



Official Verderer
Lord Manners

Verderers of the New Forest

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Dear Commoner

As I am sure you are aware, there are areas of the Forest and the adjacent commons which this winter have been severely damaged by poaching, principally by cattle.

In order to ensure that you are aware of the following matters, the Verderers are writing to all commoners as the consequences that flow from this damage are matters of concern to all those who depasture stock.

1. Rights of common should not be exercised in a way that causes damage.
2. All commoners should also be aware that under the cross compliance rules which govern the BPS, damaging the Forest and the adjacent commons in this way could have very serious financial consequences not just for those responsible for causing the damage but for all those in receipt of payments under BPS.

I set out below some relevant extracts from DEFRA's guidance and rules:

Cross compliance and common land

As a landowner, if you claim agricultural payments under the Single Payment Scheme, you must comply with cross compliance rules across all of your agricultural land – not just the land you claim payments for.

The responsibility for cross compliance with common land is shared with other stakeholders. If the other stakeholders are actively using the land setting up a commons council can help with meeting cross compliance rules.

Common land

You must meet the relevant rules across the whole of your holding, regardless of the amount of land you entered into the schemes.

This includes common land which you exercise or hold rights of common over (including rights in gross). It also applies to all land including forestry for which payments are claimed under rural development schemes.

3. Much of the Forest is designated a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC).

Under the Wildlife and Countryside Act 1981 as amended (primarily by the Countryside and Rights of Way Act 2000) it is an offence for anyone to intentionally or recklessly destroy or damage the special interest features of an SSSI.

4. Commoners are also reminded of the new rules which came into force on 2 April 2018 for farmers and land managers to prevent water pollution.

Relevant extracts of those rules are set out below.

Rule 6: reasonable precautions to prevent soil erosion

You must take all reasonable precautions to prevent significant soil erosion and run off from:

- *land management and cultivation practices (such as seedbeds, tramlines, rows, beds, stubbles (including harvested land with haulm), polytunnels and irrigation)*
- *poaching by livestock*

Rule 7: protecting against soil erosion by livestock

Any land within 5 metres of inland freshwaters and coastal waters must be protected from significant soil erosion by preventing poaching by livestock.

Rule 8: position of livestock feeders

Livestock feeders must not be positioned:

- *within 10 metres of any inland freshwaters or coastal waters*
- *within 50 metres of a spring, well or borehole*
- *where there is significant risk of pollution from poaching around the feeder entering any inland freshwaters or coastal waters*

The Verderers will be reviewing the use, location and operation of all feeding areas to ensure both that they have been operated in compliance with their permissions and with the new rules referred to above in mind.

5. Finally those commoners who participate in the Verderers' Grazing Scheme are reminded of the following VGS rules:-

1. *Eligibility - To be eligible for the scheme a commoner must:*

- 1.10. *Maintain reasonable commoning standards and practices at all times (as determined by the Verderers).*

- 5.1. *Scheme members must abide by DEFRA's Standards of Good Farming Practice across the whole of their holding (copies are available from DEFRA) and must also meet DEFRA's cross compliance requirements on their holding, including any land that is rented or leased and on the common land within the New Forest.*

- 5.3. *Scheme members and their animals must not damage the SSSI in any way that contributes to that part of the SSSI becoming 'unfavourable' in condition.*
- 11.12. *Under the terms of the HLS agreement with Natural England, payments may not be made to anyone who is found to be in breach of cross compliance requirements.*
- 13.1. *Failure to comply with these rules will result in automatic disqualification from the Scheme, or a lesser penalty at the discretion of the Verderers' Grazing Scheme Management Committee. A member who is disqualified will not receive any payment for a year, but may be allowed to rejoin the Scheme the following year depending on the reason and nature of their disqualification, provided that they are able to satisfy the Verderers of their intention to comply with the rules. A lesser penalty will normally involve the withholding of part of any payment due under the Scheme....*

Commoning is in the public eye as never before. There are many who would not mourn the loss of grazing animals and the demise of commoning. As Brexit looms and we seek to negotiate a scheme of future funding for the Forest and commoning in particular, it is essential that we can continue to hold out commoning as a responsible practice which has high welfare standards, delivers significant environmental benefits and public good and critically, is not be responsible for damage to the fabric or fauna of the Forest.

Yours sincerely



Lord Manners
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