

AM 640/23

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 26 JANUARY 2023

CONSULTATION ON TWO PUBLIC SPACE PROTECTION ORDERS FOR THE NATIONAL PARK

Report by: Steve Avery, Executive Director

1. Introduction

1.1 Members will be aware that New Forest District Council propose to introduce two Public Space Protection Orders (PSPOs) to prohibit (i) the lighting of fires and the use of barbeques and (ii) the feeding and petting of ponies, horses, mules and donkeys in prescribed areas of the New Forest National Park. The two PSPOs are the subject of a current public consultation by the Council which runs until 5pm on 27 January 2023. This report sets out the details of the two PSPOs and asks Members to confirm the Authority's formal response to the consultation.

2. Background

2.1 In 2019, an extensive consultation known as 'Future Forest' debated and sought views on recreation in the New Forest National Park and surrounding area. Through this work partners agreed a comprehensive series of actions to manage recreation across the New Forest and beyond. Several of the most fundamental actions have been incorporated into the new Partnership Plan and these include a specific action to use "appropriate and proportionate enforcement strategies to deter illegal use of the Forest".

2.2 Through the Recreation Management Strategy Steering Group partners have been exploring various options to deter a wide range of 'inappropriate behaviours' in the Forest that include verge parking, out of control dogs, wild camping, wildfires and the use of BBQs, and the feeding and petting of commoners' animals. A request was made of the Council to consider utilising its powers under the Anti-Social Behaviour Crime and Policing Act 2014 Act to restrict certain behaviours through the making of a PSPO.

2.3 Following further work which included assembling evidence of 'anti-social' behaviours, the Council considers that sufficient evidence is in existence at the present time to progress PSPOs relating to the lighting of fires and the use of BBQs and the feeding and petting of animals within the Forest. On 2 November 2022, the Council approved two PSPOs for public consultation. A copy of the report to the Council's Cabinet can be viewed [here](#) which includes further details about the evidence base and the process for introducing and enforcing the PSPOs.

2.4 The statement provided by the Authority's Lead Ranger in support of the PSPOs is attached as Annex 1 and provides a first hand account of the increasing incidence of antisocial and damaging behaviour across the Forest.

3. PSPO 1 relating to fires and BBQs

3.1 Despite a series of high-profile campaigns in and around the New Forest about the dangers of fires on the open forest, significant numbers of incidents caused by BBQs and campfires continue to be recorded by Forestry England and our own Ranger Team.

3.2 If confirmed, PSPO 1 would prohibit the following activities:

(a) placing, throwing or dropping items likely to cause a fire

(b) lighting fires (of any type) or barbeques (including disposable barbeques and any outdoor temporary cooking facilities or equipment)

(c) using items which either (i) cause a naked flame or (ii) pose a risk of fire

The proposed area of land to which PSPO 1 would apply (known as the 'restricted area') principally comprises land managed and controlled by Forestry England (FE). The draft PSPO 1 and the relevant map are attached as Annex 2.

4. PSPO 2 relating to the feeding and petting of forest ponies, donkeys, horses and mules

4.1 The issues associated with the feeding and petting of livestock are set out in the Authority's supporting statement (Annex 1). As with fires and BBQs, there have been a series of public campaigns to raise awareness and understanding of the issues but this does not seem to deter those who continue to persist in such inappropriate behaviour.

4.2 If confirmed, PSPO 2 would prohibit the following activities:-

(a) feeding or providing or depositing food for consumption by any New Forest pony, horse, mule or donkey; or

(b) petting or touching any New Forest pony, horse, mule or donkey;

The proposed area of land to which PSPO 2 would apply principally comprises the Perambulation of the New Forest. The draft PSPO 2 and the relevant map are attached as Annex 3.

4.3 If confirmed, breaching the terms of the PSPOs would be a criminal offence and could result in a fixed penalty notice being issued with a maximum penalty of £100 or prosecution which could result in a fine of up to £1000. PSPOs last for three years but can be extended.

4.4 The consultation has been promoted widely by partners and discussed at recent parish quadrant meetings and last month's New Forest Consultative Panel. Whilst there are some who would have liked to have seen the scope of PSPO 1 widened to include fireworks and sky lanterns, the overwhelming feedback has been very positive.

- 4.5 It is important to remember that PSPOs are orders which prohibit certain things or impose requirements in order to prevent detrimental effects on the public and local communities. There are strict legal tests that have to apply before a PSPO can be made.
- 4.6 Subject to the outcome of the consultation, the aim is to have the PSPOs in place for June 2023.

5. Enforcing the PSPOs

- 5.1 If made, it would be the responsibility of the Authority, FE and the Verderers to enforce the PSPOs with back office support from the Council. This would involve the Council delegating authority to “authorised persons” to enforce the PSPOs, with the necessary protocols and agreements in place to cover respective responsibilities.
- 5.2 Partner organisations have been asked to supply a list of their proposed staff intended to enforce the PSPOs and this will include National Park and FE Rangers. The Council would provide the appropriate training as well as administering the back office arrangements to accept fixed penalty notice (FPN) payments and to supply FPNs to partners to issue.
- 5.3 A critical component of the PSPOs is the need to have in place appropriate signage so the public are aware that the PSPOs are in force. There are good examples elsewhere where sensitive signage has been introduced to support PSPOs in rural areas and this will be a particularly important consideration in the National Park.

6. Next steps

- 6.1 The Council will need to assess the response to the consultation and a further report is expected to be made to the Cabinet in the Spring. In the meantime, discussions are ongoing to agree the relevant ‘authorised persons’, associated training and the proposals for signage. A further update will be reported to the Authority meeting on 23 March 2023.
- 6.2 In the meantime, for all the reasons set out in the Authority’s supporting statement (Annex 1) it is recommended that the Authority formally responds to the consultation and supports the making of the two PSPOs.

Recommendation:

- 1. The Authority supports the making of both PSPOs as drafted.**
- 2. The Authority supports the proposed enforcement arrangements; and**
- 3. The Authority works with the relevant partner organisations to agree appropriate signage.**

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Equality Impact Assessment:

There are no equality or diversity implications arising directly from this report.