**

**Other areas of concern:**

|               |     |    |     |
|---------------|-----|----|-----|
| Verge Parking | 108 | 30 | 451 |
| Fungi picked  | 5   | 1  | 6   |

**TOTAL 457**



## Qualitative Results

Many returns from the FC Byelaw Free Range Watch contained comments which enriched the raw numerical data. It was apparent from the narrative submitted that while some people demonstrated a flagrant disregard for the FC Byelaws, others simply did not know, were apologetic and immediately took action to correct their behaviour. For example, submission 359 recorded “Two lads with a small fire” putting it out and apologising.” What was also apparent was that many of the observers cared sufficiently about the forest to clear up litter that they found, take it home to responsibly clear it away.

Some examples of these comments are set out below clustered around the key themes that emerged.

### Fly tipping, Litter and Dog Excrement

It was to be expected that litter and dog excrement would top the reports. The narrative added by observers gives a flavour of some of the more serious instances that presented a danger to wildlife and livestock.

*1x burnt out car!*

*100 piles of dog poo counted within 300m of Andrews Mare car park & 5 in bags. Gave up counting after that!*

*1 x black bag full in total at sites [in respect of the amount of litter which they collected]*

*Wotton cow had a Budweiser Can in its mouth and was flicking its head*

*I observed a large number of apples which had been dumped close to the road. I picked up 105 apples to prevent horses eating them and the risk it would cause to them.*

*I stopped at the Drift to pick up two plastic bags, a plastic bottle and a wet wipe which a foal was about to eat.*

### Off Track Cycling

There were several worrying reports of arrogance from cyclists when the observer pointed out that they were not permitted to be off the designated tracks, with responses such as “mind your own business”, “don’t need a lecture”, “the forest is big enough for everyone” “I won’t get caught” and other more crude “verbal abuse” was reported.

In other cases, there appeared ignorance of the FC Byelaws or simply a lack of concern that cycling was contrary to the FC byelaws and bolstered by the belief that there was no enforcement and so the risk of getting caught was negligible.

*I asked if she was lost and pointed out where cycle track was. Said she didn’t need it as she had big tyres. I said that I’d meant she wasn’t allowed to. But she said she’d be careful not to get caught!*

*Two people we spoke to [about off track cycling] said they had no idea that they couldn’t cycle anywhere they wanted and continued on their way*

*On return to car park c.15 cyclists rode into the car park. I talked to them saying there was no cycle track and their answer was that Google maps showed a route and in any case it was a bridlepath. I pointed out that this was incorrect but they ignored me and went off anticlockwise.*

*Why on earth the cyclists were on the grass instead of the road I just don’t know.! If you look at the location, it is literally alongside the road. I followed the cycle tracks back and saw they had come cross country from Ringwood Ford Bottom.*

*I walk the dogs at Thorney Hill every day and over the years have seen more cases of cycling off the tracks than it is possible to count. When the ground is soft enough then cycle tracks can be seen*

*practically at all times. I have informed the Forestry England about this several times including face to face and no action has ever been taken.*

*Cycling - one person cycling from the car park. I did ask him if he'd seen the no cycling sign at the car park and his response was basically that the forest is big enough for everyone, he's lived here all his life, and I should just mind my own business.*

*A group of eight men on mountain bikes, cutting across the bottom of Dorridge on a very narrow deer track. When I asked if they realised it was not a cycle track, I was told that they "didn't need a lecture". There is no sign of any policing and cyclists have now become a real problem.*

Several reports of cyclists disturbing livestock or horses being ridden were also noted.

*There must have been 10 mountain bike cyclists! They came at my horse at speed, didn't slow down, my horse jumped out of the way, luckily into the bushes instead of the road, but it could have ended in tragedy.*

### Wildlife and Livestock Disturbance

Further observations of concern were noted, which included reports of a pony being hit, over 100 apples being dumped by the side of the road, livestock attempting to eat discarded litter, birds being chased by dogs, foals being chased by dogs and a burnt-out car.

*Petted then attempted to feed a pony mineral water from a bottle before I asked not to. I was met with verbal abuse.*

## **Static Byelaw Watch**

### **The Process**

Nine car parks were selected across the New Forest – these were Godshill Cricket Ground, Linford Bottom, Bolderwood, Janesmoor Pond, Deerleap, Boltons Bench, Balmer Lawn, Whitefield Moor, Wilverley Plain. Volunteers were recruited to observe at each of these sites in three shifts 10.00-11.30, 11.30 to 13.00 and 13.00 to 14.30 on Monday 29<sup>th</sup> August 2022. Some volunteers did more than one shift with a total of 25 volunteers involved.

Volunteers submitted MS formats which followed the Free-Range FC Byelaw Watch format or if they submitted paper versions these were transferred to MS format by a FoNF Council Member and submitted electronically.

A similar audit process was conducted as the Free-Range FC Byelaw Watch but given the limited number of participants, fewer adjustments were necessary. Care was taken to ensure that double, or triple, counting of breaches did not occur with observers handing over to the next observer and cross checking of the records of observers at each car park also undertaken.

## **Quantitative results**

### **Summary of Byelaw Breaches Recorded**

| Category                     | Total | Wilverley | Bolton's Bench | Balmer Lawn | Bolderwood | Deerleap | Godshill | Janesmoor | Linford | Whitefield |
|------------------------------|-------|-----------|----------------|-------------|------------|----------|----------|-----------|---------|------------|
| Wildlife Disturbed by People | 3     | 2         |                |             |            | 1        |          |           |         |            |

|   |     |    |    |     |    |    |    |    |    |    |
|---|-----|----|----|-----|----|----|----|----|----|----|
| <b>Wildlife Disturbed by Dogs</b>                             | 16  |    |    | 16  |    |    |    |    |    |    |
| <b>Livestock Disturbed by Dogs</b>                            | 5   |    | 1  | 3   |    | 1  |    |    |    |    |
| <b>Livestock being fed or petted</b>                          | 66  | 6  | 33 | 10  |    |    | 3  | 13 |    | 1  |
| <b>Dog waste</b>  | 98  | 12 | 7  | 24  | 9  | 17 | 7  | 13 |    | 9  |
| <b>Litter</b>   | 200 | 5  | 12 | 53  | 72 | 6  | 3  | 45 |    | 4  |
| <b>BBQs &amp; Campfires</b>                                   | 1   |    |    | 1   |    |    |    |    |    |    |
| <b>Tents &amp; Gazebos</b>                                    | 15  | 6  |    |     |    |    |    | 1  |    | 8  |
| <b>Cycling Off Designated Tracks</b>                          | 121 | 19 | 11 | 33  | 14 |    |    | 12 | 19 | 13 |
| <b>Operation of drones, model vehicles or metal detectors</b> | 5   |    | 1  |     |    |    |    |    |    | 4  |
| <b>Vehicles parked across gates</b>                           | 12  | 1  | 2  | 4   | 2  |    |    | 1  |    | 2  |
| <b>Plants picked</b>  | 4   |    |    | 4   |    |    |    |    |    |    |
| <b>Totals</b>   | 546 | 51 | 67 | 148 | 97 | 25 | 13 | 85 | 19 | 41 |

Other areas of concern:

|                      |    |   |  |    |    |  |  |   |   |   |
|----------------------|----|---|--|----|----|--|--|---|---|---|
| <b>Verge Parking</b> | 78 | 1 |  | 15 | 51 |  |  | 3 | 4 | 4 |
|----------------------|----|---|--|----|----|--|--|---|---|---|

There were no records of fly tipping, fungi picking or overnight parking. One return for the final session at Lindford Bottom was not returned and all returns were checked to ensure consistency of approach with the Free-range Byelaw Watch

Again, the three areas of litter and dog waste, cycling off designated paths and livestock disturbance, feeding and petting featured prominently. Verge parking was also noted as a particular problem at Bolderwood.

## Qualitative Results

At sites observers noted responsible and compliant behaviour particularly during the early shifts. The situation seemed to deteriorate as the day progressed notably at popular sites, such as Bolton's Bench and Balmer Lawn, where chaotic scenes and multiple breaches were witnessed. It was evident that the ponies and donkeys knew when lunchtime approached as they came into or close to the car parks, and thus contact with visitors, drawn by the prospect of food.

### Livestock Feeding & Petty

*One instance the father of the family (after petting the ponies) set up his photographic tripod in the middle of the herd of forest ponies, who were disturbed and therefore had to move elsewhere. Father then targeted a smaller herd - literally expecting the ponies to pose for his photoshoot!*

*A father and daughter only came up onto Wilverley Plain to pet the ponies. The father encouraged a reluctant daughter to pet the ponies and then they left!*

*One pony was fed a bag of carrots and pursued the little boy holding them, and another pony was fed strawberries or raspberries while someone else pushed it from behind to get it off the road!*

*One woman who put dark glasses on a donkey for a photo*

*Rope swings. Lack of signage. Ponies being fed picnics, lettuce and acorns!*

### Off Road Cycling

*Cyclist deliberately cycling towards a cow*

*[cyclist] Startled ponies (young) ran off to join a nearby group.*

*Continuous cycling until I left at 14.40*

### Wildlife and Livestock Disturbance

*Dog totally out of control charging through undergrowth with birds flying in all directions*

*Dogs on long/extendable leads allowed to get too close to ponies (despite being on a lead!).*

*Personally, I see this more and more. Despite being on a lead, dogs are still not under control as allowed to go wherever they like!*

However, the majority of dog owners were responsible with examples of positive behaviour

Nearly all the dogs were on leads, all were under control - suggested locals may be the bigger issue.

### Car Parking & Camping

*I was told by a couple of men that they were out scouting for a camping spot for later on in the year and that they were wild campers who didn't want to be confused with 'recreational' campers.*

*Two cars, completely blocking access to The Ridge from Bolton's Cricket car park.*

*The eastern entrance to the car park was being used as an overflow to the main car park and the verges on the road and the entrance to Bolderwood Walk seemed to be used as temporary spots for people visiting the ice cream van. In contrast to other times of the year in this location, dog walkers and cyclists seemed to be adhering to the bylaws and also the advice with the signage to keep dogs on leads.*

*What was really upsetting to see was a mare and foal nearly getting knocked down by a car because they stepped out from in between the cars parked on the verges and therefore the oncoming car could not see them. I have observed this quite a few times over the last couple of years since the increase of visitors noticeably since the pandemic. I'm sure there must have been livestock casualties arising from car parking on the verge. I suggest hefty fines for verge parking that will stop them and save the lives of livestock.*

There were some welcome reports too:

*There were four quite large multi-generational picnic groups plus numerous small picnics. There were four semi organised ball games, mainly forms of cricket, one of which had stumps and an umpire and*

*a scorer! No one got in anyone else's way and walkers seems to make their way unscathed through the activity. Lots of dogs with walkers all under control and well behaved for the part I could see. By the time I left the car park was full including a line of cars along the fence of the inclosure not quite blocking the gate but it was a near thing. The ice cream van end was also full and the parking bays on the east side of the inclosure.*

## Conclusion and Recommendations

Although the majority of visitors showed respect for the New Forest, its livestock, wildlife and special qualities, there is no doubt that the FC Byelaws are ignored and breached across the forest on a worrying scale. A particularly concerning picture has emerged in respect of certain breaches.

The amount and type of litter and waste is concerning to public and livestock health. The neospora caninum parasite in dog faeces is known to lead to livestock abort their unborn young. Other parasites in dog faeces, for example roundworm (toxocara canis), can be harmful to human particularly children. Other types of litter reported from apples to beer cans also present a real danger to livestock.

Off-road cycling across the open forest is widespread and sometimes accompanied by a sense of entitlement and no fear of being reprimanded or of retribution.

Public and livestock interactions is worrying with evidence of feeding and petting of animals widespread particularly at popular car parks. This appears to be impacting on livestock behaviour to increase the risk of injury to both the public and the livestock. Ponies and donkeys are drawn closer to roads and are being tempted with food and titbits that can cause them harm.

These conclusions will come as no surprise to those bodies involved in the management of the forest particularly those with responsibility for regulating recreation. The more difficult issue is what can be done to help ease the tension between conserving the precious qualities of the forest and regulating the sometimes-competing demands of different forms of public access. We put forward our recommendations:

1. **Adopting New Byelaws** - Consideration should be given to adopting byelaws specifically designed to regulate public access to the New Forest. The FC Byelaws are designed to apply on a nationwide basis and have forestry as their primary concern. They thus do not take account of the distinct circumstances and pressures in the New Forest. Other national parks have adopted byelaws which cater to their specific circumstances.
2. **Reviewing Information** - There are sources of information on the FC Byelaws and public access to the Forest provided particularly by the New Forest National Park Authority and Forestry England, but these seem to be having a limited impact or cut through. We thus recommend a review of the provision of information on the FC Byelaws. For example, the copies of the FC Byelaws in car parks are unlikely to be read by visitors and whilst the New Forest Code is more accessible its presentation lacks the gravity attached to byelaws. It was also noted that, whilst increased signage is very welcome, it was sometimes not as visually effective as it could be. The recently installed FE Car Park signs might also be employed more effectively in signalling the most important FC Byelaws.
3. **Promoting Education** – Information only takes one so far. It is also important that users of the Forest understand why the FC Byelaws are necessary and how they help lay benchmarks for everyone to enjoy the forest whilst minimising the adverse impact on its fragile fabric. For example, more people, although not enough, are picking up their dog's faeces following publicity of the effect on livestock. Local education is as important as visitor education. If there is widespread acceptance of the behavioural boundaries laid out in the FC Byelaws, the greater prospect there will be for self-regulation.

4. **Engagement with Interest Groups** – There are many interest groups within the forest as well as businesses with close connection with various forms of recreation. Constructive engagement with these groups, including for instance NFDog, cycling groups, bicycle hire shops, could assist in educational and other initiatives to change behaviour.
5. **Deployment of Wardens/Volunteers** – there is a case for the deployment of wardens or Forest England or New Forest National Park Volunteers at popular car parks at busy times of year or at known hotspots to guide visitor behaviour.
6. **Targeted Enforcement** - It is apparent that some forest users know they are breaching the byelaws but do not care. In these cases, and as a deterrent to others, we feel that the time has come for targeted enforcement of the FC Byelaws. Once it becomes known that the FC Byelaws will be enforced against those who persistently breach these byelaws then a message is sent out to others to encourage self-regulation.
7. **On the Spot Fines** – It is appreciated that enforcement through the Magistrates Court could be costly, time consuming and uncertain. There are steps being taken to explore the possibility of Public Space Protection Orders which would bring more efficient means of enforcement, including on the spot fines. In addition, the possibility of such immediate enforcement of the FC or other Byelaws themselves should be explored. This may be facilitated by a review of the source of byelaws recommended in 1 above.

## Acknowledgements

Our sincere and grateful thanks to the volunteers who participated in both the Free-range and Static FC Byelaw Watches. Their commitment, time and enthusiasm made this collection of data possible.

**Website: [www.newforestassociation.org](http://www.newforestassociation.org)**

Registered Charity No. 260328  
© 2016 Friends of the New Forest.  
All Rights Reserved.

## **APPENDIX 1**

### **LAND MANAGEMENT**

Statutory Instrument 1982 No 648

#### **THE FORESTRY COMMISSION BYELAWS**

The Forestry Commissioners, in exercise of the powers conferred on them by section 46(1) of the Forestry Act 1967(a) and of all other powers enabling them in that behalf, after consultation with the Verderers of the New Forest and of the Forest of Dean in accordance with section 47(1) of that Act, hereby make the following byelaws, a draft of which has been laid before Parliament:-

##### **Title and Commencement**

1. These byelaws may be cited as the Forestry Commission Byelaws 1982 and shall come into operation on 1 June 1982.

##### **Interpretation**

2. In these byelaws:-

"the Arboretum" means those lands of the Commissioners known as the Westonbirt Arboretum, Silk Wood, The Downs and Westonbirt Arboretum Car Park in the County of Gloucestershire;

"the Commissioners" means the Forestry Commissioners;

"the Forest of Dean" means the lands of the Commissioners which are situated in the parishes and community specified in Schedule 1;

"lands of the Commissioners" means lands which are under the management or control of the Commissioners and to which the public have, or may be permitted to have, access;

"the New Forest" means the lands of the Commissioners for the time being constituting the area commonly known as the New Forest in the County of Hampshire;

"the Pinetum" means those lands of the Commissioners known as the Bedgebury Pinetum, Bedgebury Pinetum Car Park and Forest Plots in the County of Kent.

##### **Application**

3. 1. Byelaws 5, 6 and 7 shall apply to all lands of the Commissioners except that byelaw 5.xi shall not apply to the New Forest or to the Forest of Dean.
2. Byelaws 8 and 9 shall apply only to the Arboretum and the Pinetum, byelaws 10 and 11 shall apply only to the New Forest and byelaw 12 shall apply only to the Forest of Dean.
3. Nothing in these byelaws shall make unlawful anything done with the written authority of the Commissioners.
4. Nothing in these byelaws shall prejudice or be in derogation of any right, power or duty vested in, or imposed on, the Verderers of the New Forest or of the Forest of Dean by virtue of any enactment or otherwise.

#### Revocation of Byelaws

4. The byelaws mentioned in Schedule 2 are hereby revoked.

#### Acts Prohibited on the Lands of the Commissioners

5. No person shall in or on the lands of the Commissioners:-

- i. enter any area on or near which there is displayed by the Commissioners a notice prohibiting entry thereon;
- ii. enter any building, structure or mine unless there is a notice displayed thereon by the Commissioners permitting or implying access thereto;
- iii. leave open or obstruct any gate or moveable barrier giving access to any enclosed plantation or other enclosed area;
- iv. light any fire or stove or leave any lighted match, tobacco, cigar or cigarette;
- v. remove or damage any building, wall, gate, stile, fence, railing, post, chain, seat, drain, pipe-line, notice-board, receptacle for rubbish or any other thing belonging to the Commissioners;
- vi. display any notice, placard or bill;
- vii. dig up, remove, cut or injure any tree, shrub or plant, whether living or not, or remove the seeds therefrom, or dig up or remove any soil, turf, leafmould, moss, peat, gravel, slag, sands or minerals of any kind;
- viii. disturb or remove archaeological or historical remains;
- ix. operate a metal detector;
- x. set up or place any caravan, tent, booth, stall or erection of any kind, including equestrian equipment;
- xi. turn out to graze or feed or allow to remain thereon any animal or fowl;
- xii. permit any animal in his charge to be out of control;
- xiii. except in the New Forest or on bridleways, which are public bridleways or bridleways specified by the Commissioners, ride or lead any horse;
- xiv. permit a dog for which he is responsible to disturb, worry or chase any bird or animal or, on being requested by an officer of the Commissioners, fail to keep the dog on a leash;
- xv. ply for hire with, or let out for hire, any mechanically-propelled or other vehicle of any horse or other animal;
- xvi. sell or distribute anything or offer or expose anything for sale;
- xvii. set up beehives;



- xviii. wilfully disturb, injure, catch, net, destroy or take any bird, fish, reptile or animal, or attempt to do so, or take the eggs of any bird;
- xix. catch or net for the purposes of any collection any butterfly, moth or dragonfly;
- xx. wilfully disturb, damage or destroy the burrow, den, set or lair of any wild animal;
- xxi. carry or use any firearm, shotgun, bow or other missile weapon, or any ammunition or missile for use therewith;
- xxii. dam or obstruct or restrain the flow of water in any watercourse or break the banks thereof, or open or close any sluice belonging to the Commissioners;
- xxiii. operate any aircraft, glider, hot-air balloon, boat, raft or craft or any kind, or any model aircraft, boat or car;
- xxiv. play or practise any game or sport in such a manner as to disturb the peaceful use of such lands or endanger the public or animals;
- xxv. play any musical instrument or operate any radio receiving set or any other apparatus for the production or emission by electrical or mechanical means of sound, speech or images in such a manner as to cause annoyance to any person lawfully in or on such lands;
- xxvi. wilfully obstruct, disturb or annoy in any manner any person lawfully in or on such lands;
- xxvii. wilfully break any bottle or glass object;
- xxviii. place or leave on such lands (except in receptacles provided for the purpose by the Commissioners or by any other competent authority) any litter, rubbish, filth or refuse of any kind;
- xxix. direct or discharge or cause to be directed or discharged, whether by means of a pipe, stream or excavation or in any other manner, any sewage or other noxious substance or any dangerous chemicals in such a manner as to constitute a nuisance;
- xxx. deliver any public speech, lecture, sermon or address, or hold or take part in any public meeting, procession, exhibition or festival of any kind;
- xxxi. wilfully evade payment of any charges or tolls levied by the Commissioners for the use of car parks or forest roads.

6. 1. Subject to paragraph 2 of this byelaw no person shall bring or cause to be brought on to the lands of the Commissioners any vehicle other than a perambulator or wheelchair drawn or propelled by hand or by electrical power and used solely for the conveyance of a child or children or an invalid.

2. a. Paragraph 1 of this byelaw shall not apply:-

- i. to the parking of any vehicle by the side of a highway;
- ii, where the Commissioners provide an area for use for the parking or stopping thereon of vehicles of any specified class or classes, to the bringing into such an area by any person of a vehicle of the specified class or classes, or to the use of any such vehicle on a route or way specified by the Commissioners for obtaining access to such an area.

b. If any such area or access route or way referred to in paragraph 2.a.ii of this byelaw is provided by the Commissioners for use only during a specified period of the day, the provisions of that paragraph shall not have effect in relation to the bringing by any person of any vehicle into that area or on to that access route or way at any other time.

7. No person shall on the lands of the Commissioners:-

- i. drive a motor vehicle as a learner driver;
- ii. use or operate a motor vehicle without an efficient silencer;
- iii. park or leave unattended a motor vehicle between the hours of sunset and sunrise except by the side of a highway for a stop of reasonable duration for refreshment or other reasonable cause.

Additional Acts prohibited in the Arboretum and the Pinetum

8. No person shall in the Arboretum or the Pinetum:-

- i. picnic otherwise than where the Commissioners set apart a space described in a notice displayed there;
- ii. play any ball game;
- iii. bathe or wade in any pond or stream;
- iv. climb any tree, wall or fence;
- v. fly any kite.

9. No person shall:-

- i. enter or leave the Arboretum or the Pinetum otherwise than by an entrance or exit authorised by the Commissioners;
- ii. bring into the Arboretum or the Pinetum any plant or any living part of a plant.

Additional Acts prohibited in the New Forest

10. No person shall in the New Forest drive any vehicle at a speed greater than 20 miles per hour.

11. No person shall in the New Forest:-

- i. turn out in any area of plantations enclosed by the Commissioners to graze or feed or allow to remain therein any animal or fowl;
- ii. without lawful authority, turn out in any area of the Forest (not being an area of plantations enclosed by the Commissioners) to graze or feed or allow to remain therein any animal or fowl.

## Additional Acts prohibited in the Forest of Dean

### 12. No person shall in the Forest of Dean:-

- i. turn out in any area of plantations enclosed by the Commissioners to graze or feed or allow to remain therein any animal or fowl;
- ii. without lawful authority, turn out in any area of the Forest (not being an area of plantations enclosed by the Commissioners) to graze or feed or allow to remain therein any animal or fowl except such sheep as the Commissioners suffer to graze therein;
- iii. turn out in any area of the Forest (not being an area of plantations enclosed by the Commissioners) to graze or feed or allow to remain therein any sheep, other than a lamb, which is not clearly marked with the owner's identification marks being identification marks registered with the Deputy Surveyor of the Forest of Dean as the owner's.

## SCHEDULE 1

### Byelaw 2

#### The Forest of Dean Parishes and Community

In the County of Gloucestershire, the parishes of Alvington, Awre, Blaisdon, Cinderford, Coleford, Drybrook, English Bicknor, Hewelsfield, Littledean, Longhope, Lydbrook, Lydney, Mitcheldean, Newland, Newnham, Ruardean, Ruspidge, St. Briavels, Staunton, Tidenham, West Dean and Woolaston.

In the County of Hereford and Worcester, the parishes of Goodrich, Hope Mansell, Ross Rural, Walford and Whitchurch.

In the County of Gwent, the part of Monmouth Community which is situated east of the River Wye.

## SCHEDULE 2

### Byelaw 4

| Byelaws revoked                       |    | Reference |
|---------------------------------------|----|-----------|
| The Bedgebury Pinetum Byelaws 1969    | SI | 1969/ 312 |
| The New Forest Byelaws 1970           | SI | 1970/1068 |
| The Forestry Commission Byelaws 1971  | SI | 1971/ 997 |
| The Westonbirt Arboretum Byelaws 1972 |    | SI        |
| 1972/ 303                             |    |           |
| The Forest of Dean Byelaws 1975       |    | SI        |
| 1975/ 918                             |    |           |
| The Forestry Commission Byelaws 1975  | SI | 1975/ 919 |

## APPENDIX 2



# New Forest Byelaw Watch

Recording form for Static Watch - Monday 29th August

## Background Information on the Survey

Please record all byelaw breaches that you see during your period of observation.

You may find it easier to print this sheet out to take with you so that you can record a tally during your observation.

Please then submit your form online via the link received in your email (our preferred option) or email a scan of the form to [secretary@friendsofthenewforest.org](mailto:secretary@friendsofthenewforest.org) if you are unable to.

### 1. Location

### 2. Start time

### 3. Finish time

4. Name of the recorder

Enter your answer

5. How many instances of wildlife being disturbed by people have you seen?

*[Byelaw breached - The Forestry Commission Byelaws: No person shall wilfully disturb, injure, catch, net, destroy or take any bird, fish, reptile or animal, or attempt to do so, or take the eggs of any bird; or catch or net for the purposes of any collection any butterfly, moth or dragonfly; or wilfully disturb, damage or destroy the burrow, den, set or lair of any wild animal].*

Enter your answer

6. How many instances of wildlife being disturbed by dogs have you seen?

*[Byelaw breached - The Forestry Commission Byelaws: No person shall permit a dog for which he is responsible to disturb, worry or chase any bird or animal].*

Enter your answer

7. How many instances of livestock being disturbed by dogs have you seen?

*[Byelaw breached - The Forestry Commission Byelaws: No person shall permit a dog for which he is responsible to disturb, worry or chase any bird or animal].*

Enter your answer

8. How many instances of plants being picked have you seen?

*Please record what you saw being picked and the details.*

*[Byelaw breached - The Forestry Commission Byelaws: No person shall dig up, remove, cut or injure any tree, shrub or plant, whether living or not, or remove the seeds therefore, or dig up or remove any soil, turf, leaf-mould, moss, peat, gravel, slag sands or minerals of any kind].*

Enter your answer

9. How many instances of livestock being fed or petted have you seen?

In the case of a group acting together, record this as one occurrence. Please note whether they were fed or petted in your answer.

*[Byelaw breached - The Verderers' Byelaws: No person other than the owner, or a person appointed as their agent or an agister shall hand feed or attempt to hand feed any horse, bovine animal, sheep or pig depastured in the Forest].*

Enter your answer

10. How many instances of waste from dogs have you seen?

Please note any areas of particular concentration e.g. within 10m of [name of carpark].

*[Byelaw breached - The Forestry Commission Byelaws: No person shall place or leave on such lands any filth of any kind].*

Enter your answer

11. How many instances of fly tipping have you seen on the Forest?

*[Byelaw breached - The Forestry Commission Byelaws: No person shall place or leave on such lands any litter, rubbish, filth or refuse of any kind].*

Enter your answer

12. How many instances of discarded litter have you seen on the Forest?

Where waste is branded note any commonly occurring items that you observe. Please treat fly-tipping in Question 10, and exclude from this category

*[Byelaw breached - The Forestry Commission Byelaws: No person shall place or leave on such lands any litter, rubbish, filth or refuse of any kind].*

Enter your answer

13. Have you seen any BBQs or camp fires outside of designated permitted sites?

If so, please record which you have seen and how many instances?

*[Byelaw breached - The Forestry Commission Byelaws: No person shall light any fire or stove or leave any lighted match, tobacco, cigar or cigarette].*

Enter your answer

14. Have you seen any tents or gazebos away from designated permitted sites?

If so, please record what you have seen and how many?

*[Byelaw breached - The Forestry Commission Byelaws: No person shall set up or place any caravan, tent, booth, stall or erection of any kind, including equestrian equipment].*

Enter your answer

15. How many instances of cycling off the cycle tracks have you observed?

Please provide any detailed observations.

*[Byelaw breached - The Forestry Commission Byelaws: No person shall bring on to the lands of the Commissioners any vehicle other than a perambulator or wheelchair drawn or propelled by hand or by electrical power and used solely for the conveyance of a child or children or an invalid].*

Enter your answer

16. Have you observed any drones, model vehicles or metal detectors being operated without permission?

Please provide any detailed observations of which you have observed, together with the location if possible.

*[Byelaw breached - The Forestry Commission Byelaws: No person shall operate any aircraft, glider, hot-air balloon, boat, raft or craft or any kind, or any model aircraft, boat or car; or play or practice any game or sport in such a manner as to disturb the peaceful use of such lands or endanger the public or animals and no person shall disturb or remove archaeological or historical remains or operate a metal detector].*

Enter your answer

17. How many instances of vehicles parked restricting access to gates have you seen?

*[Byelaw breached - The Forestry Commission Byelaws: No person shall wilfully obstruct any person lawfully in or on such lands].*

Enter your answer

18. How many vehicles parked overnight in Forest car parks have you seen?

*[Byelaw breached - The Forestry Commission Byelaws: No person shall park or leave unattended a motor vehicle between the hours of sunset and sunrise except by the side of a highway for a stop of reasonable duration for refreshment or other reasonable cause].*

Enter your answer

19. Other areas of interest:

How many vehicles have you seen parked on verges?



Enter your answer

20. Other areas of interest:

How many instances of fungi picking have you seen?

Enter your answer

21. Are there any other observations that you'd like to bring to our attention?

Enter your answer

Submit

Never give out your password. [Report abuse](#)

---

This content is created by the owner of the form. The data you submit will be sent to the form owner. Microsoft is not responsible for the privacy or security practices of its customers, including those of this form owner. Never give out your password.

Powered by Microsoft Forms | [Privacy and cookies](#) | [Terms of use](#)