



Public Consultation in response to PSPO relating to fires & BBQs in the New Forest

Research Findings
Dec 2022 – Jan 2023



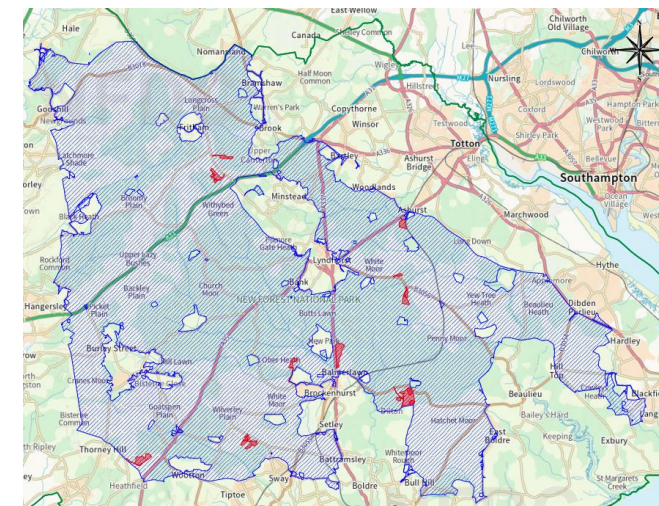
Background & Methodology





Public Consultation in response to a proposed Public Spaces Protection Order issued by New Forest District Council prohibiting the lighting of fires & BBQs within a large area of the forest

- Despite a series of high-profile campaigns in and around the New Forest, about the dangers of fires on the open forest, including an operational ban on disposable BBQs on Forestry England (FE) land in 2020, significant numbers of incidents caused by BBQs and campfires, continue to be recorded by FE, New Forest National Park Authority and Hampshire and Isle of White Fire and Rescue Service
- To help reduce the risks from wildfires and BBQs, New Forest District Council is proposing a Public Spaces Protection Order, referred to as The New Forest Public Spaces Protection Order 2022 (Number 1) ('PSPO No 1')
- Link to PSPO: https://www.newforest.gov.uk/media/2933/Draft-pspo-1/pdf/Draft_pspo_1.pdf?m=638054044782730000
- If made, Public Spaces Protection Order Number 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 Public Spaces Protection Order Number 1 would only apply to any land within the proposed Restricted Area. The Restricted Area principally comprises land managed and controlled by Forestry England



THE NEW FOREST
PUBLIC SPACES PROTECTION
ORDER 2022 (NO. 1)

Overview Map

- Restricted Area
- Forestry England Campsites
- District Boundary



Online survey hosted by Market Measures allowing public feedback to the PSPO. 771 responses were collected in total between early December '22 – late January '23

- The consultation period was open from 5th December 2022 - 27th January 2023 for the public to give their feedback on the PSPO
- As an independent research agency, Market Measures, hosted the survey which was designed by New Forest District Council
- The survey could be accessed through the relevant page on the New Forest District Council website as well as their social media channels
- Anyone unable to complete the survey online were sent a paper copy and their responses were inputted into the online survey on their behalf
- Respondents were able to access three documents prior to completing the survey:
 - Background Information
 - Draft PSPO Order
 - Map of the Restricted Area
- **771 responses** in total were recorded
- *This document summarises the findings of the survey*



Public Spaces Protection Order number 1: relating to fires and BBQs consultation

On this page:

- [Background information](#)
- [Breaching a Public Spaces Protection Order](#)
- [Take part in the consultation](#)

Pages

[Restricted Area map for proposed Public Spaces Protection Order number 1](#)

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59

THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2022 (NO.1)

1. ORDER

This Order is made by New Forest District Council ("the Council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and shall be known as The New Forest Public Spaces Protection Order 2022 (No.1) ("this Order").



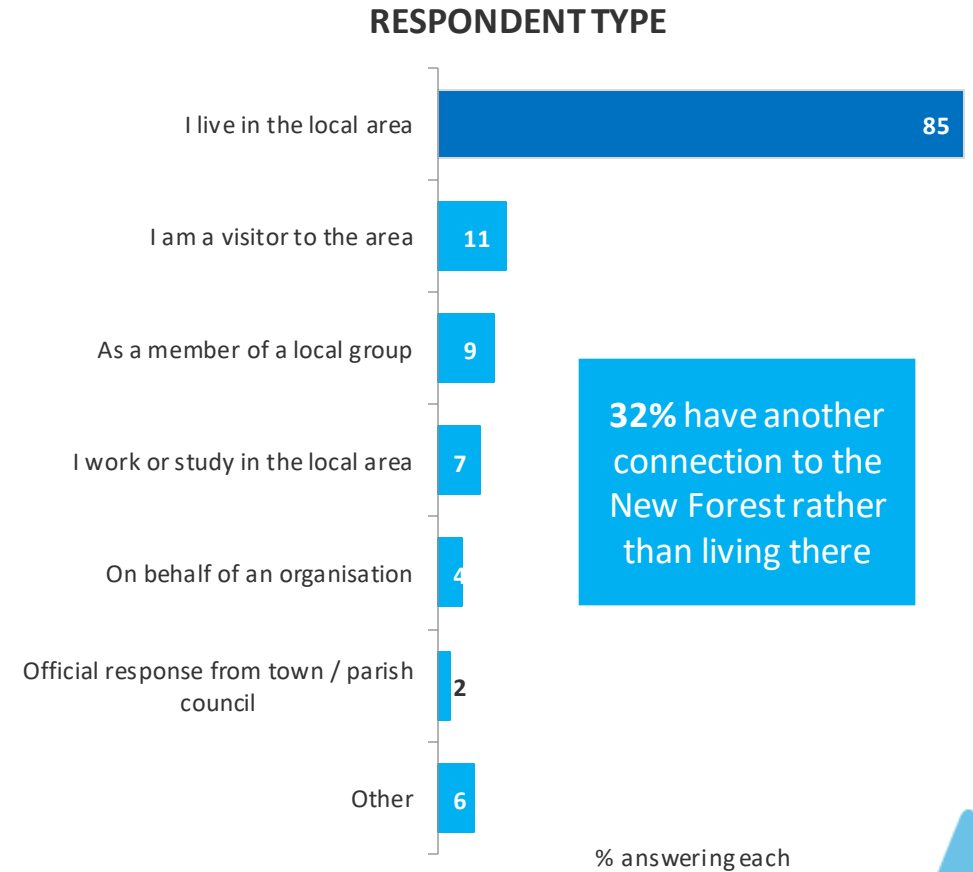
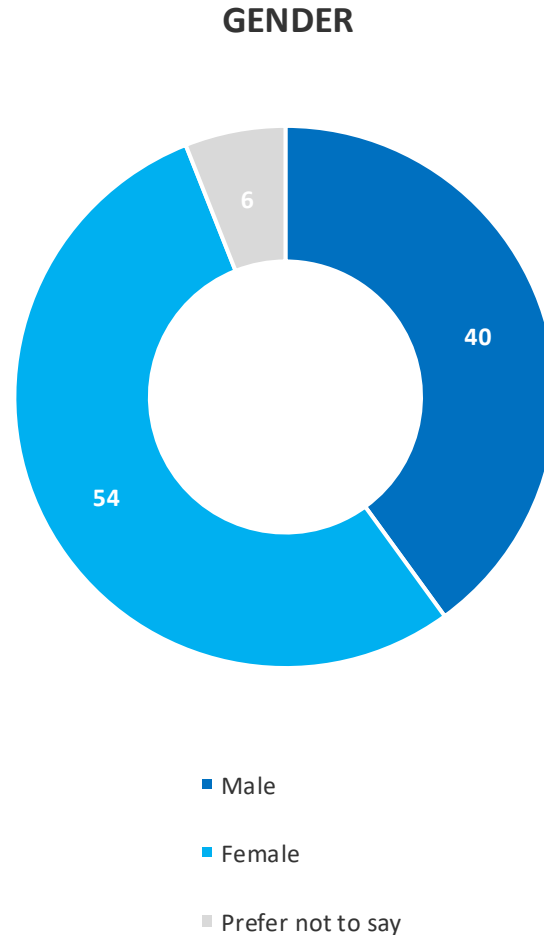
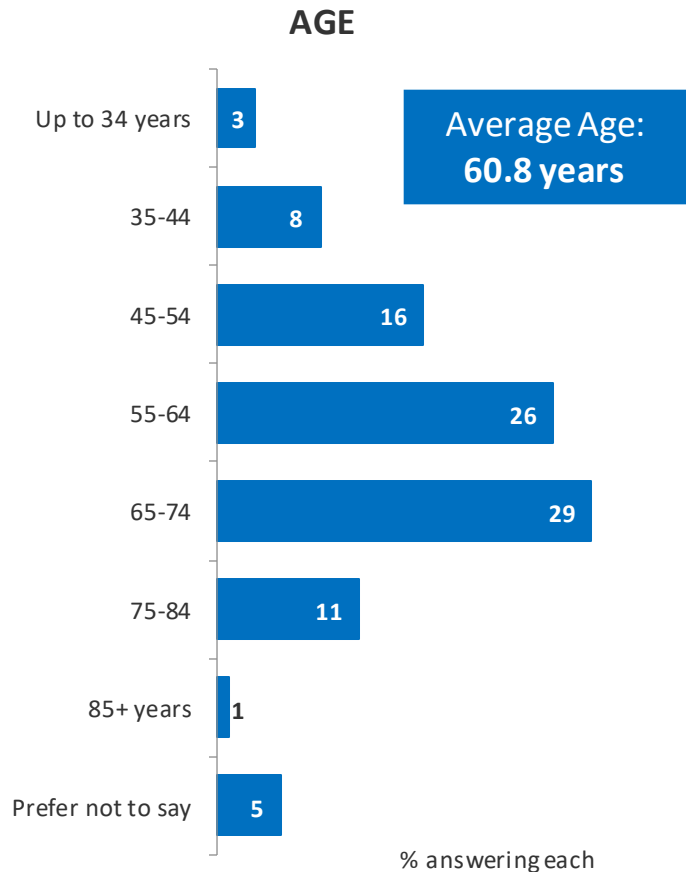
Restricted Area Map



Draft PSPO



Good spread of age groups responding to the survey, albeit an older sample profile than census data suggests. More females responded to the survey than males whilst 85% of those completing the survey live in the New Forest



Source: Census Data 2021

An older New Forest

Between the last two censuses, the average (median) age of New Forest increased by four years, from 47 to 51 years of age.

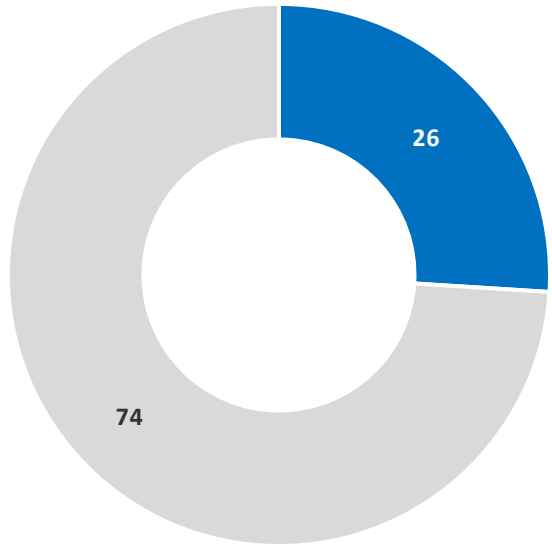
Summary of Results





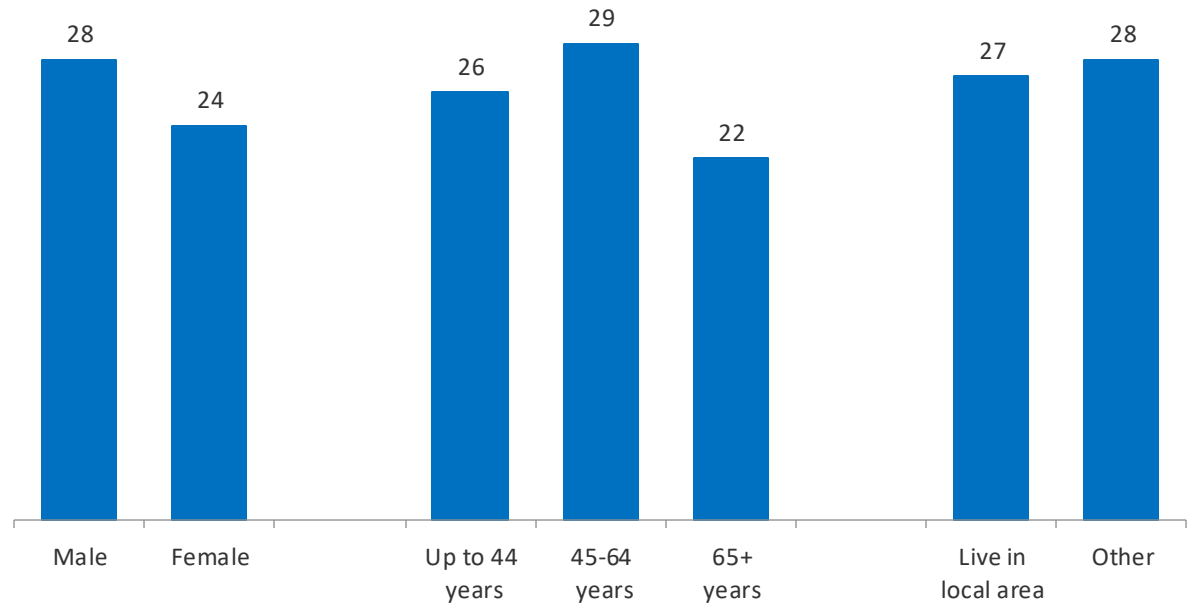
A quarter of respondents have experienced issues with fires in the restricted area in the last two years. This is consistent across all respondent groups

Have you had any personal experience of problems with fires in the proposed Restricted Area in the last 2 years?



■ Yes ■ No

% experiencing problems with fires in the Restricted Area in the last 2 years by respondent type

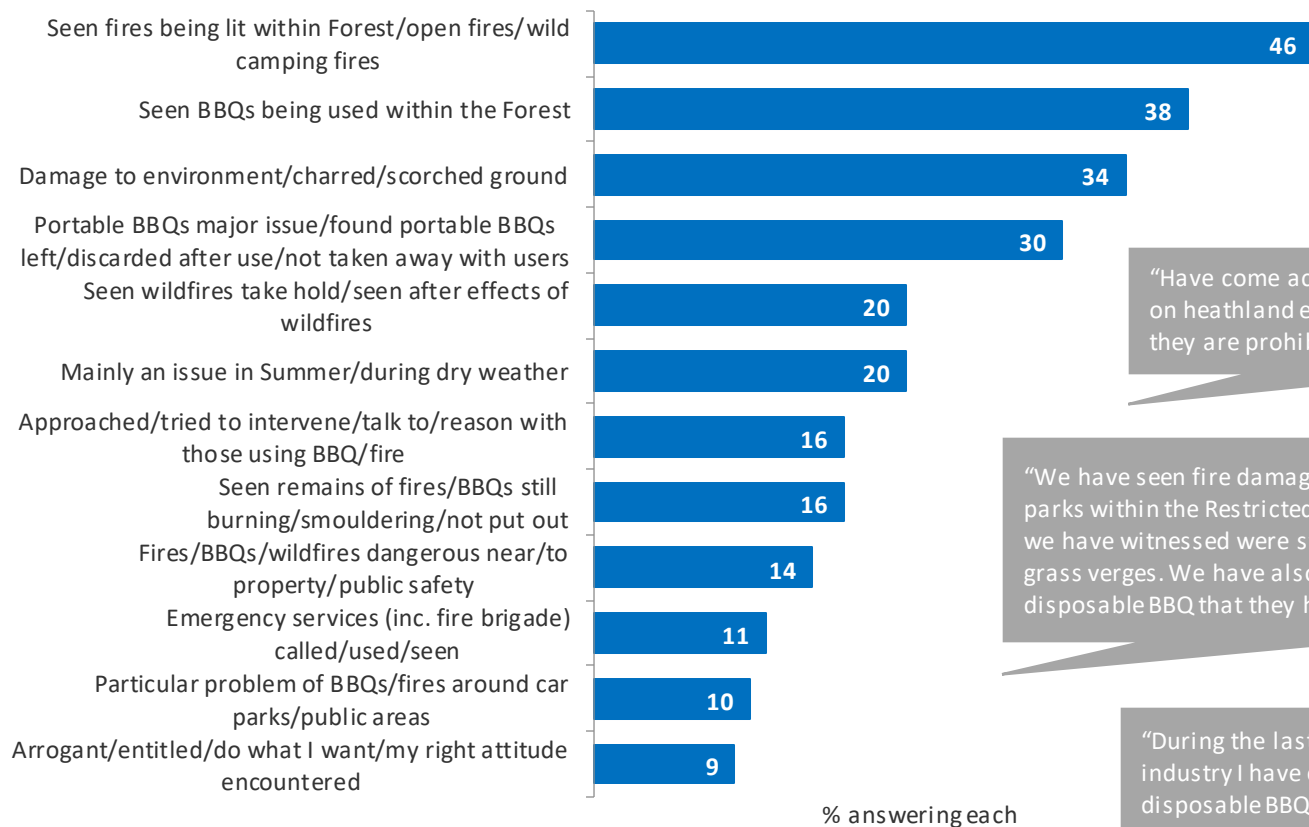


Restricted Area Map



Those who have experienced issues in the last two years have seen both fires being lit and BBQs being used as well as damaged ground and portable BBQs left

Problems experienced with wildfires in the proposed Restricted Area (Top 12 mentions)



"A family had been camped out all night and had just lit a fire to cook breakfast. I told him how dangerous it was but all I got was abuse and mouth. I told him that I would call a keeper and he could be fined but it made no difference."

"Have come across people lighting fires and BBQs in Forest and on heathland even when obvious notices in every car park that they are prohibited because of high fire risk."

"Despite the clear danger posed by fires and BBQs, I always see groups of people lighting fires and having BBQs in the forest. When approached and reminded how dangerous it is, the groups usually tell you to "p*ss off!"

"We have seen fire damage caused as a result of disposable BBQ use at car parks within the Restricted area. It is irrefutable that the cause of the fires we have witnessed were started from small rectangular burn areas in the grass verges. We have also witnessed a family having trouble with a lighted disposable BBQ that they have placed on top of a wooden picnic bench."

"During the last 2 years working within the local tourism industry I have encountered numerous examples of abandoned disposable BBQs and burnt spaces created by random fires lit by users. These were both adjacent to car parks and deeper in the forest."

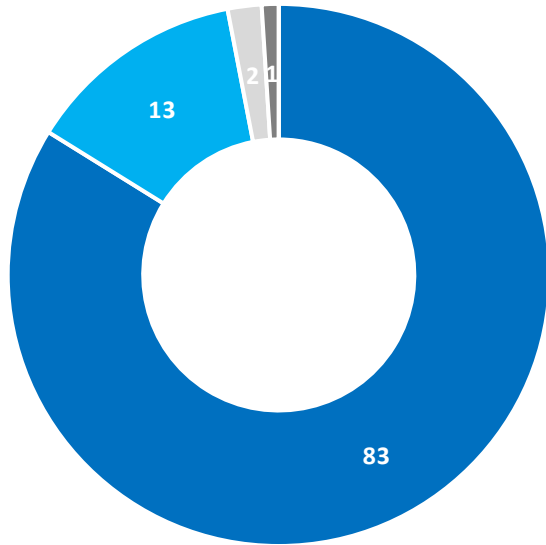
"BBQs lit on dry grass undergrowth, particularly around car parks, public spaces. Abandoned disposable BBQs & associated littering."

Base: Those who have experienced issues in the last 2 years (200)
Q: Please can you give us some more detail about the problems you have personally experienced with wildfires in the proposed Restricted Areas in the last 2 years?



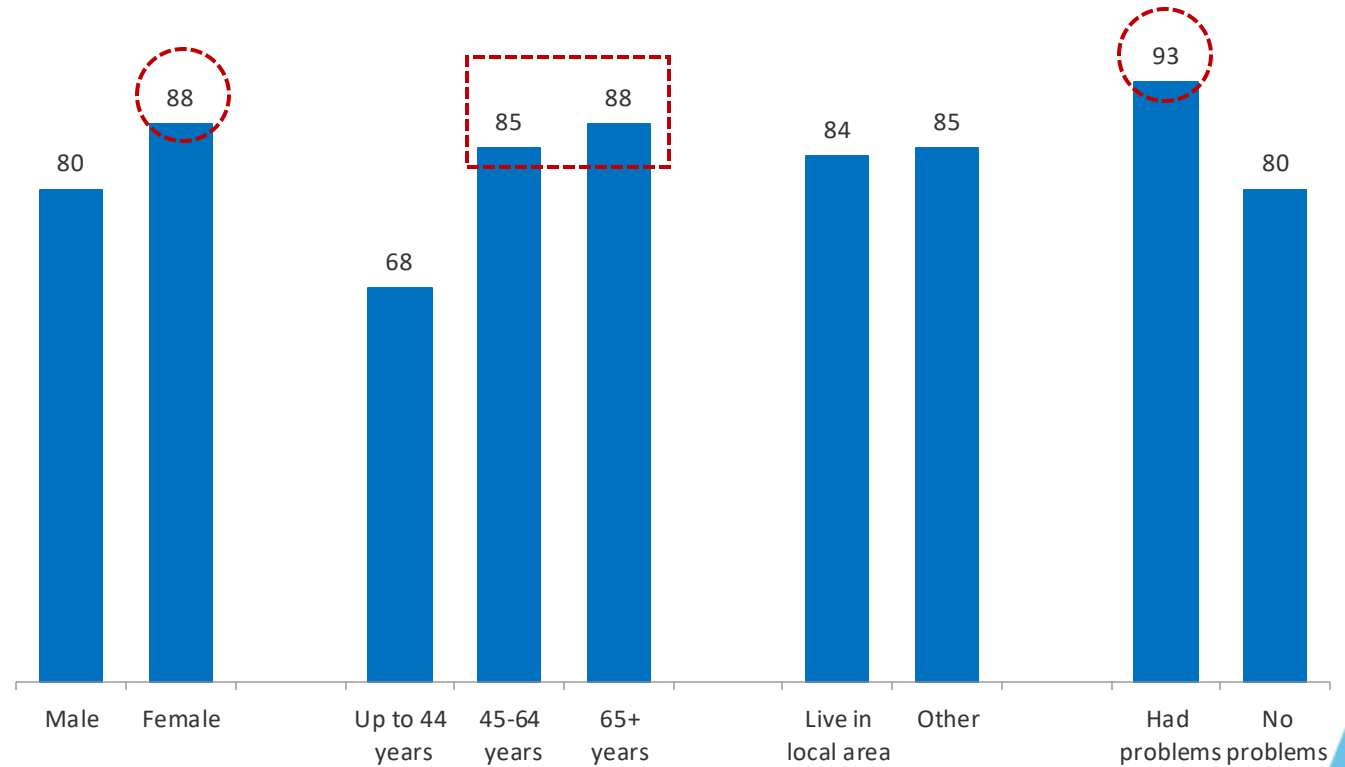
Over 80% of respondents are extremely concerned about wildfires in the proposed restricted area. This is highest amongst those who have previously experienced problems. Youngest respondents the least likely to be concerned

How concerned are you about wildfires in the proposed Restricted Area?



- Extremely concerned
- Concerned
- Neither concerned nor unconcerned
- Unconcerned
- Extremely unconcerned

% EXTREMELY concerned about wildfires in the proposed Restricted Area



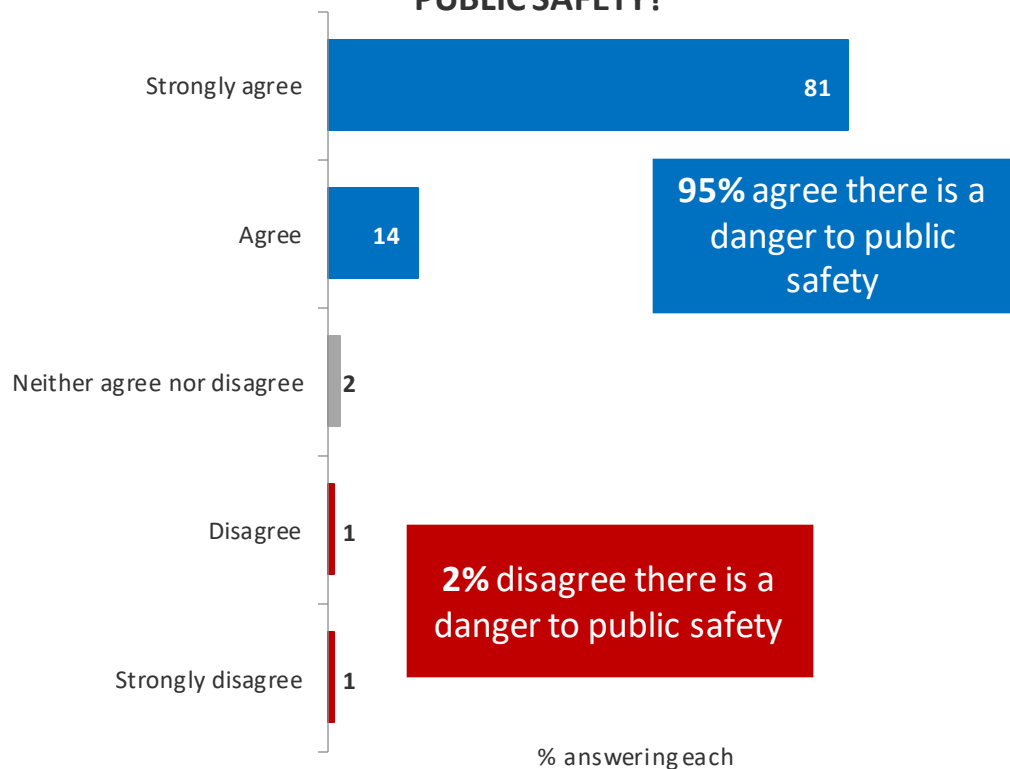
Base: Total Sample (771)

Q: How concerned are you about wildfires in the proposed Restricted Area?

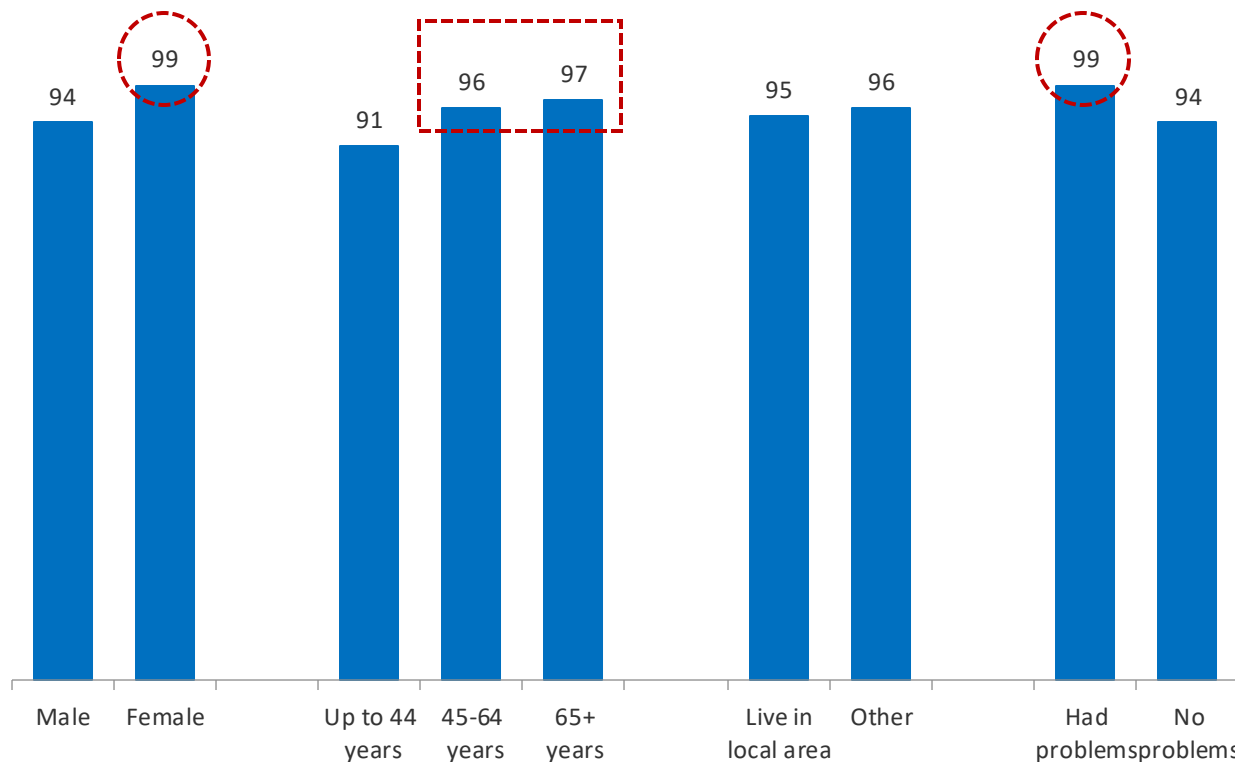


95% of respondents agree that the use of BBQs & lighting of fires in the Restricted Area is a danger to public safety. This is especially the case amongst those who have experienced issues in the past and females. Youngest respondents the least likely to agree

How much do you agree or disagree that the use of BBQs & the lighting of fires in the proposed Restricted Area is a DANGER TO PUBLIC SAFETY?



% agreeing there is a DANGER TO PUBLIC SAFETY



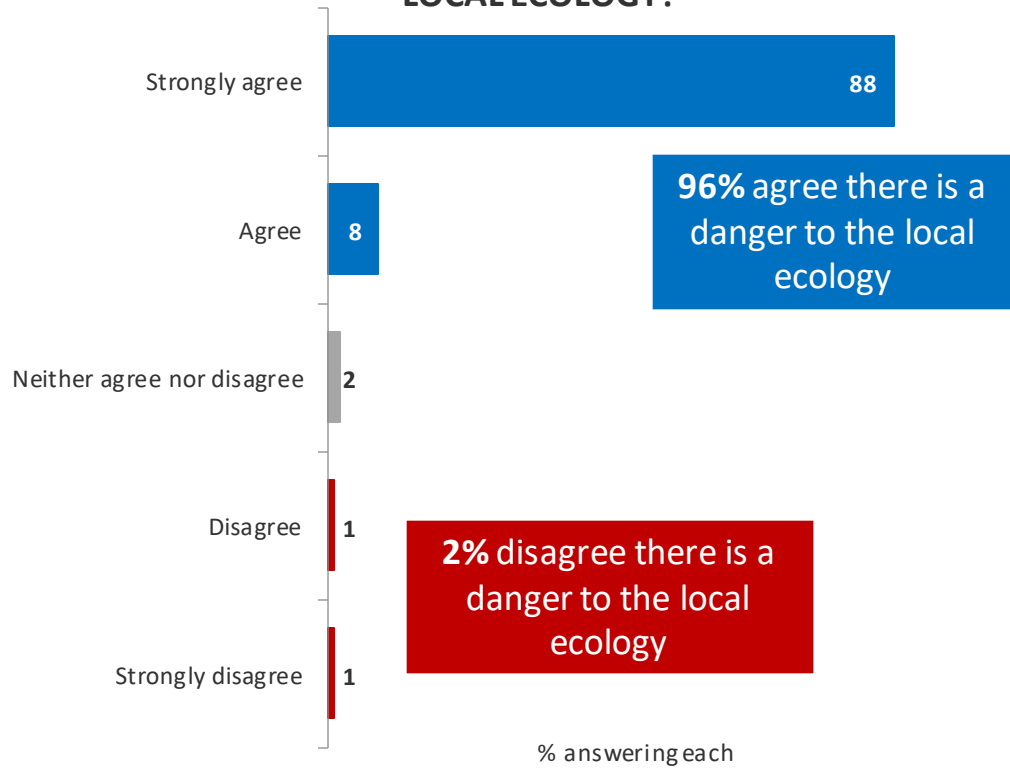
Base: Total Sample (771)

Q: How much do you agree or disagree that the use of BBQs & the lighting of fires in the proposed Restricted Area is currently a DANGER TO PUBLIC SAFETY?

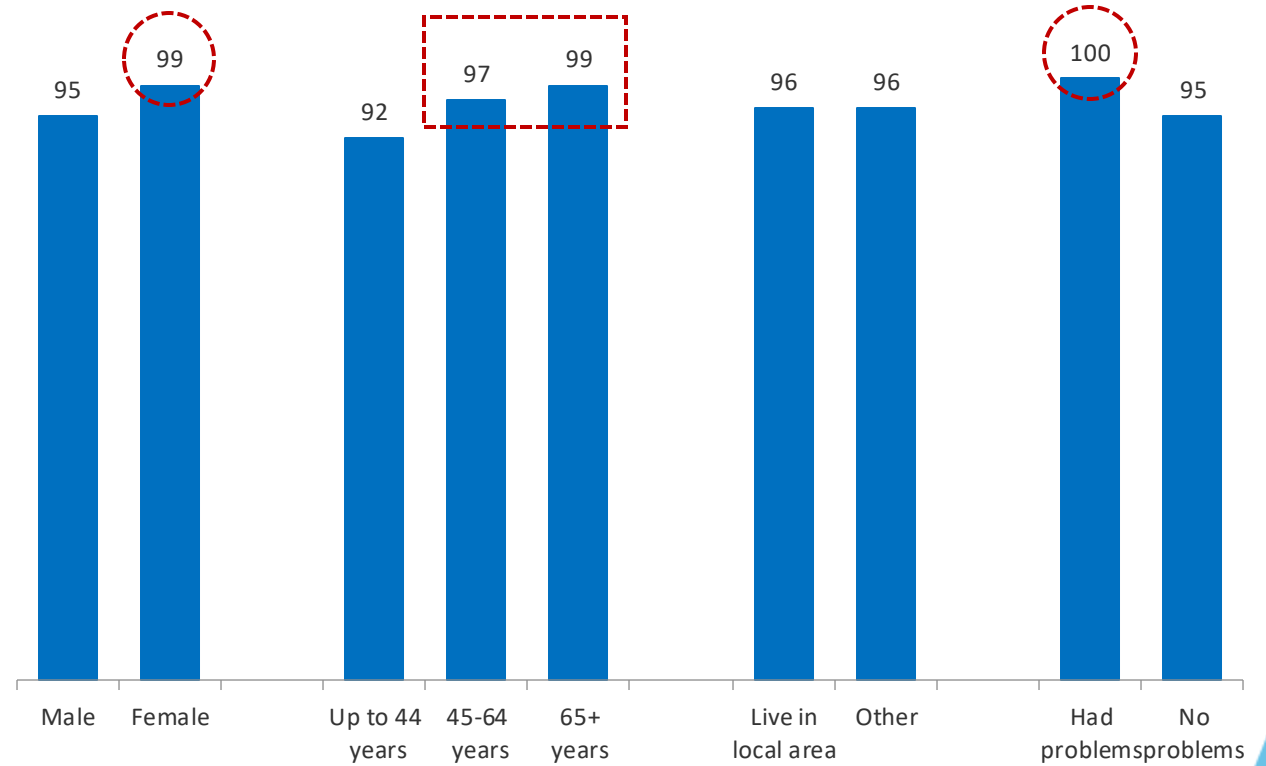


The use of BBQs & lighting of fires in the Restricted Area is considered a danger to the local ecology by 96%. Whilst youngest respondents are the least likely to agree, females and those who have experienced problems are significantly more concerned

How much do you agree or disagree that the use of BBQs & the lighting of fires in the proposed Restricted Area is a DANGER TO THE LOCAL ECOLOGY?



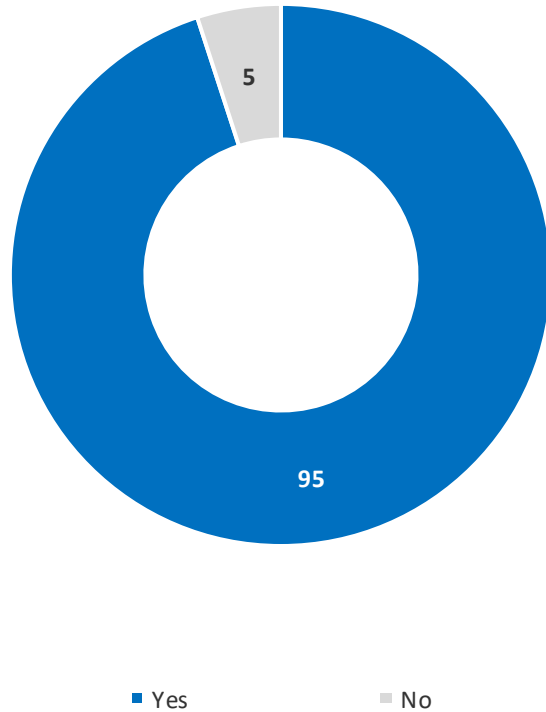
% agreeing there is a DANGER TO THE LOCAL ECOLOGY



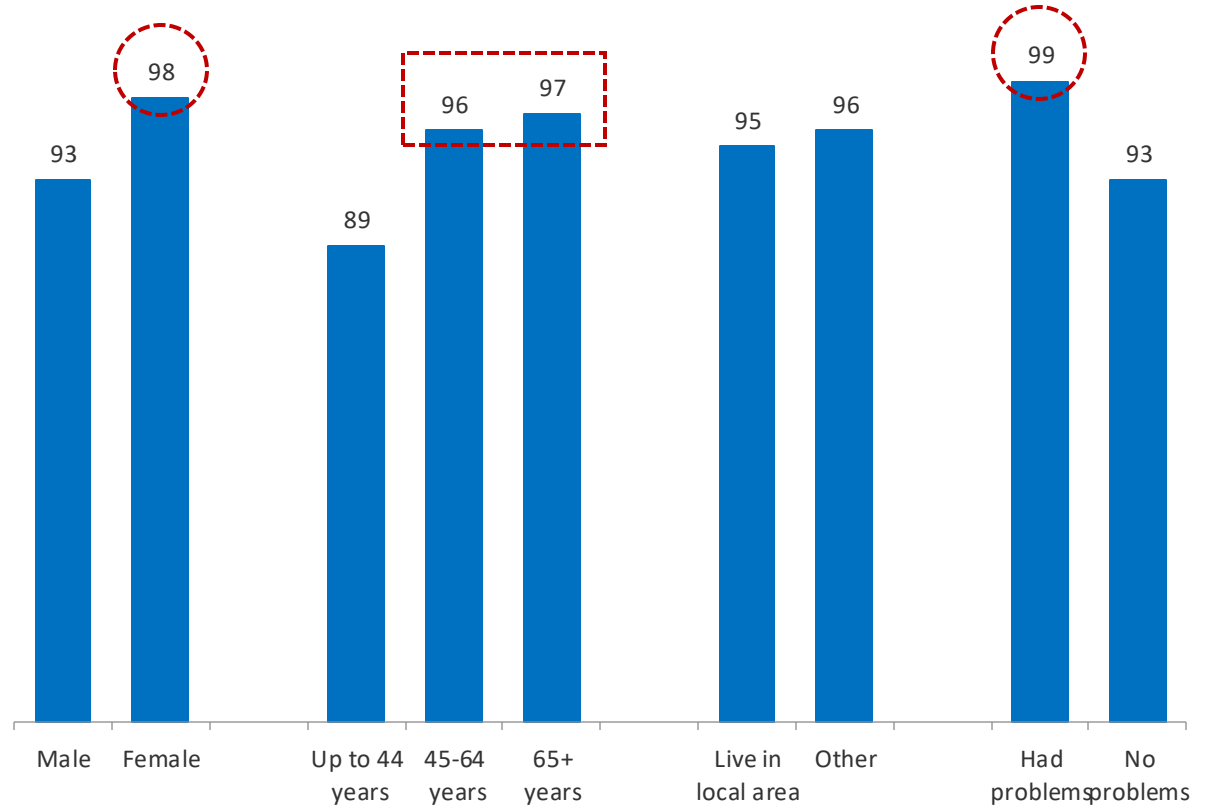


An overwhelming majority (95%) are in favour of introducing the PSPO to prohibit the use of BBQs & the lighting of fires in the proposed Restricted Area

Do you agree with the council's proposal to introduce a PSPO which prohibits the use of BBQs and the lighting of fires in the proposed Restricted Area?



% agreeing with the council's proposal to introduce the PSPO



Base: Total Sample (771)
Q: Do you agree with the council's proposal to introduce this PSPO which prohibits the use of BBQs and the lighting of fires in the proposed Restricted Area?



When given the opportunity to comment further on the PSPO, the most common mention was that the PSPO is necessary and even went further to suggest it should cover the whole national park

Further comments regarding the proposed PSPO (Top 12 mentions)



“Way overdue especially given such dry summers and visitors who display an ignorance of understanding. If action is not taken to minimise fire risk a catastrophic fire will occur sooner rather than later.”

“Think this a necessary proposal. I have seen the damage that BBQ's have done to the forest and feel that anything that can be done to reduce the risk of wildfires and the devastation they cause can only be a good thing.”

“I am extremely concerned about the likelihood of a heath fire causing terrible damage and danger to animals including the wildlife. With ancient woodland no longer cleared the Forest floor is strewn with timber that would effectively act like a bonfire and might prove very difficult to extinguish. The effects would be devastating to the ecology of the area, and I am not sure that we have sufficient experienced firefighters or equipment to cope with large heath fires?”

“Why is the whole of the New Forest not in the proposed PSPO No1 and just parts of it? Are the areas outside of the restricted areas fireproof? Is the gorse a special breed that doesn't catch fire?”

“The effect of large fires have on habitat greatly concerns me. If BBQs are not restricted the problem and the accompanying risk to habitat and property will increase.”

“The sooner the better, but enforcement is the key to ensuring these measures have an effect. If there is no enforcement you may as well not bother. If approved you will need to have a blitz in the early days in order to get publicity that you are an organisation that has some teeth.”

Base: Total Sample (771)
Q: Do you have any further comments regarding the proposed PSPO?

Thank you





Public Consultation in response to PSPO relating to feeding & petting of New Forest Ponies, Horses, Donkeys & Mules

Research Findings
Dec 2022 – Jan 2023



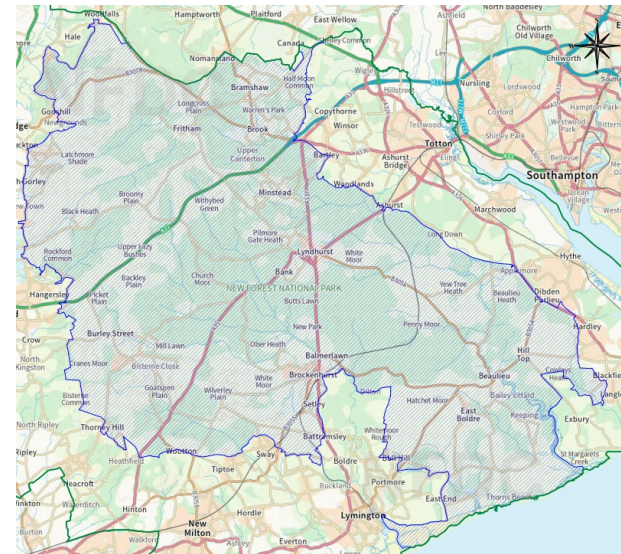
Background & Methodology





Public Consultation in response to a proposed Public Spaces Protection Order issued by New Forest District Council prohibiting the feeding & petting of ponies, horses, mules & donkeys within a large area of the forest

- Over the years, the dangers associated with members of the public feeding and petting roaming forest animals, have been well documented, publicised and the subject of numerous high-profile campaigns, all with the aim of discouraging such behaviour. It is evident that such behaviour continues on a large scale
- To help reduce the risks associated with feeding and petting New Forest ponies, horses, mules or donkeys, a Public Spaces Protection Order is being proposed, referred to as The New Forest Public Spaces Protection Order 2022 (Number 2) ('PSPO Number 2')
- Link to PSPO: https://www.newforest.gov.uk/media/2932/Draft-pspo-2/pdf/Draft_pspo_2.pdf?m=638054044779770000
- If made, Public Spaces Protection Order Number 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 Public Spaces Protection Order Number 2 would only apply to any land within the proposed Restricted Area . The Restricted Area principally comprises the Perambulation of the New Forest



New Forest DISTRICT COUNCIL
Tel: 023 808 8000
www.newforest.gov.uk

THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2022 (NO.2)
Overview Map

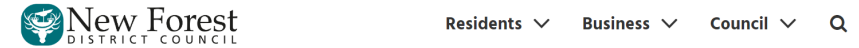
Legend:
 [Shaded Area] Restricted Area
 [Dashed Line] District Boundary

Scale 1:100000
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 Ordnance Survey 10000220



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[New Forest District Council website](#) > [Council](#) > [Councillors and democracy](#) > [Public Space Protection Orders \(PSPOs\)](#)

Public Spaces Protection Order number 2: relating to the feeding and petting of forest ponies, donkeys, horses and mules consultation

On this page:

- [Background information](#)
- [Breaching a Public Spaces Protection Order](#)

Pages

[Restricted Area map for Public Spaces Protection Order number](#)

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59

THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2022 (NO.2)

1. ORDER

This Order is made by New Forest District Council ("the Council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and shall be known as The New Forest Public Spaces Protection Order 2022 (No.2) ("this Order").



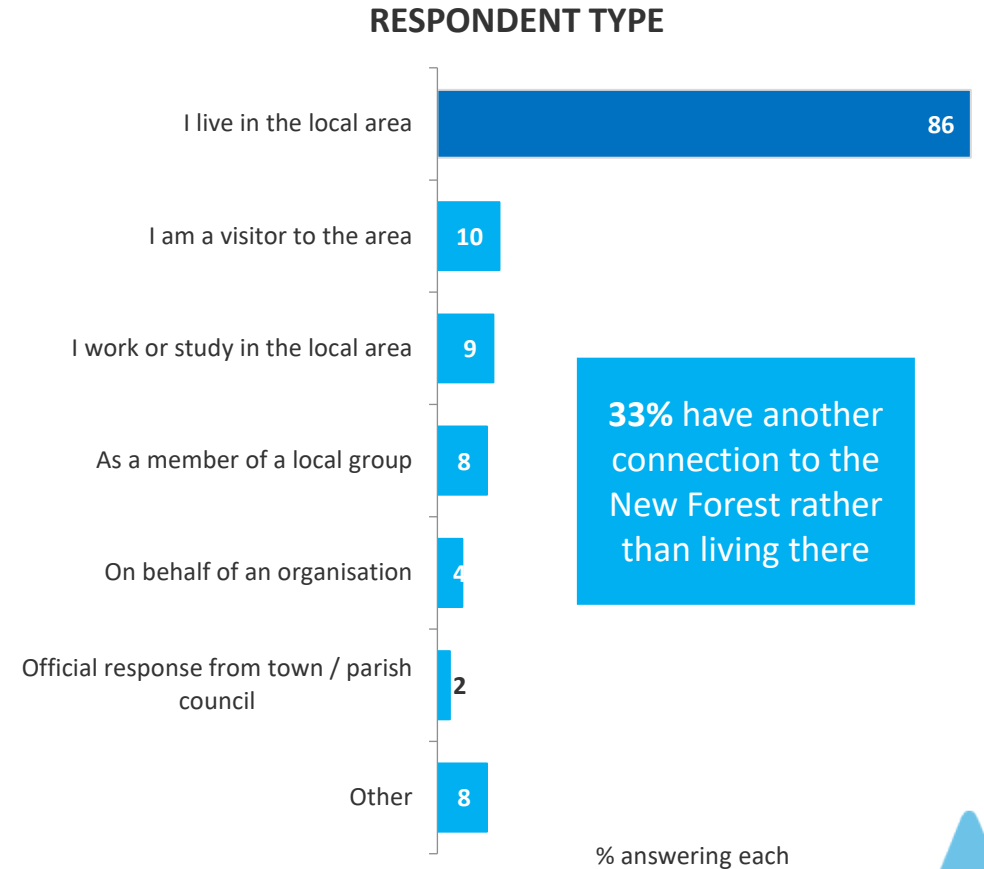
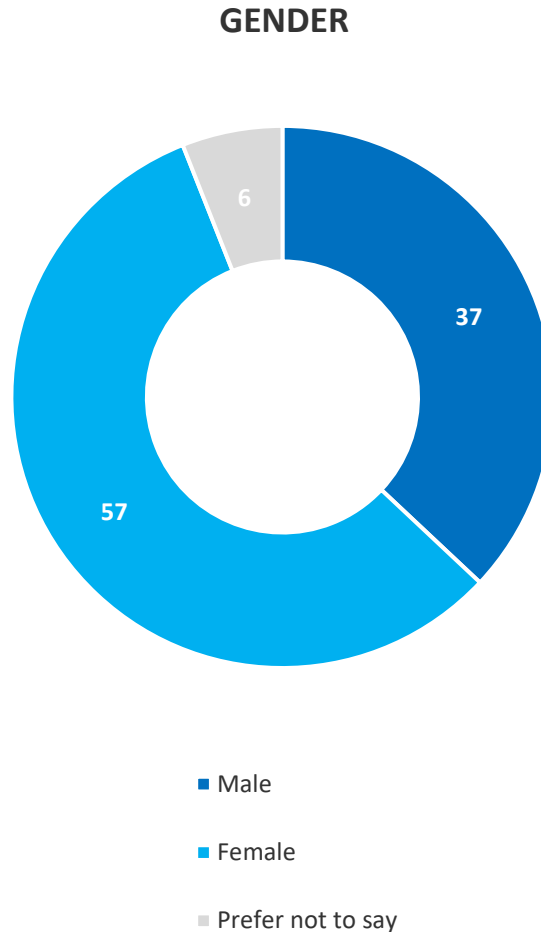
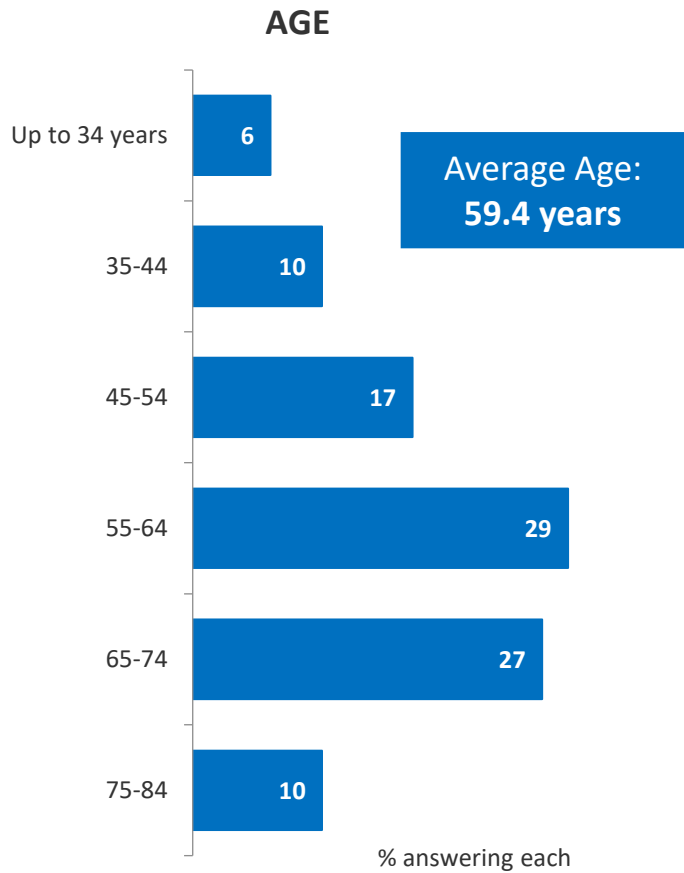
Draft PSPO



Restricted Area Map



Good spread of age groups responding to the survey, albeit an older sample profile than census data suggests. Significantly more females responded to the survey than males whilst 86% of those completing the survey live in the New Forest



Source: Census Data 2021

An older New Forest

Between the last two censuses, the average (median) age of New Forest increased by four years, from 47 to 51 years of age.

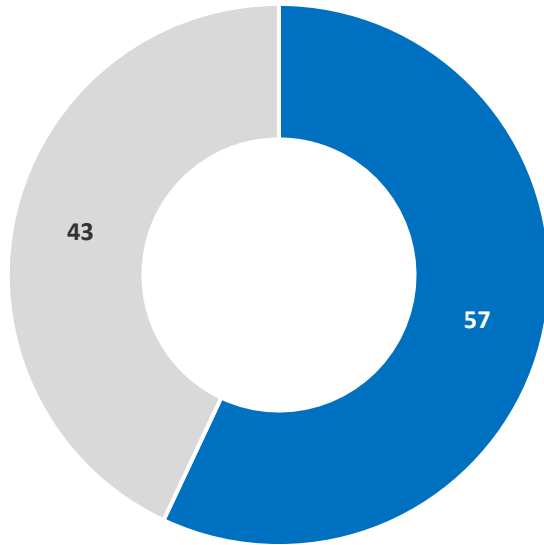
Summary of Results





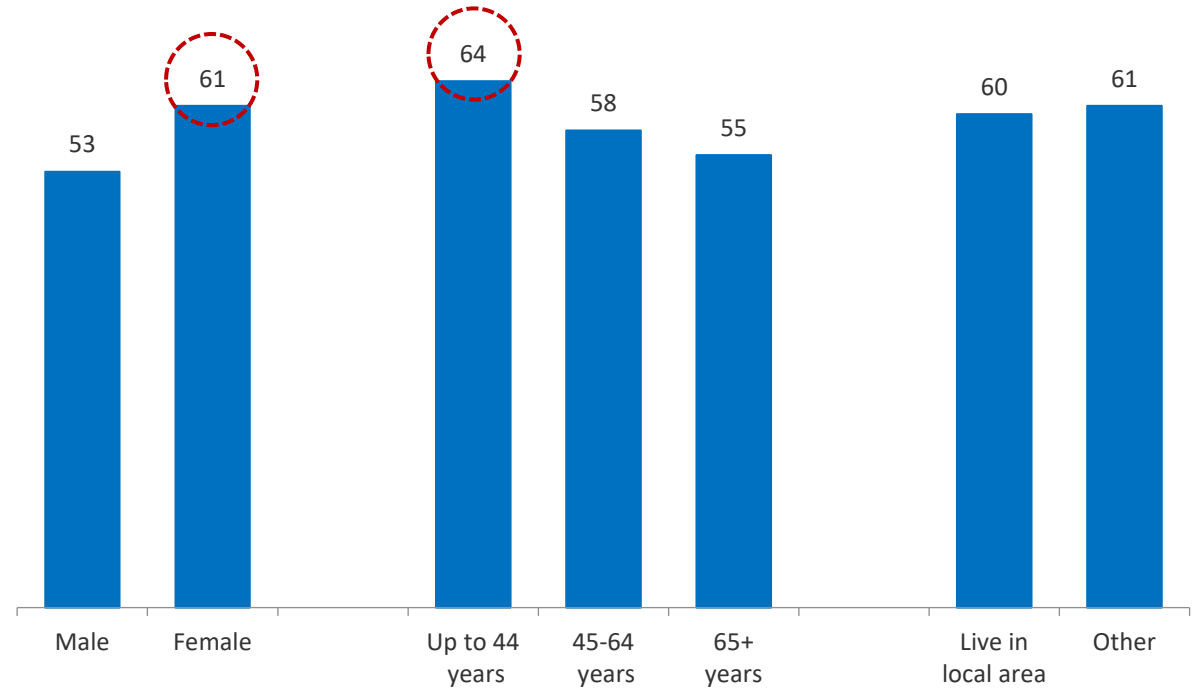
57% of respondents have experienced problems with the feeding of New Forest animals in the restricted area in the last two years. This is significantly higher amongst females and younger respondents

Have you had any personal experience of problems with the feeding of New Forest Ponies, Horses Donkeys & Mules in the proposed Restricted Area in the last 2 years?



■ Yes ■ No

% experiencing problems with feeding of animals in the Restricted Area in the last 2 years by respondent type

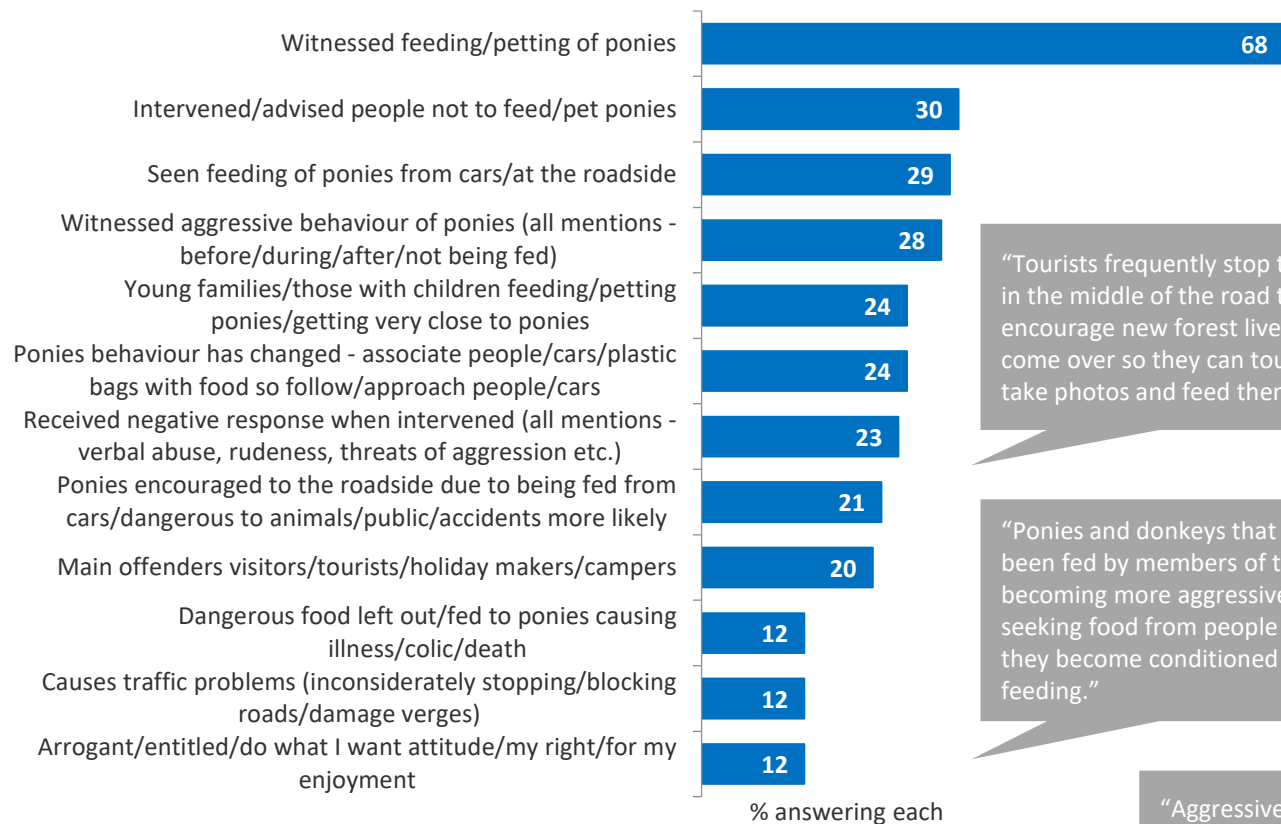


Restricted Area Map



Those who have experienced issues have witnessed both the feeding & petting of animals. They often intervene and can be abused for doing so. The animals themselves are also becoming more aggressive

Problems experienced with the feeding / petting of animals in the proposed Restricted Area (Top 12 mentions)



"It is a continual problem in this area. We have many donkeys and they are being constantly petted and fed. It causes them to frequent the car parks and pubs where they are even fed from car windows. We have given up trying to explain the whys and why nots just to be met with abuse and ignorance. The Forest is being treated as a petting zoo and it has to be stopped somehow."

"Tourists frequently stop their cars in the middle of the road to encourage new forest livestock to come over so they can touch them, take photos and feed them."

"The number of people feeding / petting the livestock seems to increase each year. When politely telling members of the public of the dangers of doing this (to them and the livestock) the invariable reaction from the public is abusive. It seems the livestock are seen as objects in a zoo. This summer I stopped to talk to a family who had parked their car on the verge and were feeding donkeys Doritos by the side of the road. When I asked them to stop and explained why, the Mother ran at me screaming for me to "f**k off" and said I had no authority to stop her doing anything she wanted. When I told her she was actually breaking a bye-law the verbal abuse continued. This is not an isolated incident, it is pretty typical of every encounter."

"Ponies and donkeys that have been fed by members of the public becoming more aggressive in seeking food from people because they become conditioned to expect feeding."

"Aggressive ponies in a forest car park, coming up to and blocking us in the car expecting to be fed."

"Came across a family putting a child on the back of a pony at Rockford common, also a child kicked by a pony the child was being encouraged to touch the pony, ambulance was called."

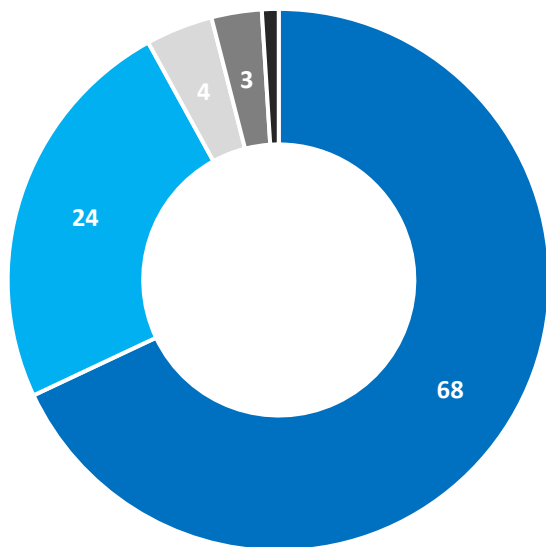
Base: Those who have experienced issues in the last 2 years (438)
Q: Please can you give us some more detail about the problems you have personally experienced with the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area in the last 2 years?



Summary of Results

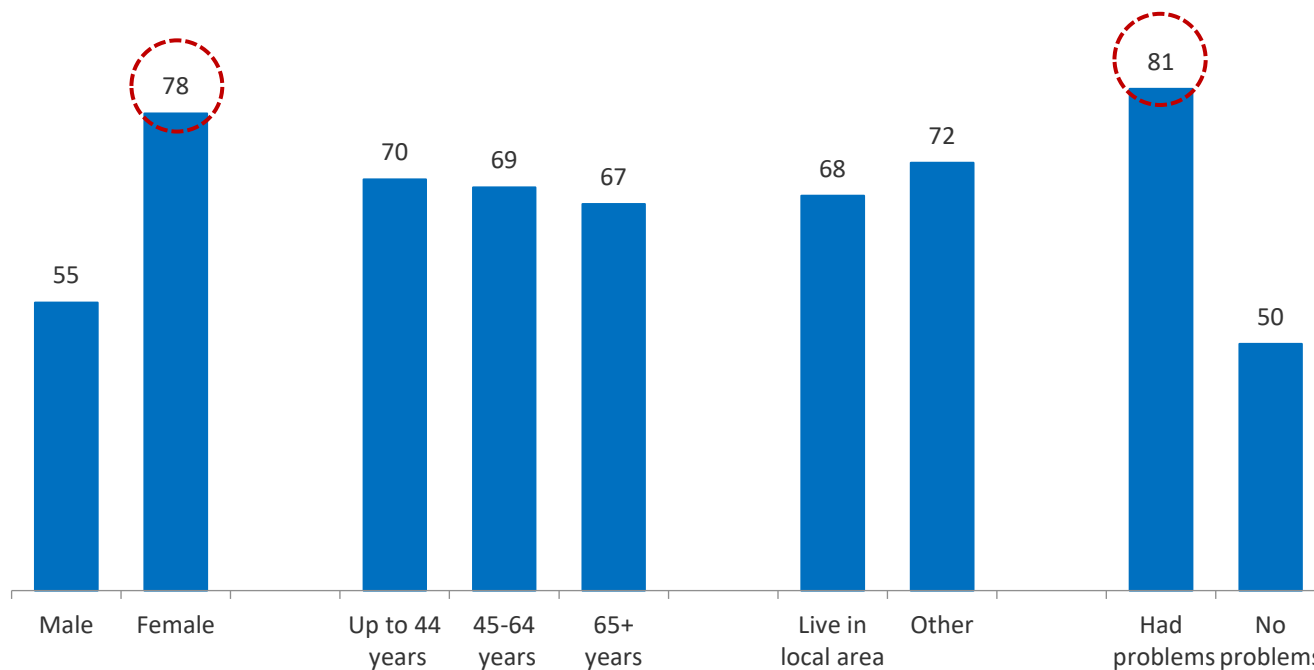
Over two thirds of respondents are extremely concerned about the feeding & petting of animals in the proposed restricted area. This is highest amongst those who have previously experienced problems and females

How concerned are you about the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area?



- Extremely concerned
- Concerned
- Neither concerned nor unconcerned
- Unconcerned
- Extremely unconcerned

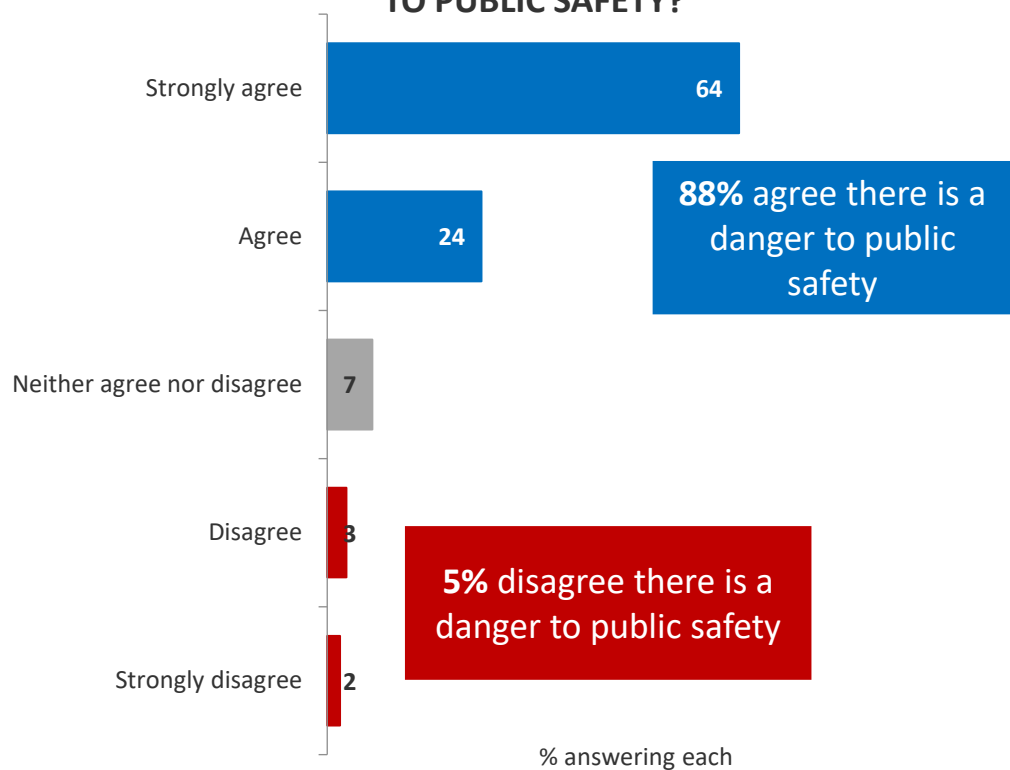
% EXTREMELY concerned about the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area



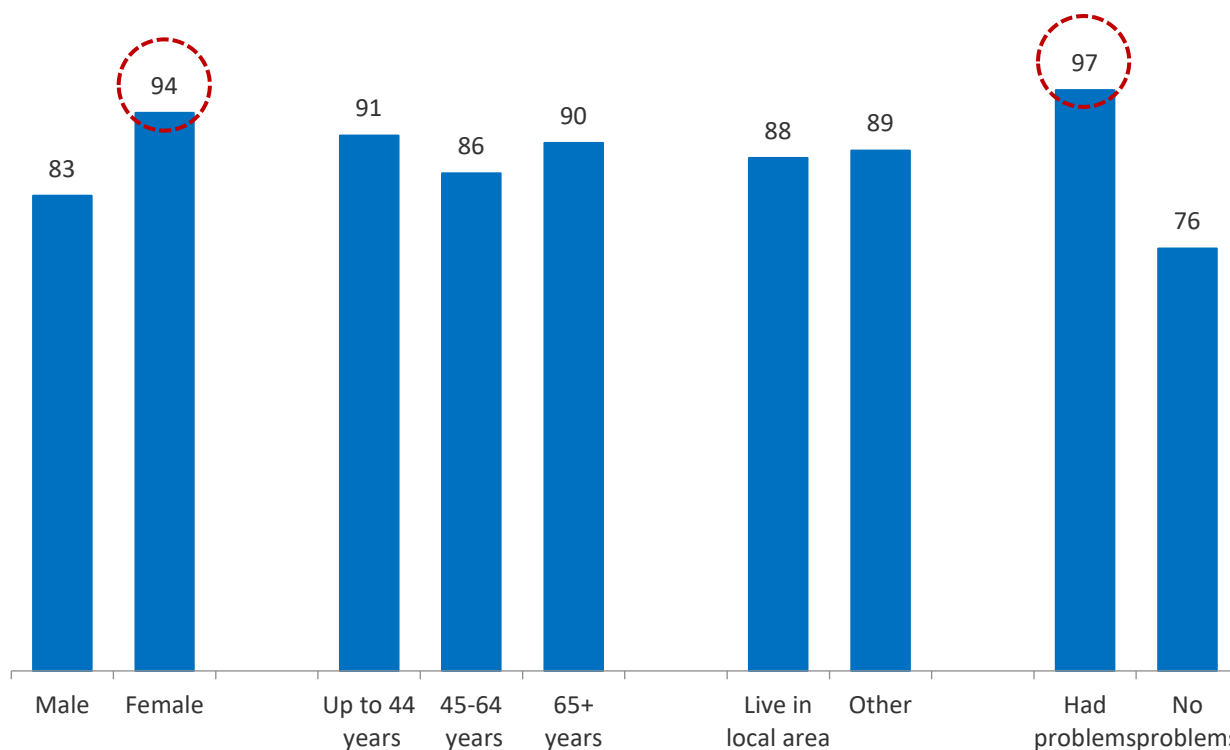


88% of respondents agree that the feeding & petting of animals in the Restricted Area is a danger to public safety. Again, this is especially the case amongst those who have experienced issues in the past and females

How much do you agree or disagree that the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area is a DANGER TO PUBLIC SAFETY?



% agreeing there is a DANGER TO PUBLIC SAFETY

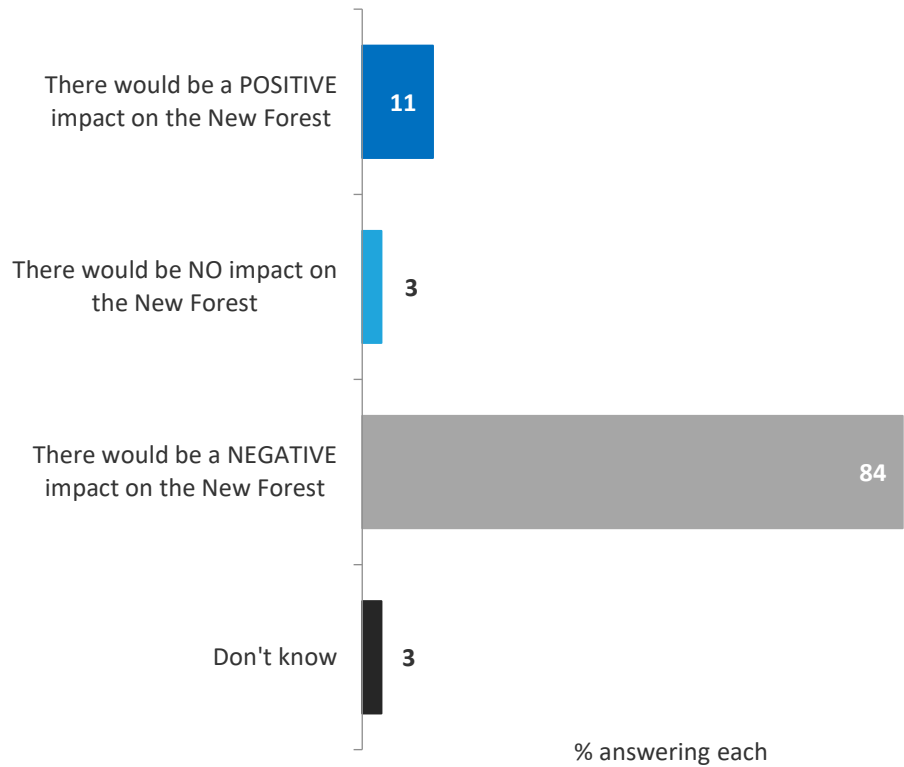


Base: Total Sample (769)
Q: How much do you agree or disagree that the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area is currently a DANGER TO PUBLIC SAFETY?

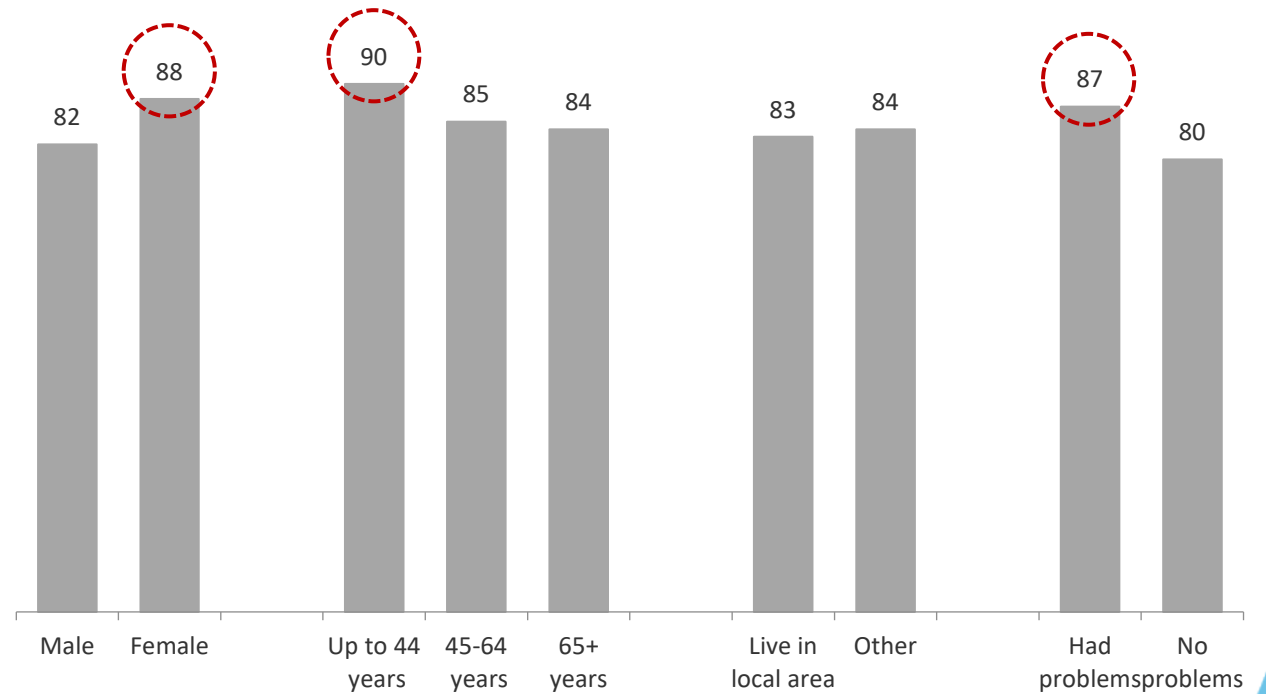


84% of respondents think that if New Forest Ponies, Horses, Donkeys & Mules had to be removed from the Restricted Area, it would impact the Forest negatively. Younger respondents as well as females are the most concerned about this potential impact as well as those who have experienced problems

If New Forest Ponies, Horses, Donkeys & Mules are withdrawn from the Restricted Area, how do you think the New Forest would be impacted?



% saying it would have a negative impact on the New Forest



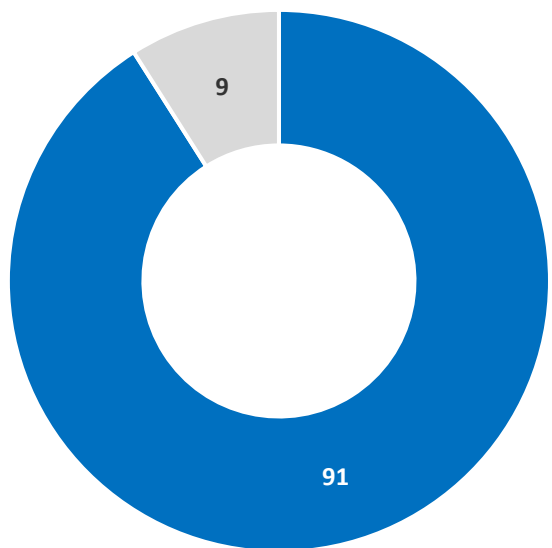
Base: Total Sample (769)

Q: If PSPO is not introduced, a potential impact could be that New Forest Ponies, Horses, Donkeys & Mules are withdrawn from the Restricted Area. If this were to happen, how do you think that the New Forest would be impacted?



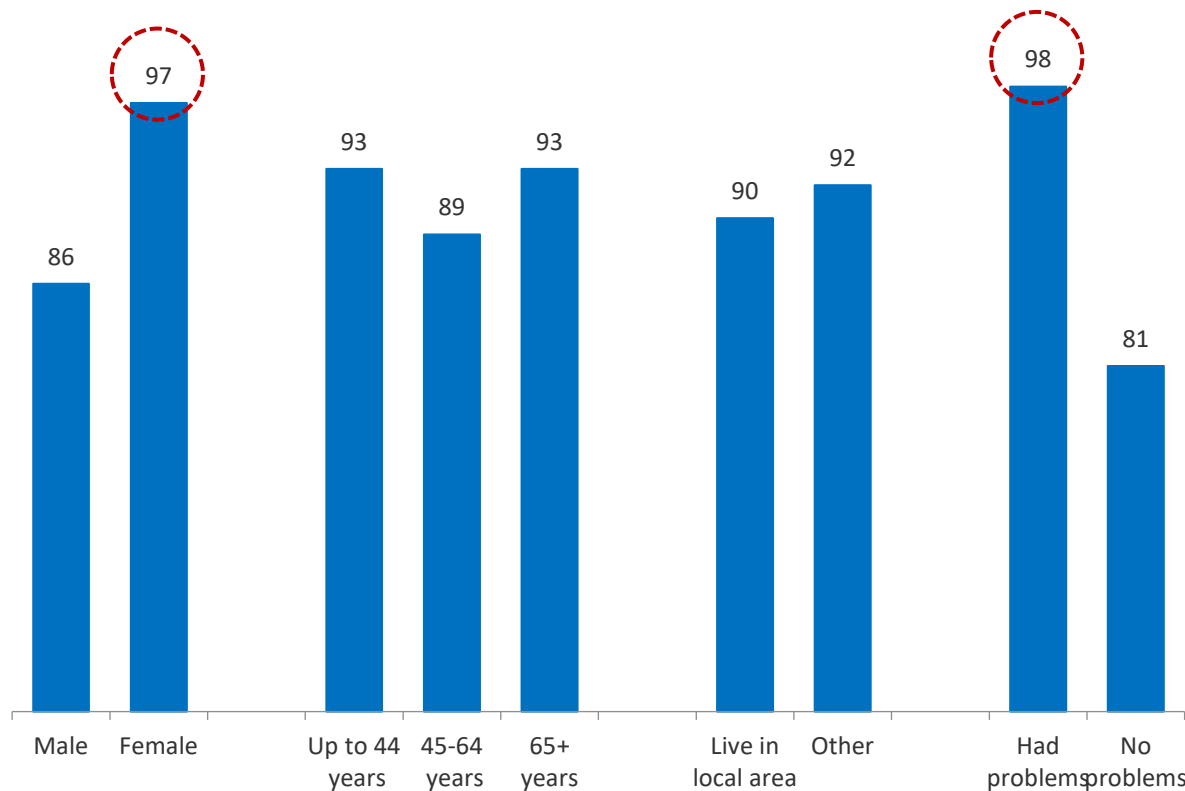
91% of respondents are in favour of introducing the PSPO to prohibit the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area. Those who have experienced problems in the past and females are the most likely to be in favour

Do you agree with the council's proposal to introduce PSPO which prohibits the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area?



■ Yes ■ No

% agreeing with the council's proposal to introduce the PSPO



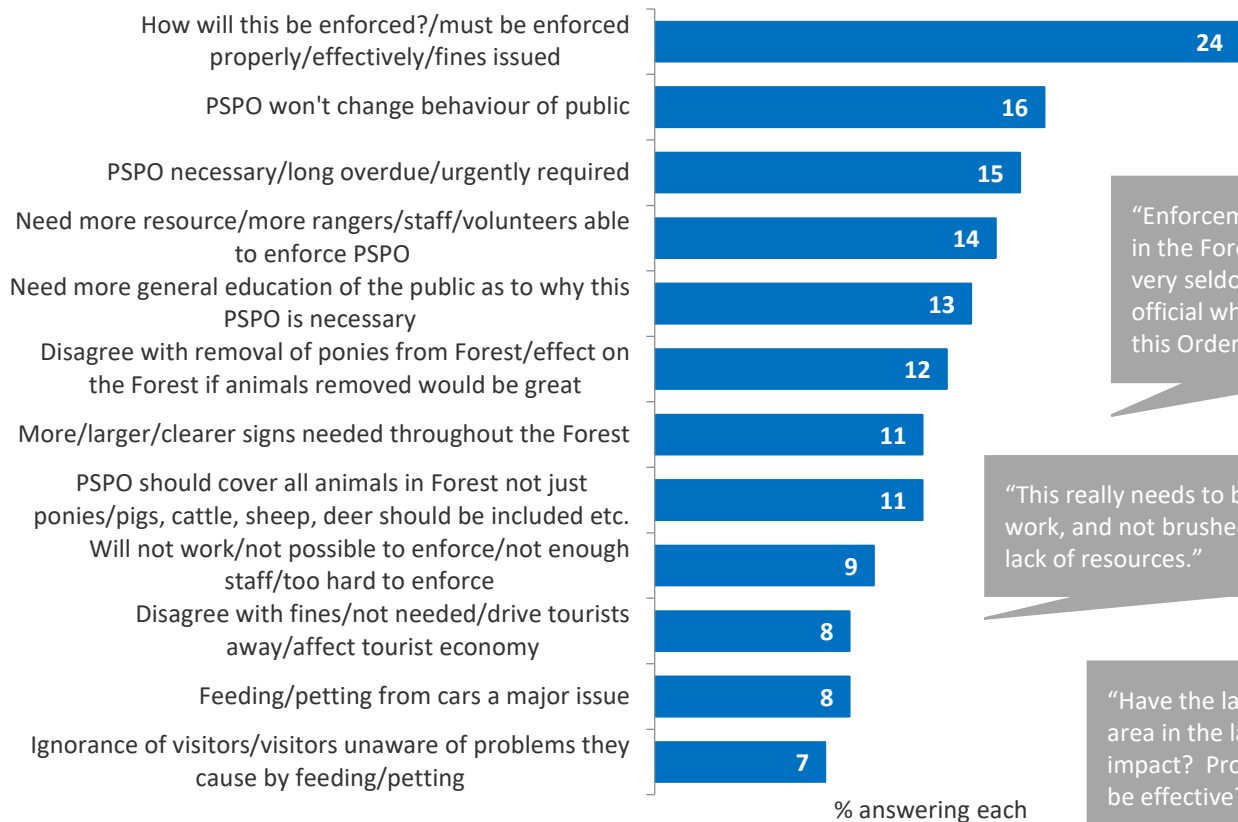
Base: Total Sample (769)

Q: Do you agree with the council's proposal to introduce this PSPO which prohibits the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area?



There is concern around how the PSPO will actually be enforced. Many also believe that whilst it is long overdue, it won't change the behaviour of the public and more resources will be needed. Education is key in the eye of some

Further comments regarding the proposed PSPO (Top 12 mentions)



"How is this going to be policed. Unless there are numerous regular patrols around car parks etc it will come to nothing. People will not change their behaviour and visitors will not understand the impact of their actions."

"Enforcement will be an issue. I walk in the Forest on a regular basis and very seldom do I encounter any official who would be able to enforce this Order."

"People like animals. They like to stroke and feed them. Generally, people do not understand the problems that this causes. If it is made illegal the people concerned are unlikely to even know this and so it will make no difference to their behaviour - people that know it is illegal will probably already know that its not a good idea. Consequently, I do not see that this order would help solve the problem. I believe that the answer lies in EDUCATION."

"This really needs to be policed extensively to work, and not brushed aside as underfunded or a lack of resources."

"This should have been done a long time ago. The New Forest is not a petting zoo or a safari park."

"Have the large signs placed all over the area in the last 2 years had any impact? Probably not, so can this PSPO be effective? Probably not."

"Would enforcement of these proposals be increased ? At the present time there does not seem to be enough staff on "the ground " to control the situation."

Thank you



RESPONSES TO MAIN ISSUES RAISED IN CONSULTATION

PSPO No 1 – MAIN ISSUES RAISED

	ISSUE(S) RAISED	RESPONSE
1.	The use of a PSPO to tackle this issue is not the correct or suitable legal solution.	<p>The Council is satisfied on reasonable grounds that the two conditions, as set out in section 59 of the Act (below), have been met to allow PSPO No 1 tackling this issue to be made.</p> <p>The first condition is that—</p> <ul style="list-style-type: none"> (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect. <p>The second condition is that the effect, or likely effect, of the activities—</p> <ul style="list-style-type: none"> (a) is, or is likely to be, of a persistent or continuing nature, (b) is, or is likely to be, such as to make the activities unreasonable, and (c) justifies the restrictions imposed by the notice. <p>('the two conditions')</p> <p>The Government has encouraged local authorities to use these PSPO powers in these situations where it is considered necessary.</p>

2.	No experience of this issue and no support for further restrictions on those living and visiting the New Forest.	The Council has considered a large evidence base which was presented to Cabinet at its meeting on 2 November 2022. This evidence set out the detrimental effects that these activities have caused, and continue to cause, to the community, both in terms of the dangers to the public through the increased threat of fire, but also to those organisations and staff who play a lead role in dealing with the fires and the threat of such fires. It is considered that the effects of these activities are persistent and are such to make the activities unreasonable.
3.	There should be a ban on the sale of disposable BBQs.	A blanket ban on the sale of disposable BBQs is not something that can be achieved using the PSPO powers within the Act. This is something that would require a wider Government initiative. However, the use of this PSPO as a targeted action where a local risk has been identified will mean that disposable BBQs cannot be used in the Restricted Area.
4.	<p><u>Boundaries.</u></p> <p>That the boundaries of the Restricted Area should be extended to include additional areas of land.</p>	<p>The Restricted Area for PSPO No 1 was identified through consultation with Partners and analysis of the evidence. For land to be included in the Restricted Area it should be a public place where the two conditions are met and it should be land within the boundary of the New Forest District Council.</p> <p>Other areas can be considered if an evidence base exists and the two conditions are met in respect of those other areas in the future.</p>
5.	<p><u>Education.</u></p> <p>That education would be more suitable to address the issues relating to BBQs and Wildfires than use of the PSPO.</p> <p>That education needs to be considered, through appropriate channels, alongside the PSPOs with enforcement as a last resort.</p> <p>Suggestion that fines are not appropriate.</p>	<p>The November Cabinet Report explained that despite a series of high profile campaigns in and around the New Forest about the dangers of fires on the open Forest, including an operational ban on disposable BBQs on Forestry England land in 2020, significant numbers of incidents caused by BBQs and campfires, continue to be recorded by the Partners.</p> <p>The evidence supports that the situation has reached a point where increased enforcement powers are necessary to deal with the impact of BBQs and wildfires in the Restricted Area.</p> <p>However, the Partners will continue efforts to raise awareness. In addition, Authorised Officers will take a reasonable and proportionate approach to any enforcement action including, taking into consideration all relevant circumstances, providing explanations, warnings, referring to signage as well as the issuing of FPNs.</p>

6.	<p><u>Enforcement.</u></p> <p>Some concern has been raised about how PSPO No 1 will be enforced and the funding required for this resource.</p>	<p>Please see paragraphs 5.2 and 5.3 of the report.</p> <p>These detail how enforcement of PSPO No 1 will work.</p>
7.	<p>That the prohibitions should be expanded to include fireworks and sky lanterns.</p>	<p>The activities which will be prohibited by PSPO No 1 were identified through consultation with the Partners and analysis of the evidence. Also, Prohibitions contained in a PSPO must be reasonable to impose.</p> <p>Based on the evidence currently provided, the Council is not satisfied that the two conditions are met in relation to the use of fireworks or sky lanterns within the Restricted Area.</p> <p>Please also see paragraphs 4.5.3-4.5.5 of the report.</p> <p>If further evidence supports a variation to PSPO No 1 to include additional activities, this can be considered in the future.</p>
8.	<p><u>BBQs and Camping.</u></p> <p>Request that use of stoves/ cookers within campervans is still permitted.</p> <p>Suggestion that gas BBQs and stoves and the use of camping stoves outside by people visiting in motorhomes should be permitted.</p>	<p>Section 74 of the Act states that a public place means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. It will not include campervans.</p> <p>The definition of Activities within PSPO No 1 refers to '<i>...(b) lighting fires (of any type) or barbeques (including disposable barbeques and any outdoor temporary cooking facilities or equipment)</i>'.</p>

	<p>Request for all BBQs to be prohibited and a zero tolerance approach.</p> <p>Request for further campsites, in addition to the Forestry England Campsites, to be included in the Exceptions to PSPO No 1.</p>	<p>The PSPO No 1 will prohibit the use of camping stoves and gas BBQs where they are being used within the Restricted Area unless they are being used on Forestry England Campsites and, therefore, fall within one of the exceptions to the Order.</p> <p>The reason for Forestry England Campsites being excluded from PSPO No 1 is that these campsites are managed and patrolled areas and have a series of fire measures in place including metal containers for hot coals to ensure their correct and safe disposal, water points and fire-fighting equipment, and regular patrols by campsite staff.</p> <p>The Restricted Area for PSPO No 1 principally comprises land which is managed and controlled Forestry England. Other private campsites are not covered.</p>
9.	<p>How will this affect controlled burning by forestry management and Commoners including fires for the heating of branding irons?</p> <p>Suggestion that land management activities should be subject to restrictions.</p>	<p>There is an exception to PSPO No 1 which states that:</p> <p><i>‘This Order shall not apply to legitimate land management activities undertaken by those with a legal interest in the Restricted Area (as owners, lessors, lessees, or tenants), or their authorised agents’.</i></p> <p>Where anyone is carrying out burning in the Restricted Area which is duly authorised by the relevant land owners, principally Forestry England, this will be covered by this exception.</p> <p>Based on the evidence, it is not considered that the two conditions are met in relation to legitimate land management activities undertaken by those with a legal interest in land as these are controlled activities carried out by professionals and required for the proper management of the land.</p>

10.	<p><u>Signage.</u></p> <p>Request for clear, strongly worded signage with a suggestion of a QR code.</p> <p>Suggestion of inclusion of signage in all car parks in the New Forest.</p> <p>Request for publicity.</p>	<p>Please see paragraph 5.4 of the report and the draft signage included at appendix 8, together with the proposed number and locations of signs included in appendix 9.</p> <p>The Council and the Partners will also utilise usual communication channels to publicise that the PSPO has been made and its effect including publishing on the Council's website.</p>
11.	<p>Clarification sought regarding the lighting of fires on Forestry England leased allotments within the Restricted Area.</p>	<p>A PSPO can only apply to a Public Place. Section 74 (1) of the Act states a Public Place means <i>'any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission'</i>, allotments do not fall within the definition of public place and are not covered by PSPO No 1.</p>
12.	<p>Requests for the maximum fine to be increased.</p>	<p>Section 68(6) of the Act specifies that the amount of a fixed penalty must not be more than £100.00 The Council has, therefore, chosen to set the fixed penalty at the highest permitted amount.</p> <p>It is commonplace with FPNs for a discounted amount to be payable if the penalty is paid within a shorter period. The Council has chosen to set the lower fixed penalty of £75.00 where it is paid within 14 days to encourage early payment.</p> <p>It is also possible to prosecute an offence committed under PSPO No 1. A person who is guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale. This is currently set at £1,000.</p>
13.	<p><u>Private land.</u></p> <p>PSPO No 1 could be made clearer that it will not apply to private land.</p> <p>Query regarding any privately owned woodlands.</p>	<p>PSPO No 1 states that it will apply to the Restricted Area. The Restricted Area is defined as <i>'means any Public Space within the land identified and described in Schedule 1 and outlined and hatched in blue on the attached maps'</i>. Public Space is defined as <i>'any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission'</i>.</p> <p>PSPO No 1 does not apply to private dwellings or land.</p>

	Suggestion that bonfires in private gardens should be controlled.	It is not possible to impose restrictions on private land using a PSPO.
14.	<p><u>Smoking.</u></p> <p>The PSPO should not be used to ban smoking in the New Forest.</p> <p>The throwing of lit cigarette butts should be included.</p>	<p>Please see paragraphs 4.5.1 and 4.5.2 of the report.</p> <p>To ensure that PSPO No 1 does not have the effect of prohibiting activities such as smoking, the definition of 'Activities' within PSPO NO 1 has been amended to remove '<i>(c) using items which either (i) cause a naked flame or (ii) pose a risk of fire</i>'.</p> <p>As the definition of 'Activities' in PSPO No 1 includes '<i>(a) placing, throwing or dropping items likely to cause a fire</i>', if a person throws down a lit match or cigarette/cigar, then they will be breaching the PSPO and, therefore, committing an offence.</p>
15.	Suggestion that PSPO No 1 should only apply during certain times of the year/ droughts.	The risks associated with the Activities covered by PSPO No 1 are applicable all year round.

PSPO No 2 – MAIN ISSUES RAISED

	ISSUE(S) RAISED	RESPONSE
1.	The use of a PSPO to tackle this issue is not the correct or suitable legal solution.	<p>The Council is satisfied on reasonable grounds that the two conditions, as set out in section 59 of the Act (below), have been met to allow PSPO No 2 tackling this issue to be made.</p> <p>The first condition is that—</p> <ul style="list-style-type: none"> (c) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or (d) it is likely that activities will be carried on in a public place within that area and that they will have such an effect. <p>The second condition is that the effect, or likely effect, of the activities—</p> <ul style="list-style-type: none"> (d) is, or is likely to be, of a persistent or continuing nature, (e) is, or is likely to be, such as to make the activities unreasonable, and (f) justifies the restrictions imposed by the notice. <p>('the two conditions')</p>
2.	<p><u>Boundaries.</u></p> <p>That the boundaries of the Restricted Area should be extended to include additional areas of land.</p> <p>Some responses called for the full New Forest District administrative area to be covered by PSPO No 2.</p>	<p>The Restricted Area for PSPO No 2 was identified through consultation with Partners and analysis of the evidence. For land to be included in the Restricted Area it should be a public place where the two conditions are satisfied and it should be land within the boundary of the New Forest District Council.</p>

	<p>Queries raised why the Restricted Areas for PSPO No 1 and PSPO No 2 are different.</p>	<p>The Restricted Area for PSPO No 2 comprises land within the Perambulation of the New Forest. It was not considered that there was sufficient evidence for PSPO No 1 to extend the Restricted Area to the Perambulation.</p> <p>Other areas can be considered if an evidence base exists and the two conditions are met in respect of those other areas in the future.</p>
<p>3.</p>	<p><u>Fines.</u></p> <p>Requests for the maximum fine to be increased.</p> <p>Suggestion that feeding and petting from a vehicle should be subject to double penalties.</p>	<p>Section 68(6) of the Act specifies that the amount of a fixed penalty must not be more than £100.00 The Council has, therefore, chosen to set the fixed penalty at the highest permitted amount.</p> <p>It is commonplace with Fixed Penalty Notices for a discounted amount to be payable if the penalty is paid within a shorter period. The Council has chosen to set the lower fixed penalty of £75.00 where it is paid within 14 days to encourage early payment.</p> <p>It is also possible to prosecute an offence committed under PSPO No 2. A person who is guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale. This is currently set at £1,000.</p>
<p>4.</p>	<p><u>Signage.</u></p> <p>Request for clear, strongly worded signage with a suggestion of a QR code.</p> <p>Suggestion of inclusion of signage in all car parks in the New Forest.</p> <p>Request for publicity using social media and websites.</p> <p>Request for a mobile message to be triggered when entering the boundaries of the Restricted Area.</p>	<p>Please see paragraph 5.4 of the report and the draft signage included at appendix 8, together with the proposed number and locations of signs included in appendix 9.</p> <p>The Council and the Partners will also utilise usual communication channels to publicise that the PSPO has been made and its effect including publishing on the Council's website.</p> <p>It is not possible to communicate with the public through automated messaging.</p>

5.	<p><u>Education.</u></p> <p>That education would be more suitable to address the issues relating to feeding and petting of New Forest animals than use of the PSPO.</p> <p>That education needs to be considered, through appropriate channels, alongside the PSPOs with enforcement as a last resort.</p> <p>Suggestion that fines are not appropriate.</p>	<p>The November Cabinet Report explained that despite a series of high profile campaigns in and around the New Forest about the dangers of fires on the open Forest, including an operational ban on disposable BBQs on Forestry England land in 2020, significant numbers of incidents caused by BBQs and campfires, continue to be recorded by the Partners.</p> <p>The evidence supports that the situation has reached a point where some enforcement powers are necessary to deal with the impact of the feeding and petting of New Forest animals in the Restricted Area.</p> <p>However, the Partners will continue efforts to raise awareness. In addition, Authorised Officers will take a reasonable and proportionate approach to any enforcement action including, taking into consideration all relevant circumstances, providing explanations, warnings, referring to signage as well as the issuing of FPNs.</p>
6.	<p><u>Enforcement.</u></p> <p>Some concern has been raised about how PSPO No 2 will be enforced and the funding required for this resource.</p>	<p>Please see paragraphs 5.2 and 5.3 of the report.</p> <p>These detail how enforcement of PSPO No 2 will work.</p>
7.	<p>Feeding and petting should be separate.</p> <p>Feeding should be included in PSPO No 2, but not petting.</p>	<p>When deciding what activities were appropriate for inclusion in PSPO No 2, officers considered the evidence base submitted by Partners which was presented to Cabinet at its meeting on 2 November 2022.</p> <p>This evidence set out the detrimental effects that both the activities of feeding and petting of New Forest animals has had. It was concluded that the evidence satisfied the two conditions for both and, therefore, they are both included in PSPO No 2.</p>

8.	<p>All livestock should be included within the provisions of PSPO No 2, including <i>'any Pony, Horse, Mule, Donkey, Pig, Cattle or Sheep lawfully depastured by a New Forest Commoner'</i></p>	<p>Whilst inclusion of other livestock within the provisions of PSPO No 2 was considered, the evidence base was only sufficient to satisfy the two conditions in relation to the animals included, namely <i>'any pony, horse, mule or donkey owned by any New Forest Commoner and free to roam in the Restricted Area'</i>.</p> <p>If further evidence supports a variation to add further livestock to the provisions of PSPO No 2 it can be considered in the future.</p>
9.	<p><u>Other issues raised</u></p> <p>Fencing of roads should be considered to protect New Forest animals</p> <p>Alongside the provisions of PSPO No 2, reducing the number of New Forest animals should be considered.</p> <p>All New Forest animals should be required to wear reflective collars.</p> <p>Removal of non-native ponies from the Restricted Area.</p> <p>Restricting people feeding and petting animals on private land over fences.</p> <p>Need for additional dog waste bins to be included at Barton Common.</p>	<p>These activities are not capable of being covered by a PSPO. However, where relevant these comments will be passed to the Partners for their consideration.</p>

10.	<p>Suggestion that touching an animal to help it should be included in the exceptions to PSPO No 2, an example being where gorse is removed from a ponies mane near their eyes.</p> <p>Questions regarding how this will effect moving an animal off the road.</p>	<p>It is not considered that there should be a widening of the exceptions within PSPO No 2. If a member of the public encounters an animal which is in distress or at risk, this should be notified to the Verderers' Office on 023 8028 2052 (Monday-Friday 9am-5pm), or the Forestry Commission on 0300 067 4600 (24 hours).</p>

GENERAL - MAIN ISSUES RAISED

	ISSUE(S) RAISED	RESPONSE
1.	<p>Request for further activities to be covered by a PSPO:</p> <ul style="list-style-type: none"> • the inclusion of a prohibition on cycling in the open forest in a PSPO • restrictions to control dogs off the lead • dog waste • restriction on verge parking • use of drones • any intentional disturbance of livestock • decamping from the vehicles to take a 'closer look' at new forest animals. 	<p>The Council must be satisfied that the two conditions set out in the Act are met for a PSPO to be considered, including a sufficient evidence base.</p> <p>Any further activities to be covered by a PSPO in the future will be carefully considered at the relevant time.</p>
2.	<p>Comments relating to other issues and other measures to control them, such as fly tipping and speed reductions.</p>	<p>These activities are controlled by other legislation.</p>
3.	<p>Why is the Council making the PSPOs when a large proportion of the land is within the New Forest National Park?</p> <p>Why are the areas of National Park in the Test Valley District not included?</p>	<p>The power to make a PSPO is only given to a 'local authority'. The Act defines 'local authority' for these purposes as a district council only.</p> <p>Land within the area of the New Forest National Park is subject to the jurisdiction of the New Forest National Park Authority as the Local Planning Authority but otherwise, where it falls within the New Forest District boundary, it is within the administrative area of the New Forest District Council.</p> <p>The Council only has the power to make a PSPO on land within its boundary. A PSPO covering land within the boundary of Test Valley District Council would need to be made by that local authority.</p>

4.	The restrictions should be extended beyond 3 years.	<p>Section 60 (1) of the Act provides that <i>'A public spaces protection order may not have effect for a period of more than 3 years, unless extended...'</i></p> <p>The PSPOs will be made for the maximum permitted duration. However, they may be extended in the following circumstances in accordance with section 60(2):</p> <p><i>'Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—</i></p> <ul style="list-style-type: none"> <i>(a) occurrence or recurrence after that time of the activities identified in the order, or</i> <i>(b) an increase in the frequency or seriousness of those activities after that time.</i> <p>Any extension, based on the evidence, can only be for a maximum period of 3 years. This ensures that PSPOs are only being used to tackle activities which are relevant and satisfy the two conditions.</p>
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ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59

THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2022 (NO.1)

1. ORDER

This Order is made by New Forest District Council ("the Council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and shall be known as The New Forest Public Spaces Protection Order 2022 (No.1) ("this Order").

2. DEFINITIONS

In this Order the following words or phrases are defined as follows:

"Activities"	means:
	<ul style="list-style-type: none"> (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;
"Forestry England Campsites"	means the campsites at Aldridge Hill, Ashurst, Denny Wood, Hollands Wood, Holmsley, Longbeech, Matley, Ocknell, Roundhill, and Setthorns which are within the Restricted Area and owned by Forestry England as shown outlined and coloured in red on the maps attached to Schedule 1;
"Authorised Officer"	means a constable or person authorised in writing by the Council for the purposes of this Order;
"Interested Person"	means an individual who lives in the Restricted Area or who regularly works in or visits that area;
"New Forest"	means the administrative area of the New Forest District Council;
"Public Space"	means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; and
"Restricted Area"	means any Public Space within the land identified and described in Schedule 1 and outlined and hatched in blue on the attached maps.

3. PRELIMINARY

- (1) The Council, in making this Order, is satisfied on reasonable grounds that the Activities have carried on, or it is likely that they will be carried on, in Public Places within the New Forest and have had a detrimental effect on the quality of life of those in the locality; namely the starting of fires in grass, heathland and forest areas. Such fires can result in serious safety concerns and risk to life; damage biodiversity, habitats and property and require significant community resources to deal with them, and that the effect, or likely effect, of the Activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the Activities unreasonable, and
 - (c) justifies the restrictions imposed by this Order.
- (2) The Council is satisfied that the Prohibition and the Requirements imposed by this Order are reasonable to impose to prevent the detrimental effect of these Activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of their continuance, occurrence or recurrence.
- (3) This Order should be read in conjunction with Schedule 1 and attached maps thereto.

4. DURATION OF THIS ORDER

This Order shall come into effect at midnight on **xxxx** for a period of three years, unless extended.

5. APPLICATION

This Order applies at all times, to all persons within the Restricted Area subject to the Exceptions listed in Article 8.

6. PROHIBITION

- (1) A person shall not engage in any of the Activities within the Restricted Area (“the Prohibition”).
- (2) The Prohibition is subject to the Exceptions in Article 8.

7. REQUIREMENT

- (1) Where an Authorised Officer has reasonable grounds to believe that any person within the Restricted Area has acted, is acting, or is likely to act, contrary to this Order, they shall, if and as required by an Authorised Officer terminate the Activities.
- (2) If any person within the Restricted Area has in their possession any item(s) which an Authorised Officer has reasonable grounds to believe is being, or is likely to be used in conjunction with the Activities contrary to this Order, they shall, if and as required by an Authorised Officer, extinguish and/or surrender the item(s) to an Authorised Officer.

(3) The Requirements are subject to the Exceptions in Article 8.

8. EXCEPTIONS

(1) This Order shall not apply to legitimate land management activities undertaken by those with a legal interest in the Restricted Area (as owners, lessors, lessees, or tenants), or their authorised agents;

(2) This Order shall not apply to Forestry England Campsites where the Activities on those sites comprise the proper use of barbeques and stoves that are purpose built and raised off the ground. All other Activities on those sites are subject to the Prohibition.

~~(2)(3)~~ This Order does not apply to the acts of setting off fireworks or lit lanterns.

9. OFFENCE

(1) Section 67 of the Act states that it is an offence for a person without reasonable excuse to:

- (a) do anything that the person is prohibited from doing by this Order, or
- (b) fails to comply with a requirement to which the person is subject under this Order.

(2) A person who is guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence by failing to comply with a prohibition or requirement that the Council did not have the power to include in the public space protection order.

10. FIXED PENALTY NOTICES

(1) An Authorised Officer may issue a fixed penalty notice to anyone they have reason to believe has committed an offence under this Order. Such notice offers the person to whom it is issued the opportunity to discharge their liability to conviction for the offence by payment of a fixed penalty.

(2) The penalty is set at £100.00 to be paid within 28 days but is reduced to £75.00 if paid within 14 days.

11. CHALLENGING THE VALIDITY OF THIS ORDER

(1) An Interested Person may question the validity of this Order on the grounds that:

- (a) the Council has no power to make it or to include particular prohibition or requirement imposed by this Order;
- (b) a requirement of the Act has not been complied with in relation to this Order

(2) An application must be made to the High Court within the period of six weeks beginning with the date on which this Order is made.

Date:

THE COMMON SEAL OF NEW FOREST
DISTRICT COUNCIL

Was hereto affixed in the presence of:-

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SCHEDULE 1

The Restricted Area principally comprises all land managed and controlled by Forestry England (which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission) and roads within the area outlined and hatched blue on the maps attached (including the Forestry England Campsites) hereto comprising an overview map (scale 1:100,000) and sheets 1 to 20 (scale 1:20,000)

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59

THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

1. ORDER

This Order is made by New Forest District Council ("the Council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and shall be known as The New Forest Public Spaces Protection Order 2023 (No.1) ("this Order").

2. DEFINITIONS

In this Order the following words or phrases are defined as follows:

"Activities"	means:
	<ul style="list-style-type: none"> (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).
"Forestry England Campsites"	means the campsites at Aldridge Hill, Ashurst, Denny Wood, Hollands Wood, Holmsley, Longbeech, Matley, Ocknell, Roundhill, and Setthorns which are within the Restricted Area and owned by Forestry England as shown outlined and coloured in red on the maps attached to Schedule 1;
"Authorised Officer"	means a constable or person authorised in writing by the Council for the purposes of this Order;
"Interested Person"	means an individual who lives in the Restricted Area or who regularly works in or visits that area;
"New Forest"	means the administrative area of the New Forest District Council;
"Public Space"	means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; and
"Restricted Area"	means any Public Space within the land identified and described in Schedule 1 and outlined and hatched in blue on the attached maps.

3. PRELIMINARY

- (1) The Council, in making this Order, is satisfied on reasonable grounds that the Activities have carried on, or it is likely that they will be carried on, in public places within the New Forest and have had a detrimental effect on the quality of life of those in the locality; namely the starting of fires in grass, heathland and forest areas. Such fires can result in serious safety concerns and risk to life; damage biodiversity, habitats and property and require significant community resources to deal with them, and that the effect, or likely effect, of the Activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the Activities unreasonable, and
 - (c) justifies the restrictions imposed by this Order.
- (2) The Council is satisfied that the Prohibition and the Requirements imposed by this Order are reasonable to impose to prevent the detrimental effect of these Activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of their continuance, occurrence or recurrence.
- (3) This Order should be read in conjunction with Schedule 1 and attached maps thereto.

4. DURATION OF THIS ORDER

This Order shall come into effect at midnight on 1 July 2023 for a period of three years, unless extended.

5. APPLICATION

This Order applies at all times, to all persons within the Restricted Area subject to the Exceptions listed in Article 8.

6. PROHIBITION

- (1) A person shall not engage in any of the Activities within the Restricted Area (“the Prohibition”).
- (2) The Prohibition is subject to the Exceptions in Article 8.

7. REQUIREMENT

- (1) Where an Authorised Officer has reasonable grounds to believe that any person within the Restricted Area has acted, is acting, or is likely to act, contrary to this Order, they shall, if and as required by an Authorised Officer terminate the Activities.
- (2) If any person within the Restricted Area has in their possession any item(s) which an Authorised Officer has reasonable grounds to believe is being, or is likely to be used in conjunction with the Activities contrary to this Order, they shall, if and as required by an Authorised Officer, extinguish and/or surrender the item(s) to an Authorised Officer.
- (3) The Requirements are subject to the Exceptions in Article 8.

8. EXCEPTIONS

- (1) This Order shall not apply to legitimate land management activities undertaken by those with a legal interest in the Restricted Area (as owners, lessors, lessees, or tenants), or their authorised agents;
- (2) This Order shall not apply to Forestry England Campsites where the Activities on those sites comprise the proper use of barbeques and stoves that are purpose built and raised off the ground. All other Activities on those sites are subject to the Prohibition.
- (3) This Order does not apply to the acts of setting off fireworks or lit lanterns.

9. OFFENCE

- (1) Section 67 of the Act states that it is an offence for a person without reasonable excuse to:
 - (a) do anything that the person is prohibited from doing by this Order, or
 - (b) fails to comply with a requirement to which the person is subject under this Order.
- (2) A person who is guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence by failing to comply with a prohibition or requirement that the Council did not have the power to include in the public space protection order.

10. FIXED PENALTY NOTICES

- (1) An Authorised Officer may issue a fixed penalty notice to anyone they have reason to believe has committed an offence under this Order. Such notice offers the person to whom it is issued the opportunity to discharge their liability to conviction for the offence by payment of a fixed penalty.
- (2) The penalty is set at £100.00 to be paid within 28 days but is reduced to £75.00 if paid within 14 days.

11. CHALLENGING THE VALIDITY OF THIS ORDER

- (1) An Interested Person may question the validity of this Order on the grounds that:
 - (a) the Council has no power to make it or to include particular prohibition or requirement imposed by this Order;
 - (b) a requirement of the Act has not been complied with in relation to this Order
- (2) An application must be made to the High Court within the period of six weeks beginning with the date on which this Order is made.

Date:

THE COMMON SEAL OF NEW FOREST
DISTRICT COUNCIL
Was hereto affixed in the presence of:-

}

SCHEDULE 1

The Restricted Area principally comprises all land managed and controlled by Forestry England (which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission) and roads within the area outlined and hatched blue on the maps attached (including the Forestry England Campsites) hereto comprising an overview map (scale 1:100,000) and sheets 1 to 20 (scale 1:20,000)






New Forest

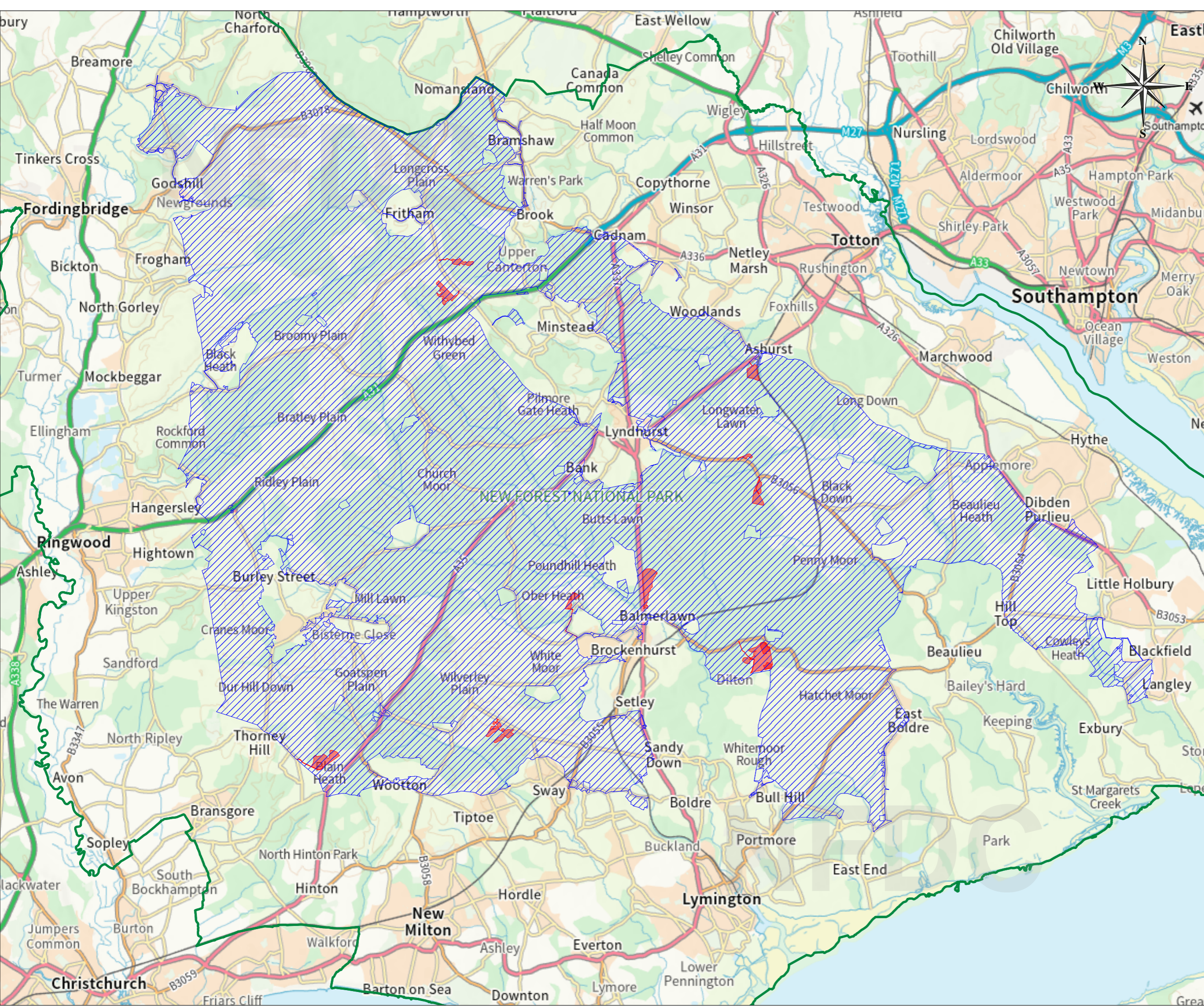
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THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

Overview Map

-  Restricted Area
-  Forestry England Campsites
-  District Boundary



Scale 1:100000

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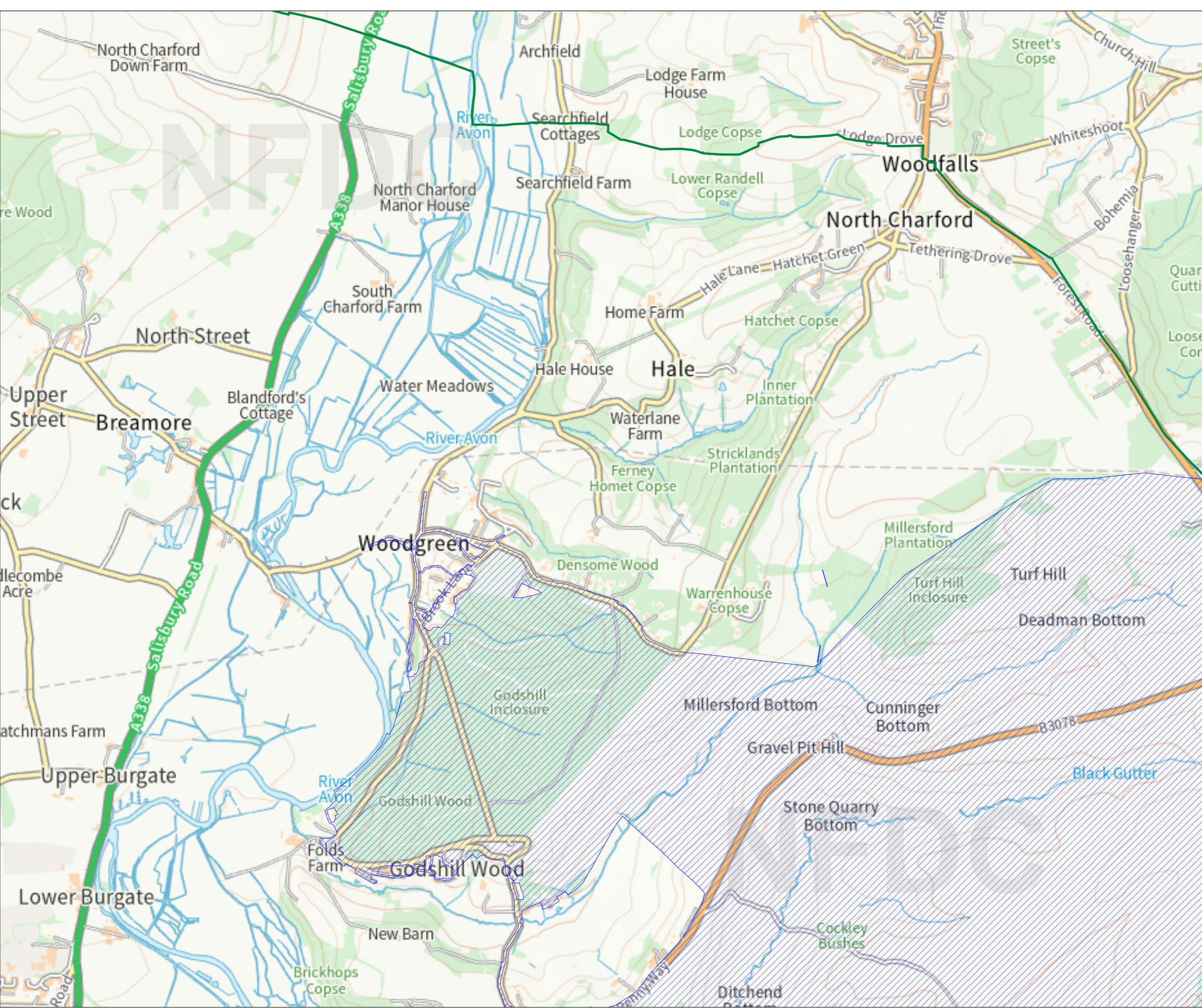
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 1

Scale 1:20000

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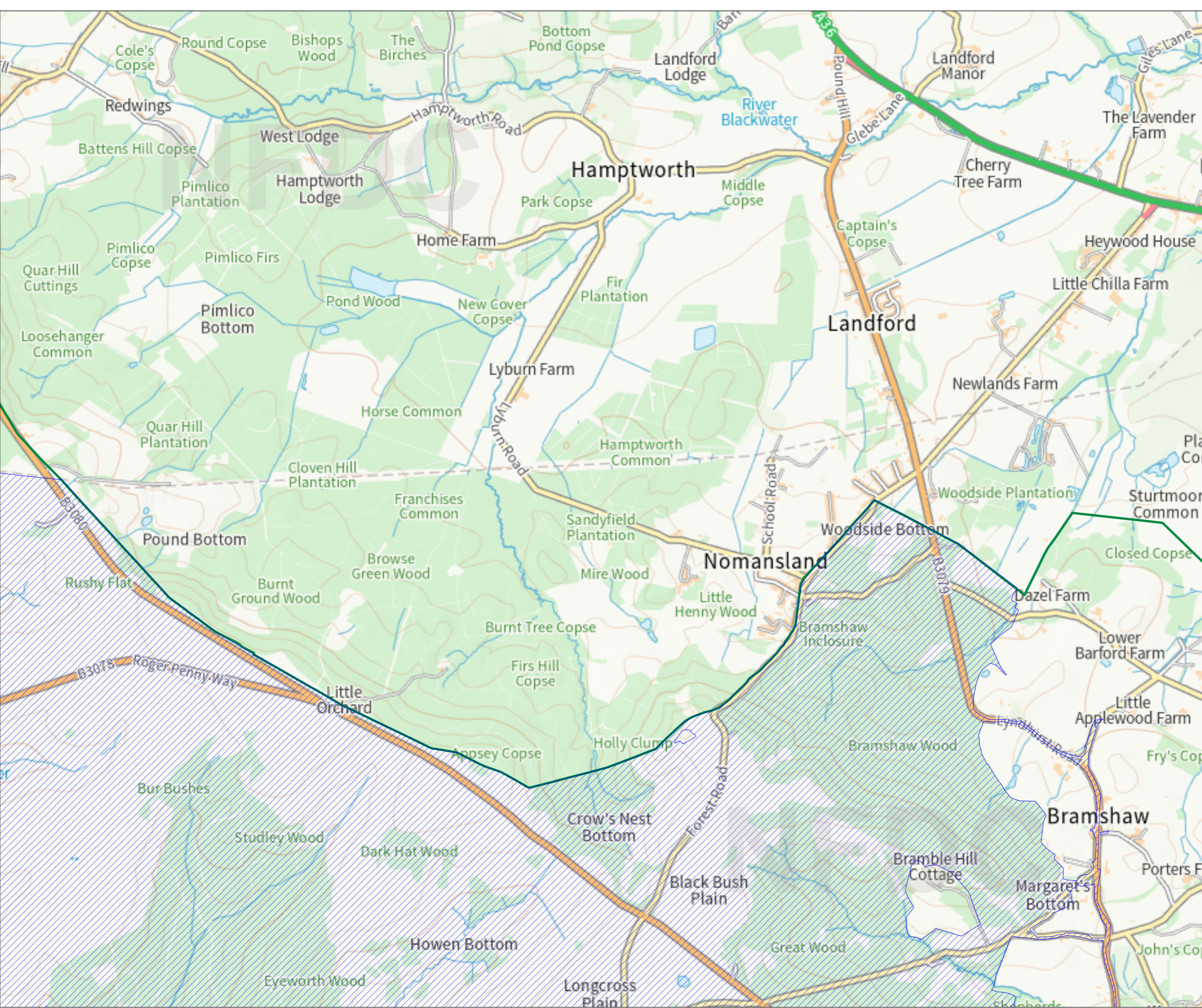
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 2

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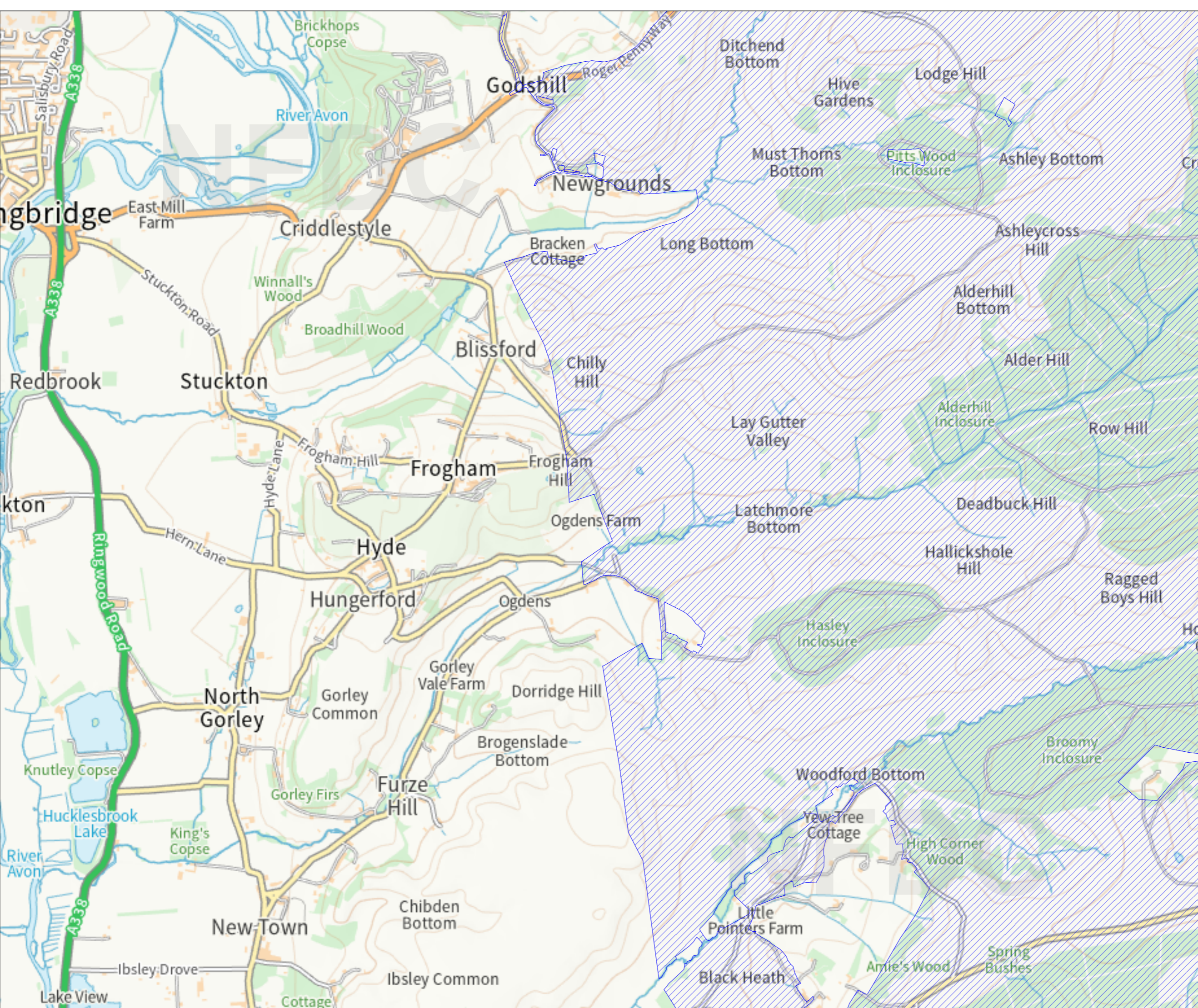
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 3

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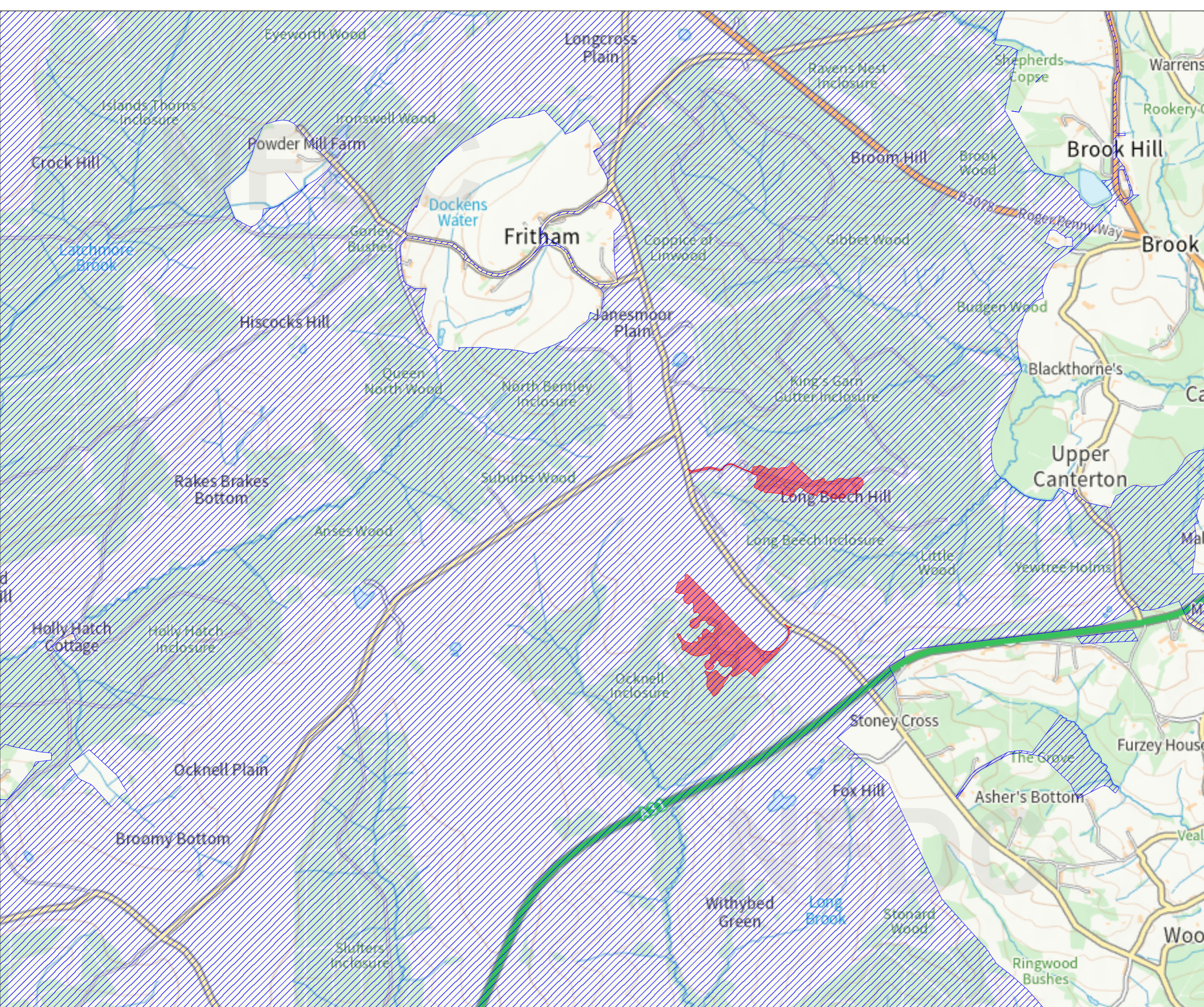
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-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 4

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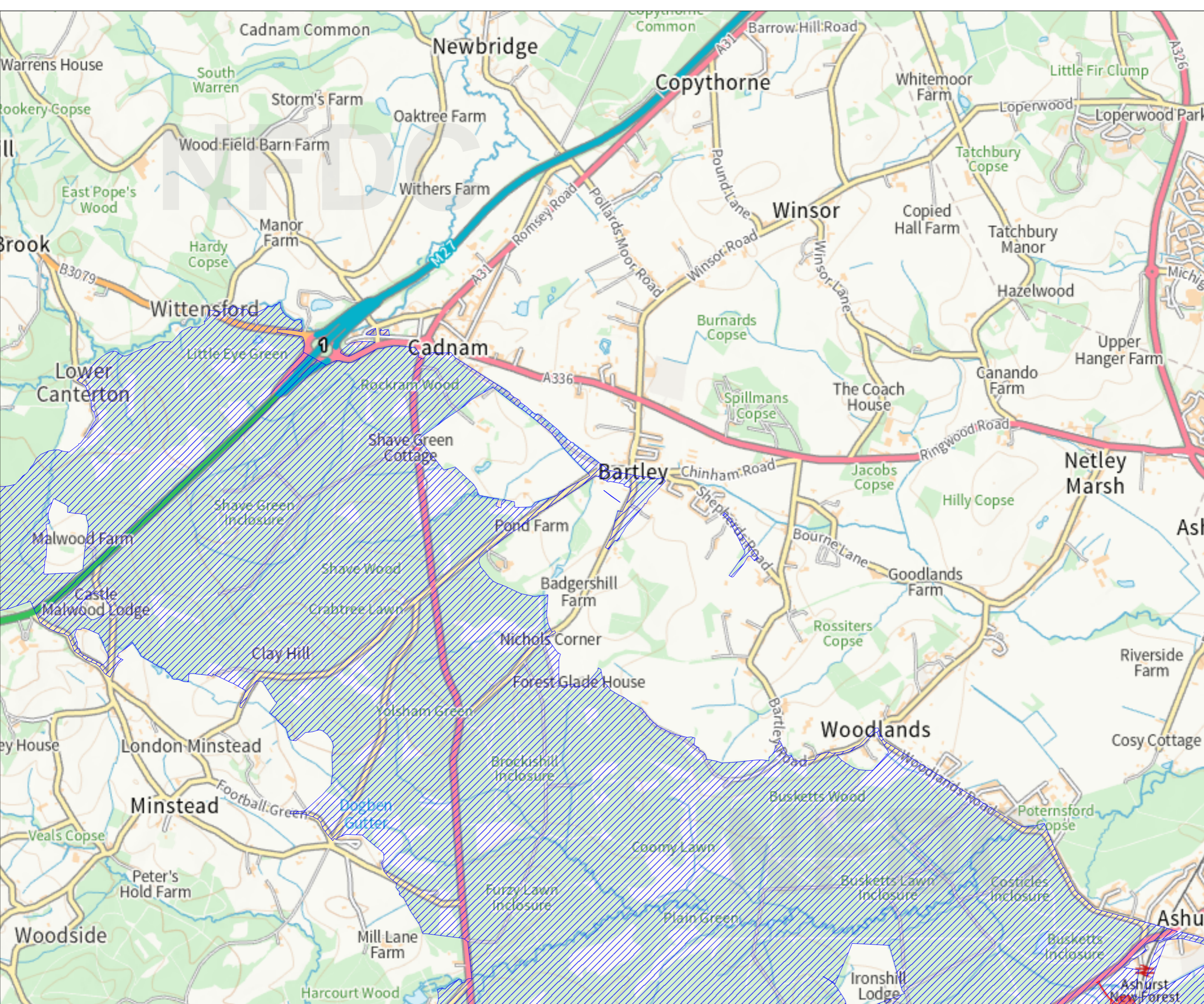
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-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 5

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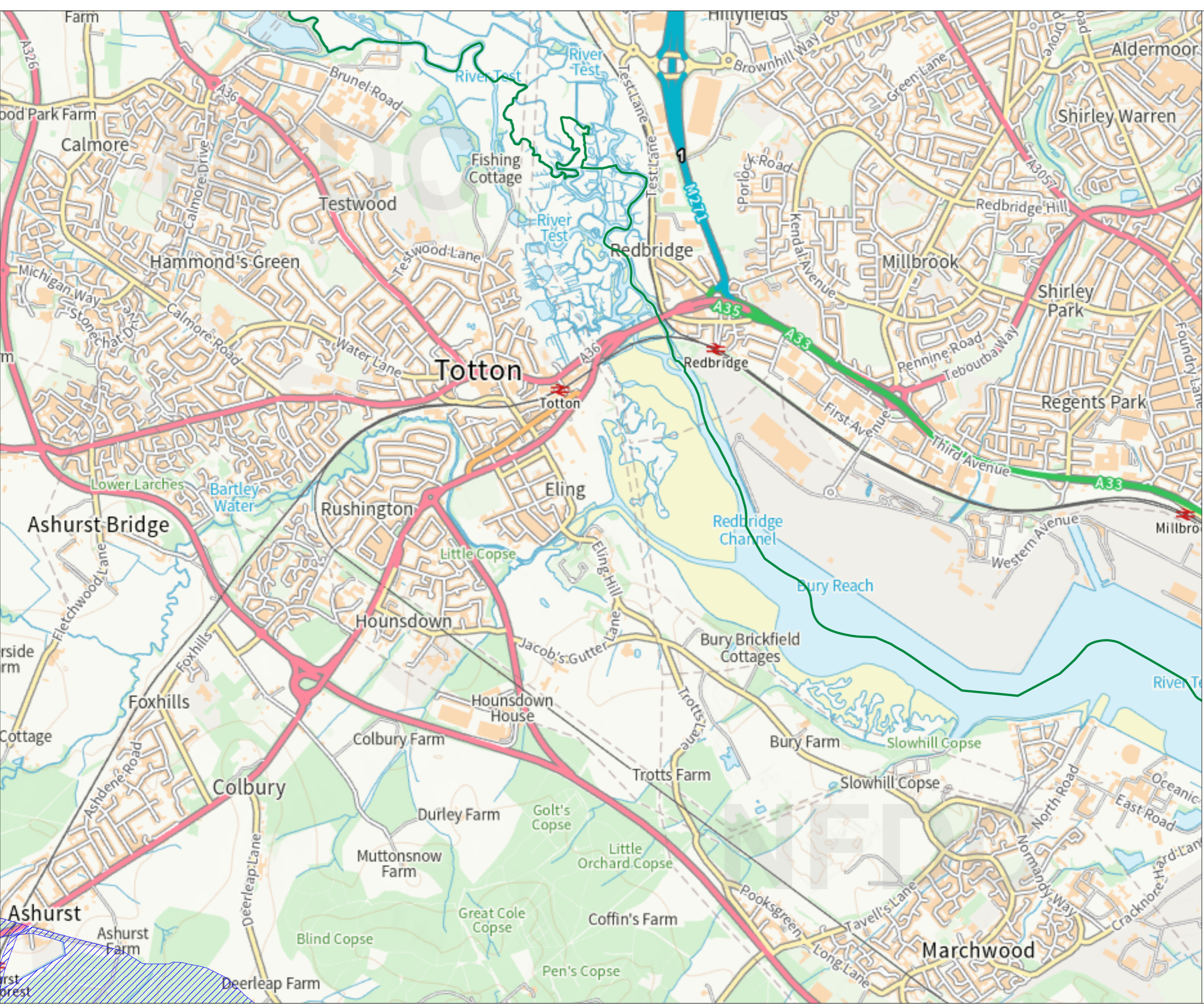
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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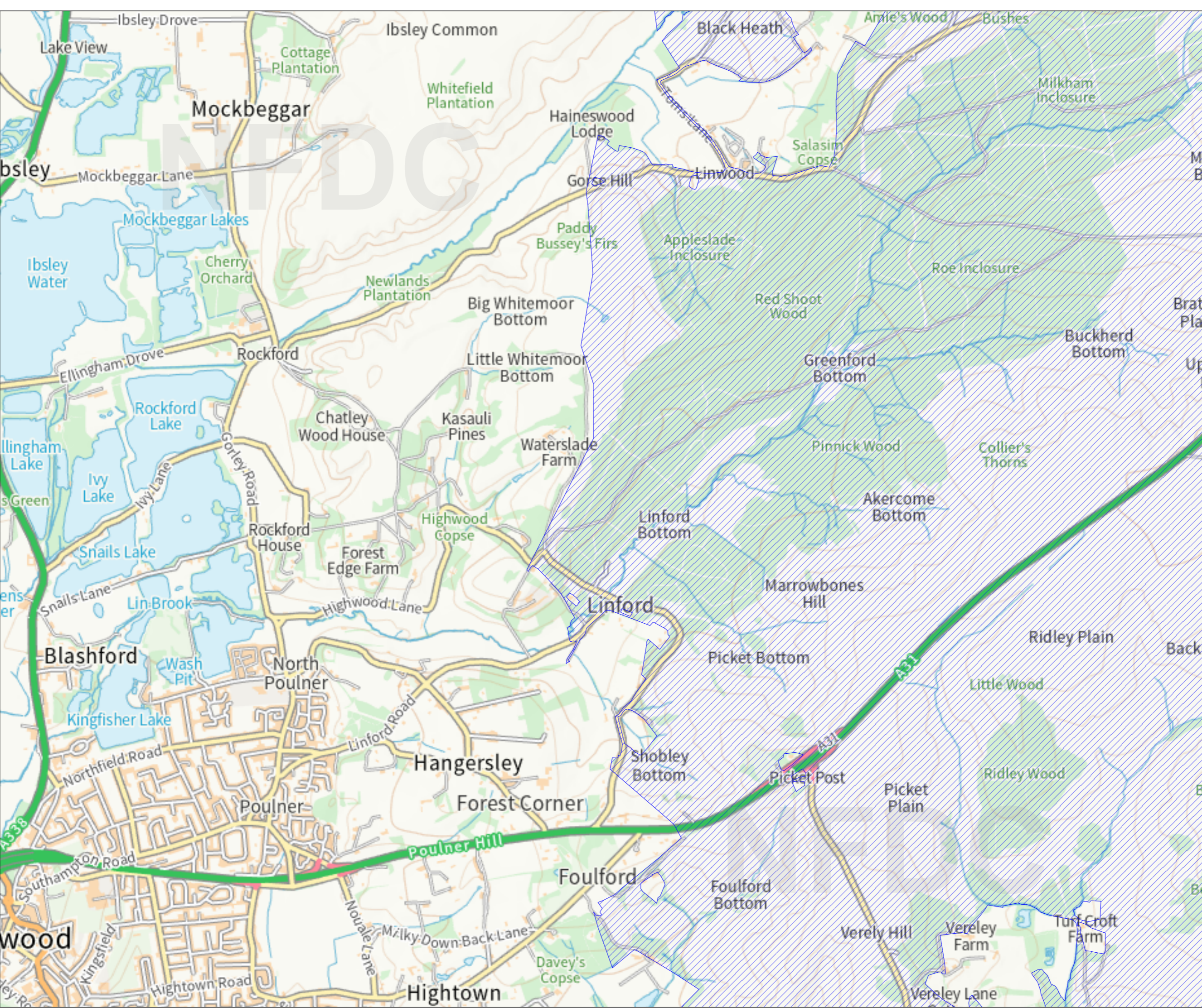
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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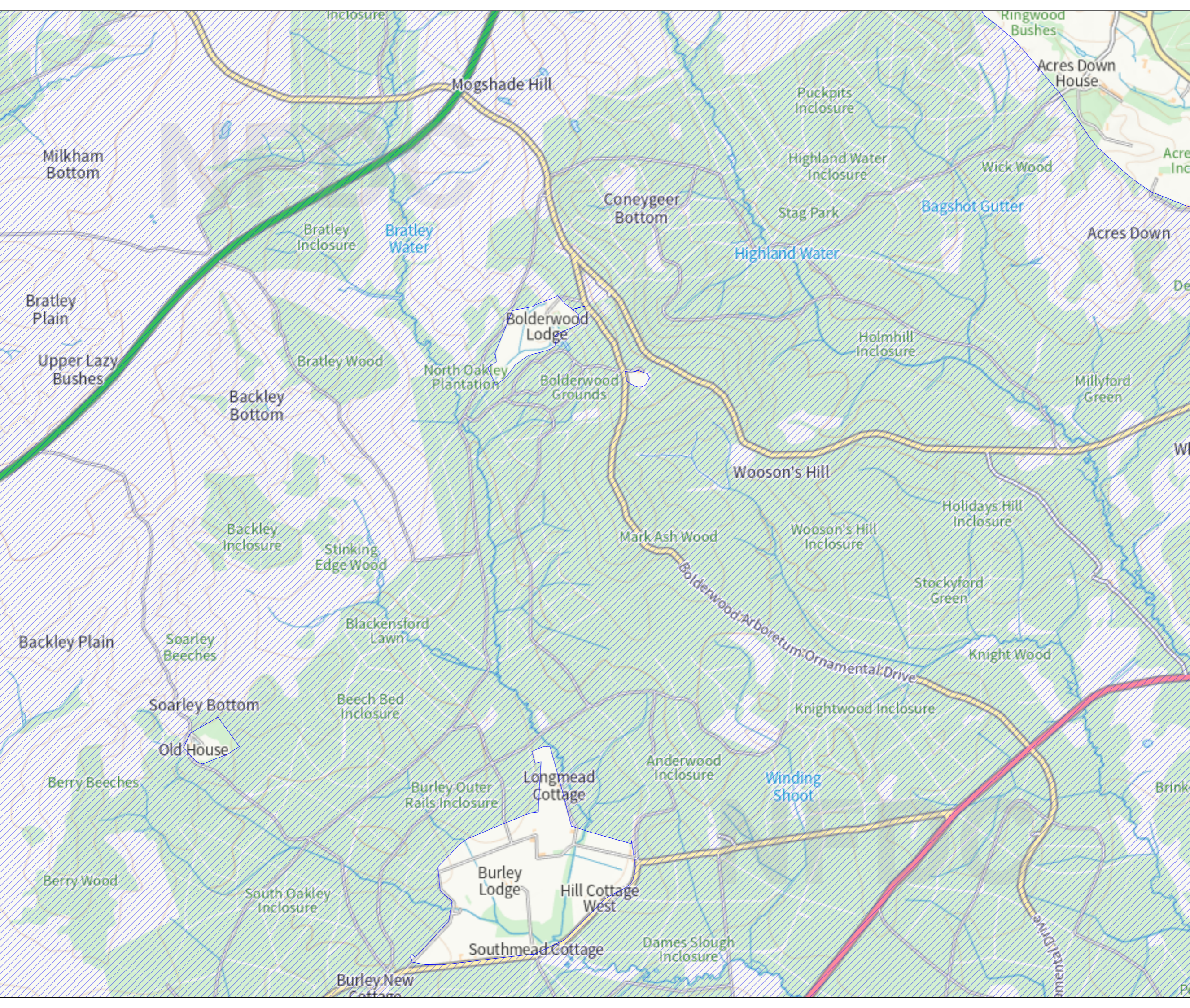
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-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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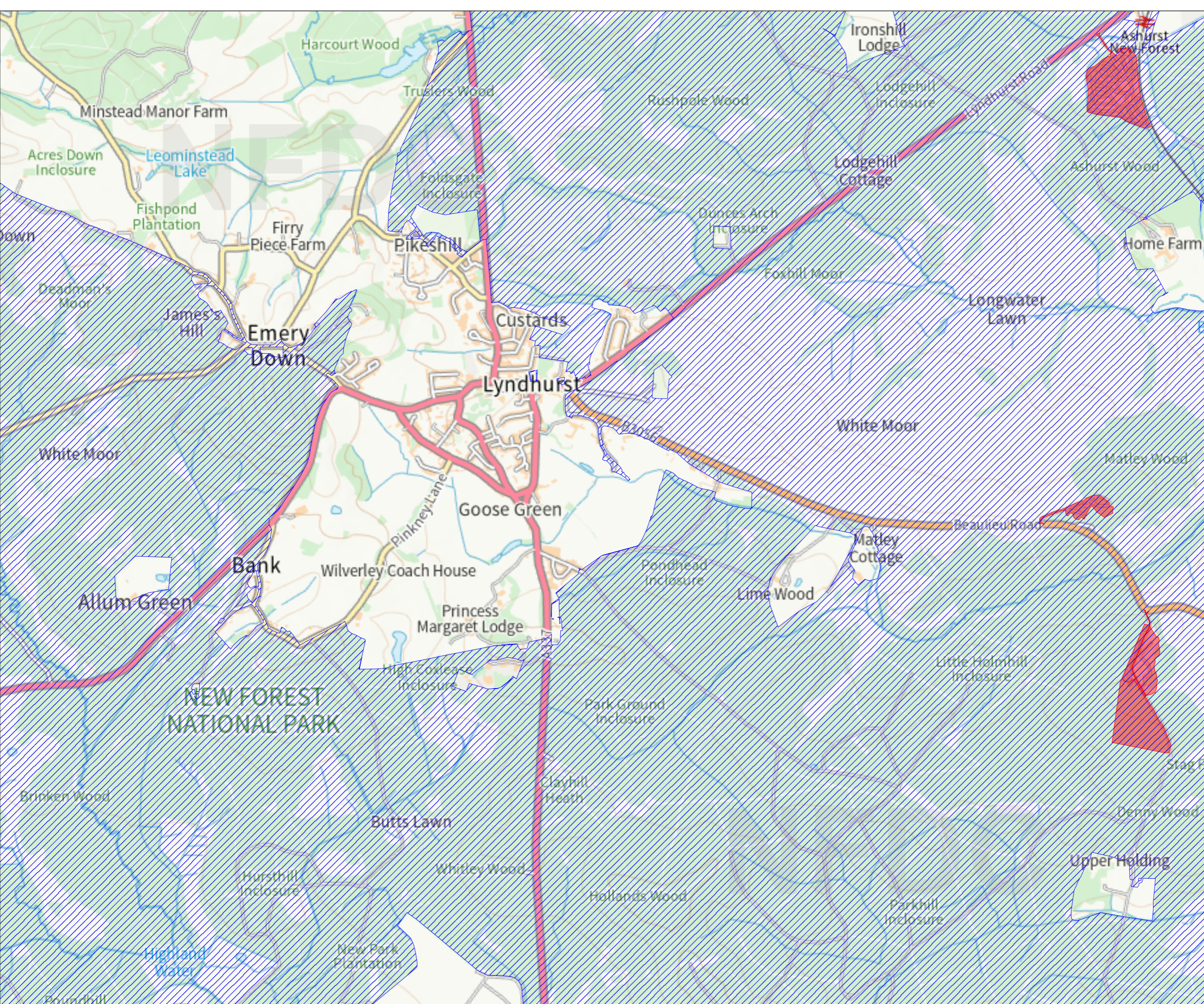
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-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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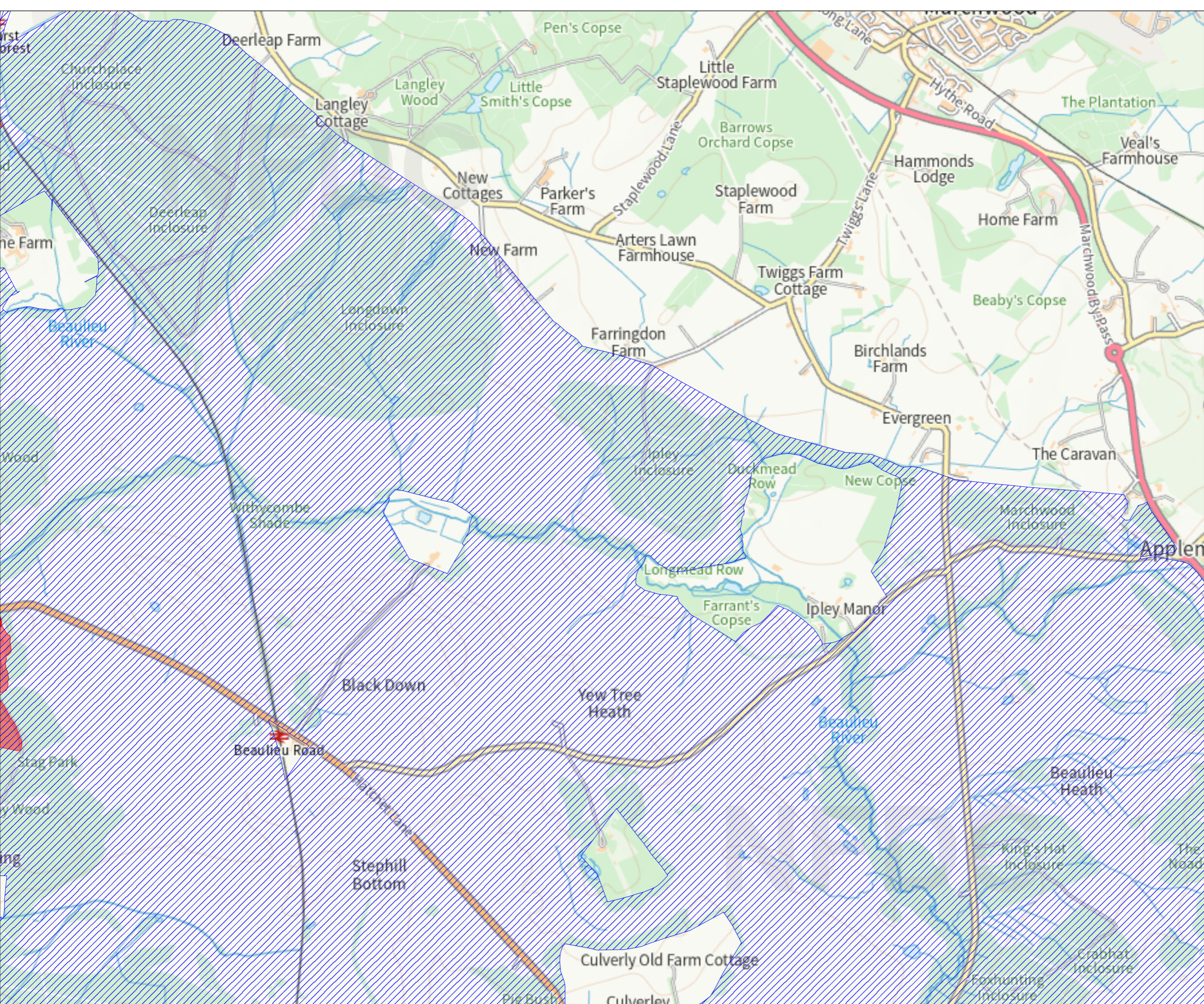


THE NEW FOREST
PUBLIC SPACES PROTECTION
ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 10

Scale 1:20000








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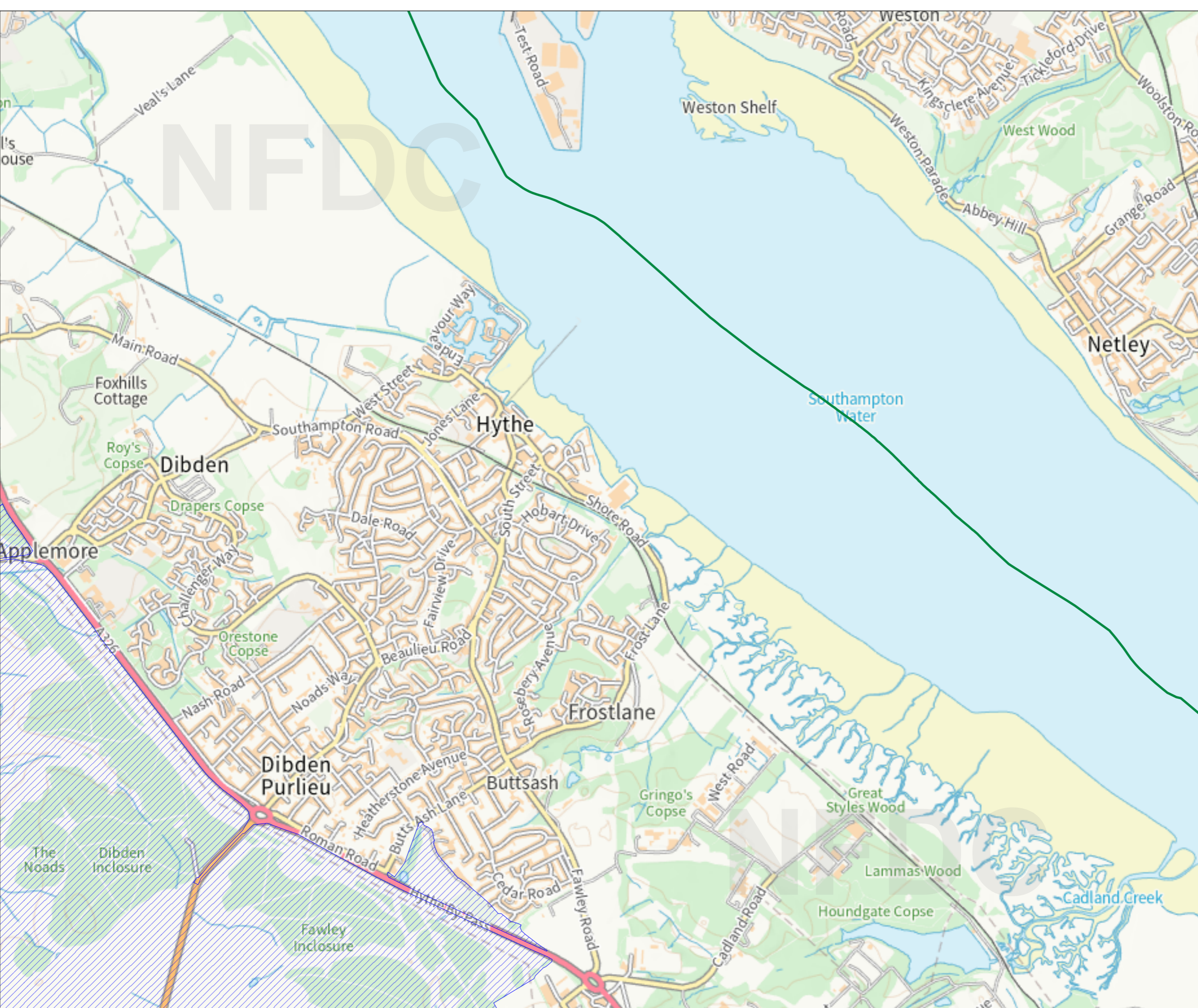
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-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 11

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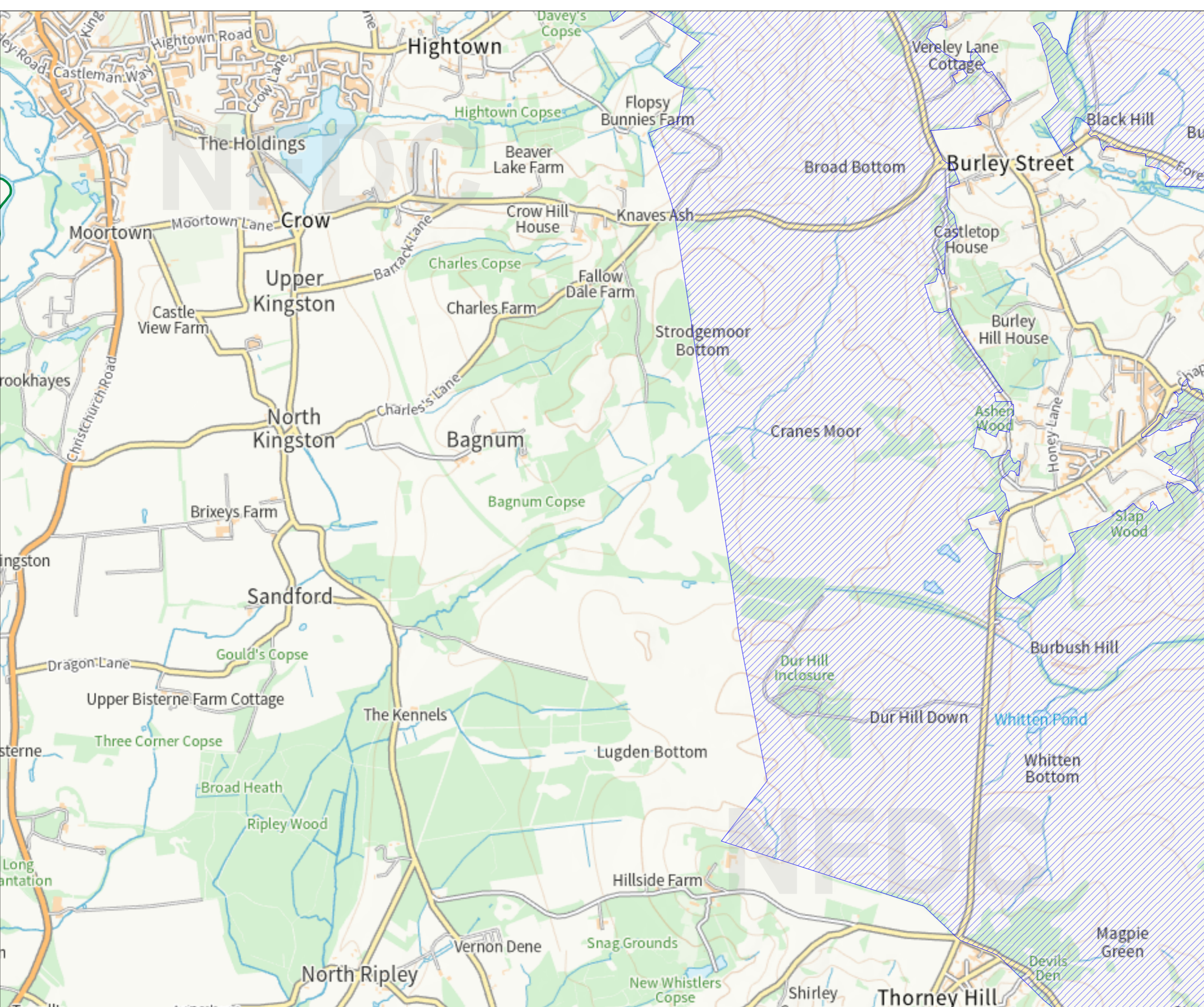
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ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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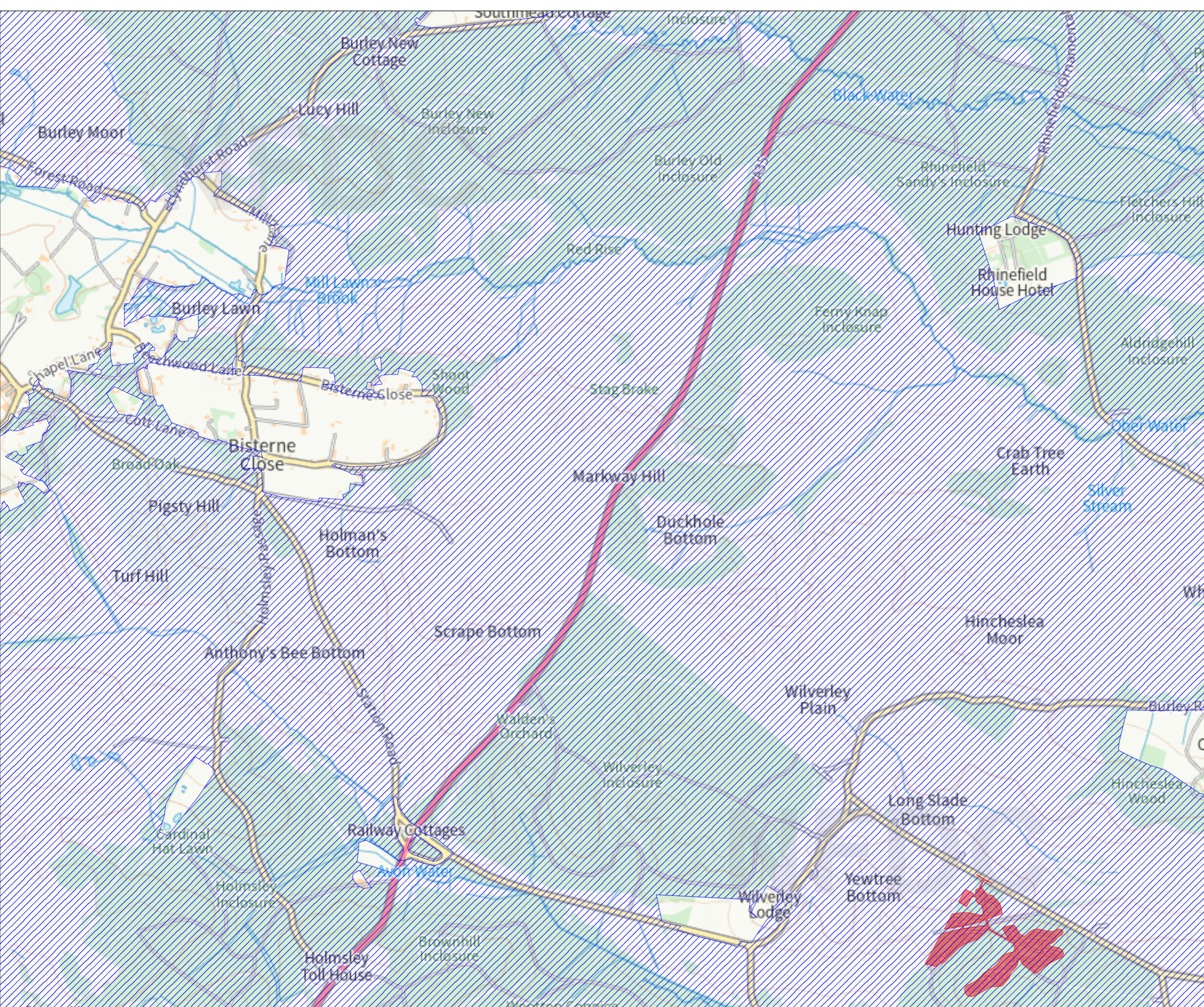
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-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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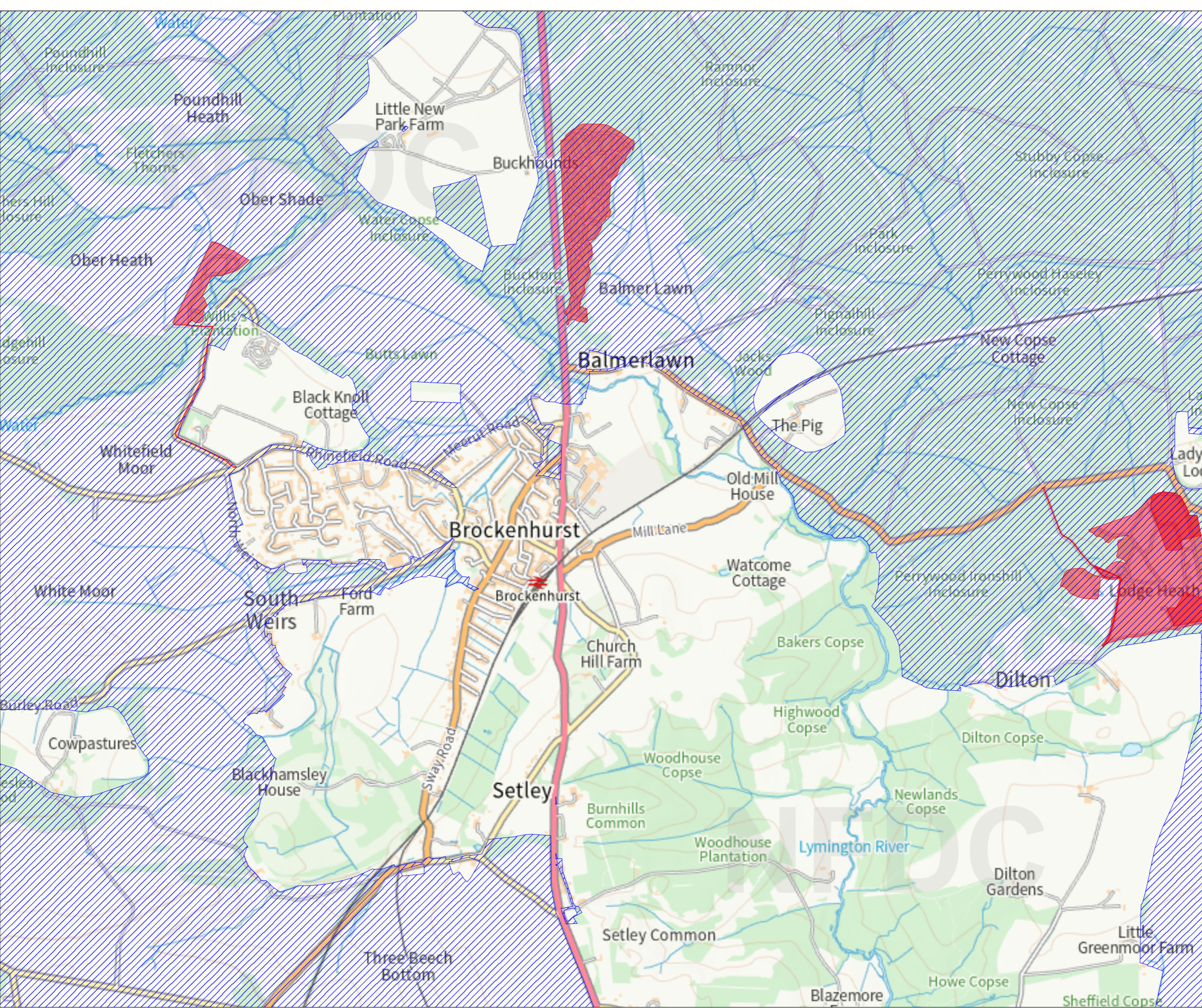
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-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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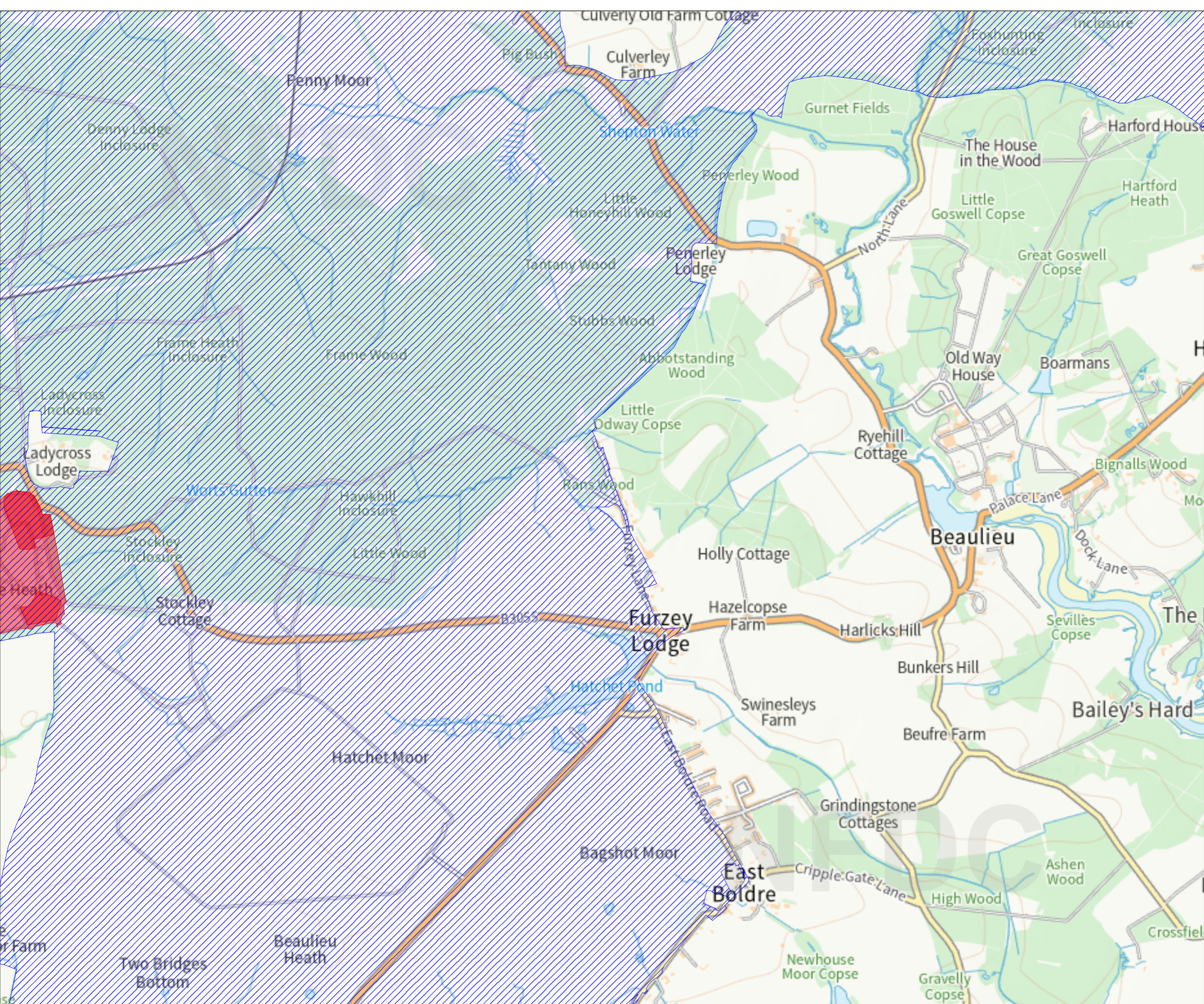
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-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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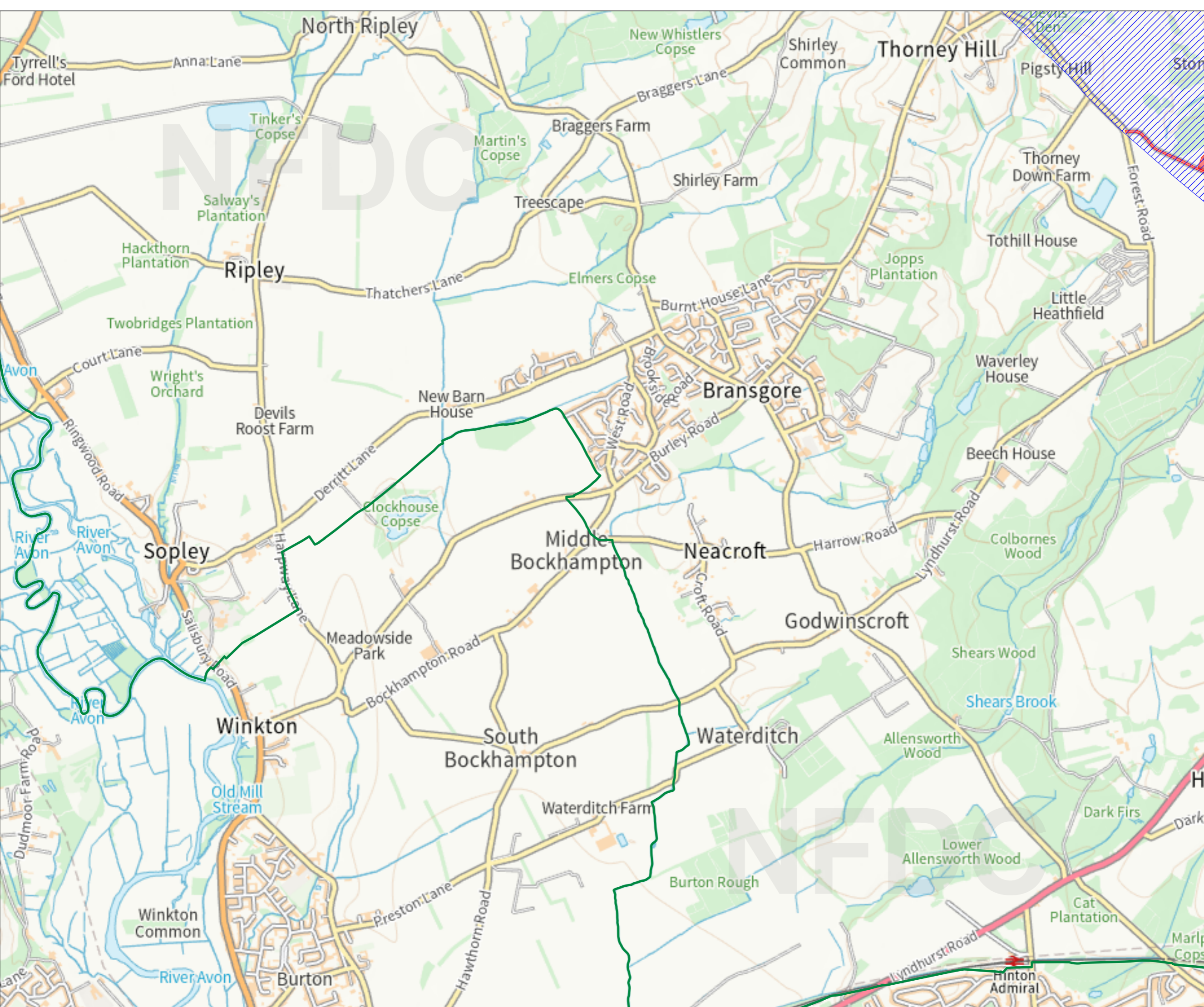
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ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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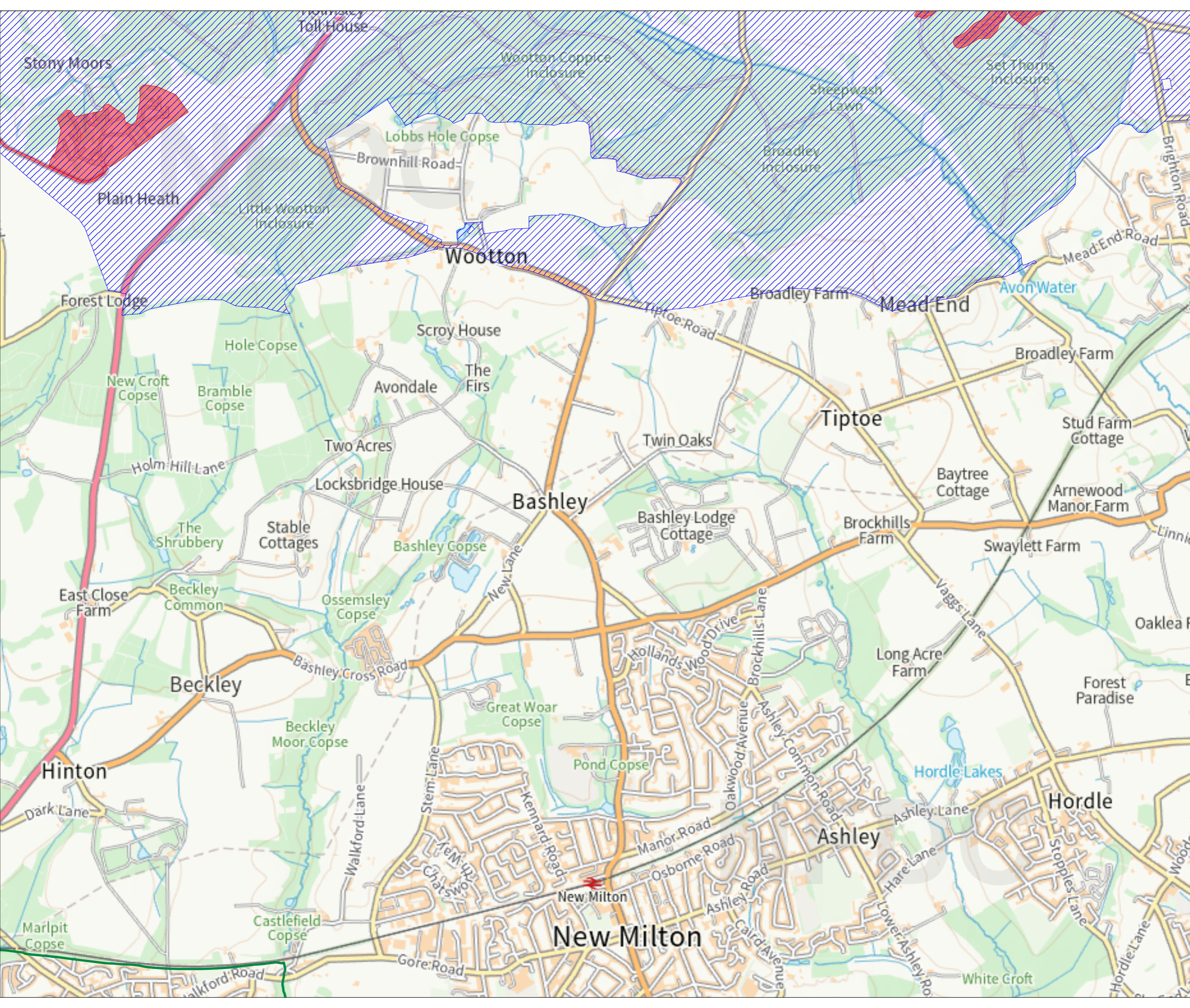
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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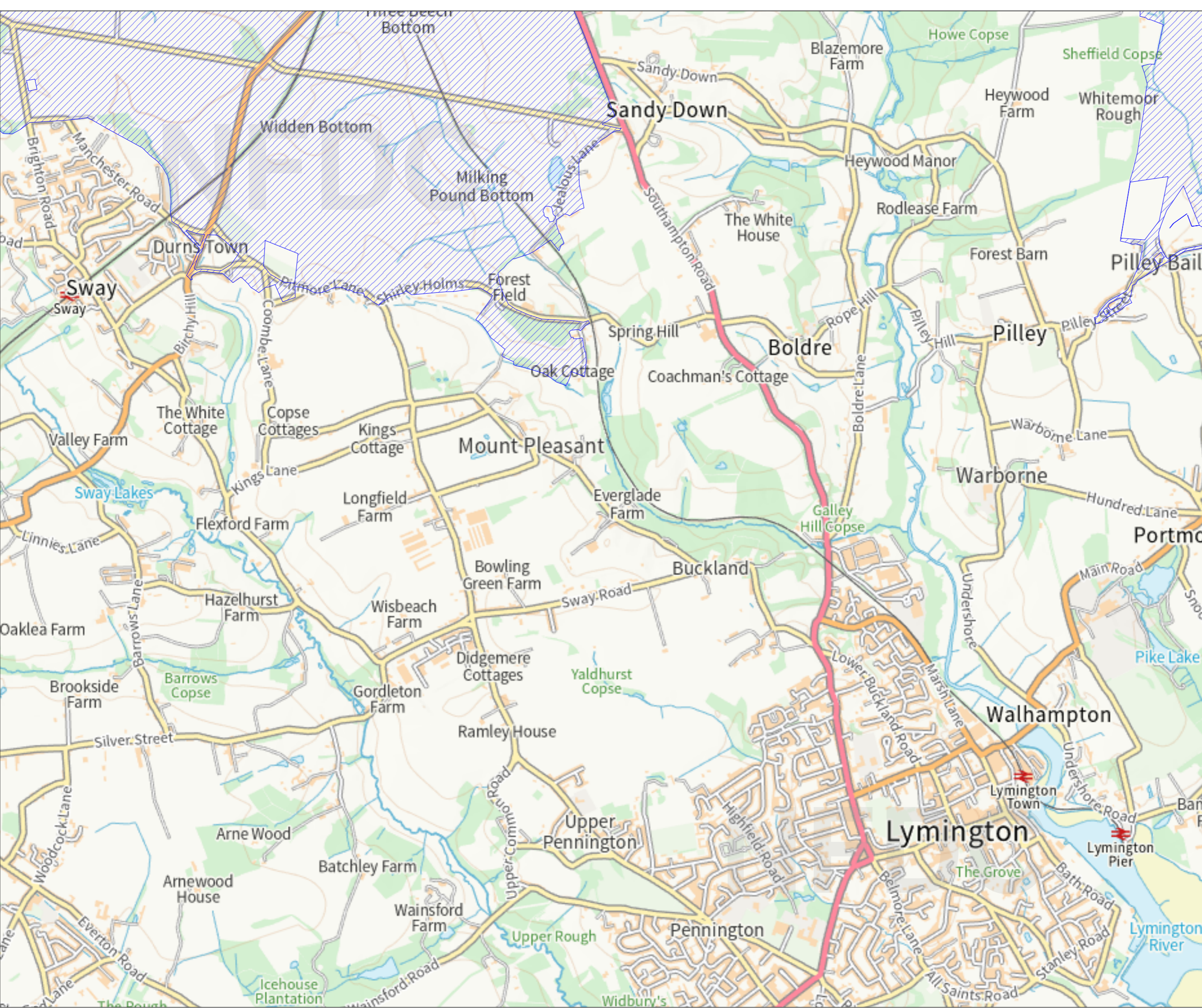
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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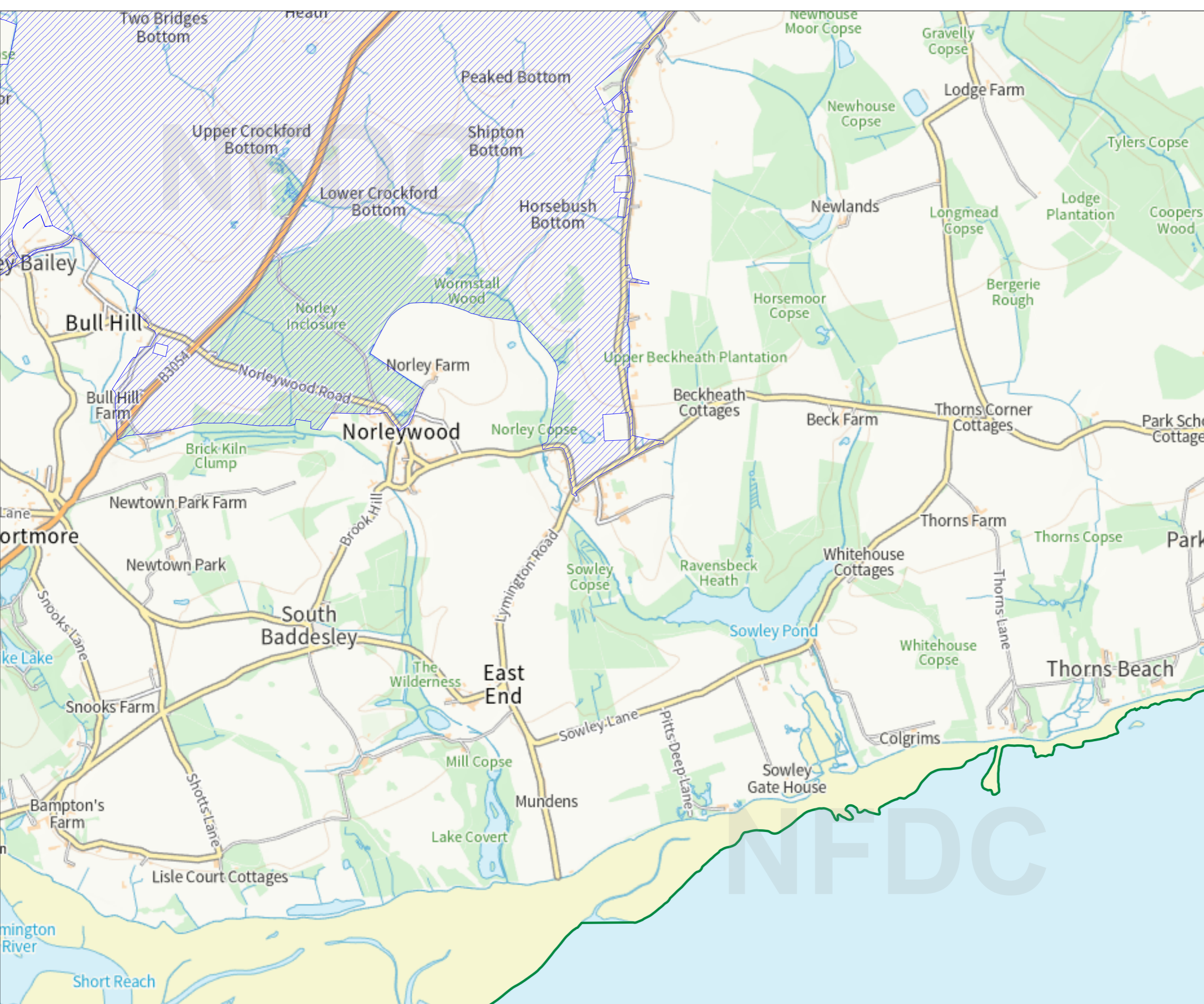
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THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 20



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ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59

THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.2)

1. ORDER

This Order is made by New Forest District Council ("the Council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and shall be known as The New Forest Public Spaces Protection Order 2023 (No.2) ("this Order").

2. DEFINITIONS

In this Order the following words or phrases are defined as follows:

"Activities"	means:
	(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;
"Agister"	means a person who is for the time being employed or appointed as an agister by the Verderers;
"Authorised Officer"	means a constable or person authorised in writing by the Council for the purposes of this Order;
"Interested Person"	means an individual who lives in the Restricted Area or who regularly works in or visits that area;
"New Forest"	means the administrative area of the New Forest District Council;
"New Forest Commoner"	means anyone who owns/occupies land or property to which common rights over the New Forest attach;
"New Forest Pony, Horse, Mule or Donkey"	means any pony, horse, mule or donkey owned by any New Forest Commoner and free to roam in the Restricted Area;
"Public Space"	means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

“Restricted Area” means any Public Space within the land identified and described in Schedule 1 and outlined and hatched in blue on the attached maps; and

“Verderers” means Verderers of the Forest and includes their duly authorised servants or agents.

In this Order where a term is defined as singular it shall also apply to the plural and vice versa.

3. PRELIMINARY

- (1) The Council, in making this Order, is satisfied on reasonable grounds that the Activities have carried on, or it is likely that they will be carried on, in public places within the New Forest and have had a detrimental effect on the quality of life of those in the locality; namely a substantial risk that the Activities increase the aggression of New Forest Ponies, Horses, Mules or Donkeys towards humans in the locality causing alarm and distress, distress and financial impact on New Forest Commoners where animals are harmed, and the risk of New Forest Ponies, Horses, Mules or Donkeys being withdrawn from the Restricted Area to the detriment of the New Forest Commoners and those who live, work or visit the Restricted Area and physical harm or worse caused to New Forest Ponies, Horses, Mules or Donkeys and that the effect, or likely effect, of the Activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the Activities unreasonable, and
 - (c) justifies the restrictions imposed by this Order.
- (2) The Council is satisfied that the Prohibition and the Requirements imposed by this Order are reasonable to impose to prevent the detrimental effect of these Activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of their continuance, occurrence or recurrence.
- (3) This Order should be read in conjunction with Schedule 1 and attached maps.

4. DURATION OF THIS ORDER

This Order shall come into effect at midnight on 1 July 2023 for a period of three years, unless extended.

5. APPLICATION

This Order applies at all times, to all persons within the Restricted Area subject to the Exceptions listed in Article 8.

6. PROHIBITION

- (1) A person shall not engage in any of the Activities within the Restricted Area (“the Prohibition”).
- (2) The Prohibition is subject to the Exceptions in Article 8.

7. REQUIREMENTS

- (1) Where an Authorised Officer has reasonable grounds to believe that any person within the Restricted

Area has acted, is acting, or is likely to act, contrary to this Order, they shall, if and as required by an Authorised Officer, terminate the Activities.

(2) If any person within the Restricted Area has in their possession any item which an Authorised Officer has reasonable grounds to believe is being, or is likely to be used in conjunction with the Activities contrary to this Order, they shall, if and as required by an Authorised Officer, surrender the item to an Authorised Officer.

(3) The Requirements are subject to the Exceptions in Article 8.

8. EXCEPTIONS

(1) This Order shall not apply to:

- (a) any person who is a New Forest Commoner and owner of a New Forest Pony, Horse, Mule or Donkey, or their duly authorised servant or agent; or
- (b) an Agister.

9. OFFENCE

(1) Section 67 of the Act states that it is an offence for a person without reasonable excuse to:

- (a) do anything that the person is prohibited from doing by this Order, or
- (b) fails to comply with a requirement to which the person is subject under this Order.

(2) A person who is guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence by failing to comply with a prohibition or requirement that the Council did not have the power to include in the public space protection order.

10. FIXED PENALTY NOTICES

(1) An Authorised Officer may issue a fixed penalty notice to anyone they have reason to believe has committed an offence under this Order. Such notice offers the person to whom it is issued the opportunity to discharge their liability to conviction for the offence by payment of a fixed penalty.

(2) The penalty is set at £100.00 to be paid within 28 days but is reduced to £75.00 if paid within 14 days.

11. CHALLENGING THE VALIDITY OF THIS ORDER

(1) An Interested Person may question the validity of this Order on the grounds that:

- (a) the Council has no power to make it or to include particular prohibition or requirement imposed by this Order;
- (b) a requirement of the Act has not been complied with in relation to this Order

(2) An application must be made to the High Court within the period of six weeks beginning with the date on which this Order is made.

Date:

THE COMMON SEAL OF NEW FOREST
DISTRICT COUNCIL

Was hereto affixed in the presence of:-

}

SCHEDULE 1

The Restricted Area comprises the land within the Perambulation of the New Forest as shown outlined and hatched in blue on the maps attached hereto comprising an overview map (scale 1:100,000) and sheets 1 to 22 (scale 1:20,000).





New Forest

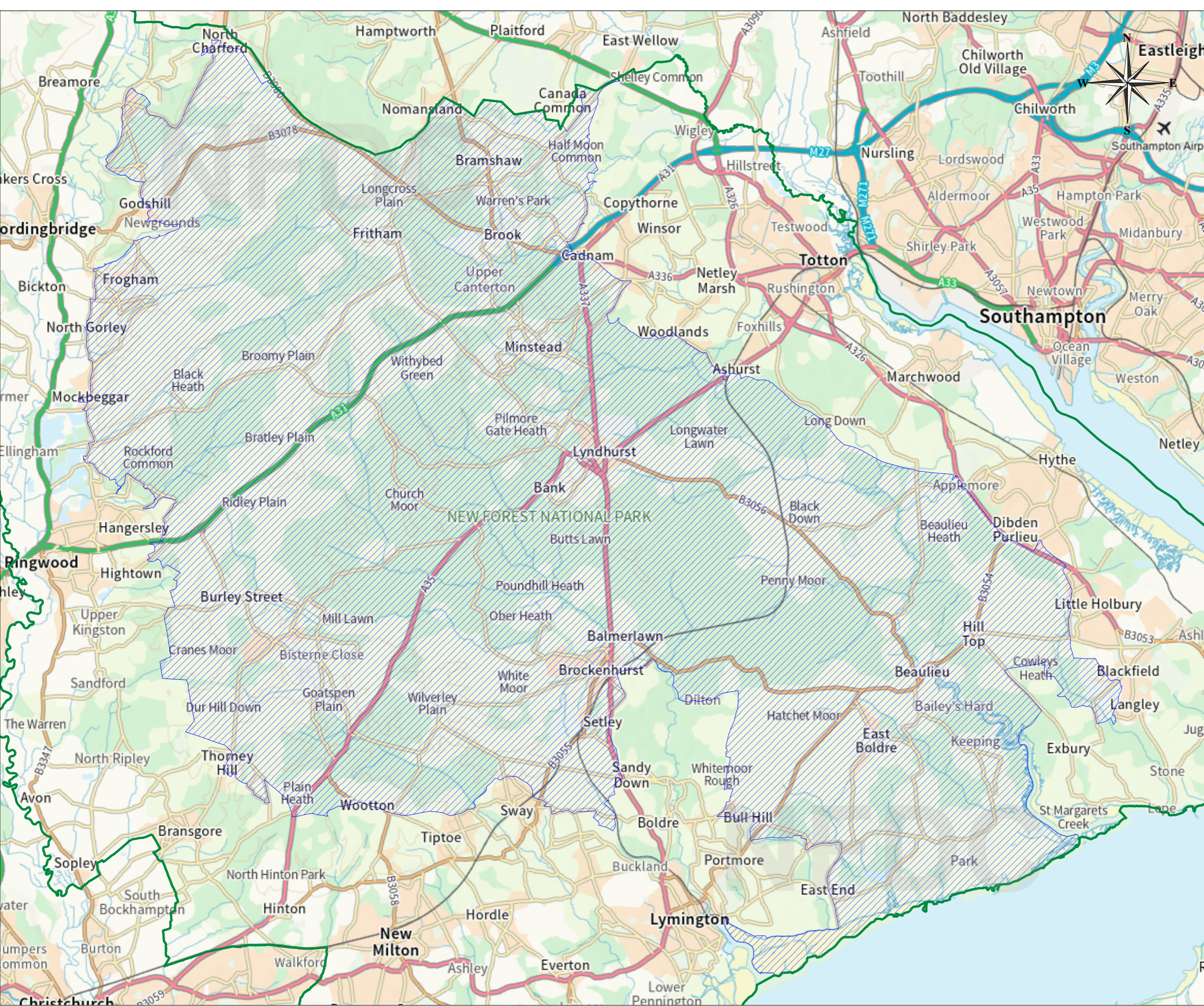
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THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.2)

Overview Map

-  Restricted Area
-  District Boundary



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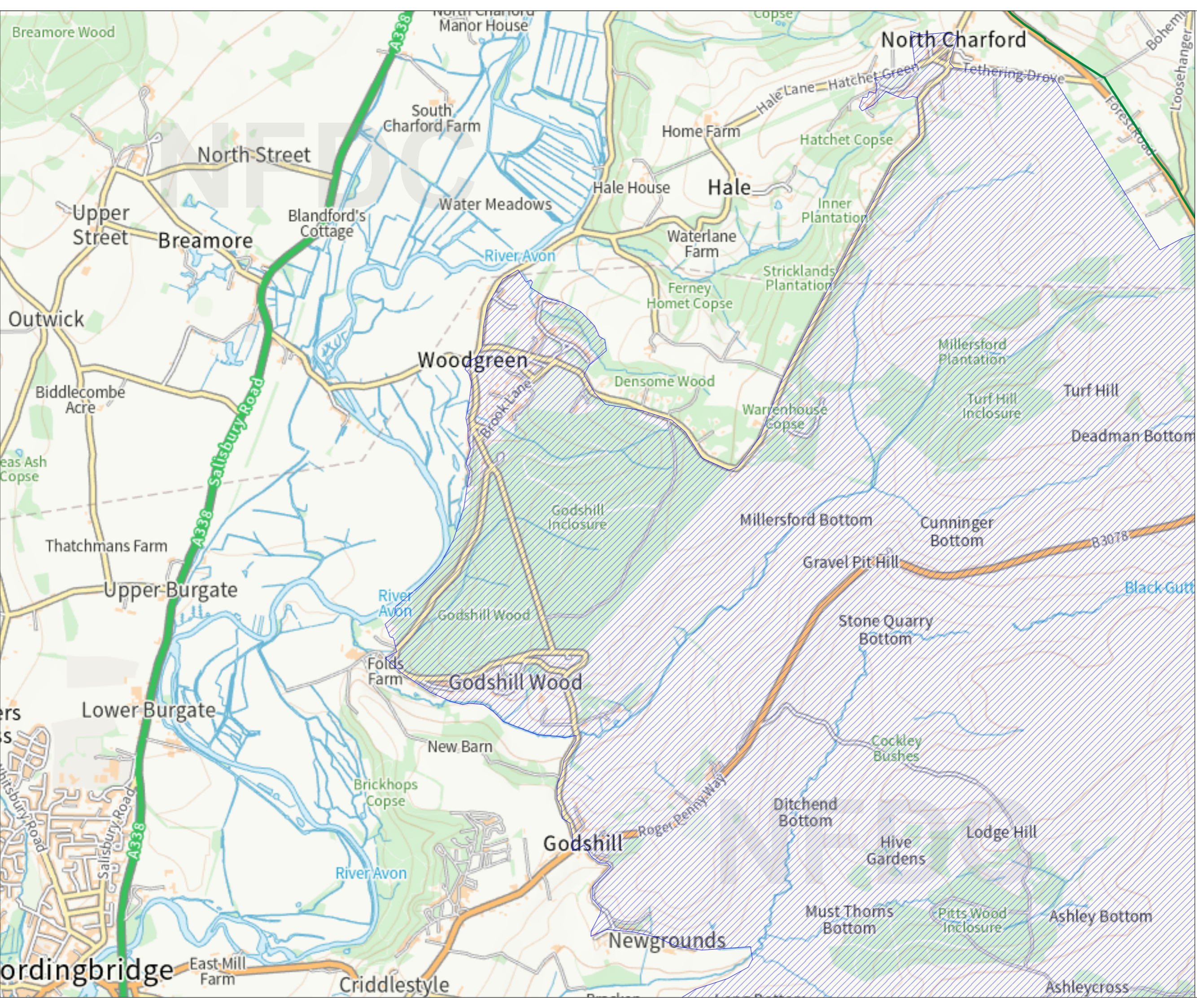
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THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.2)

-  Restricted Area
-  District Boundary

Sheet: 1





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THE NEW FOREST
PUBLIC SPACES PROTECTION
ORDER 2023 (NO.2)

-  Restricted Area
-  District Boundary

Sheet: 2



Scale 1:20000





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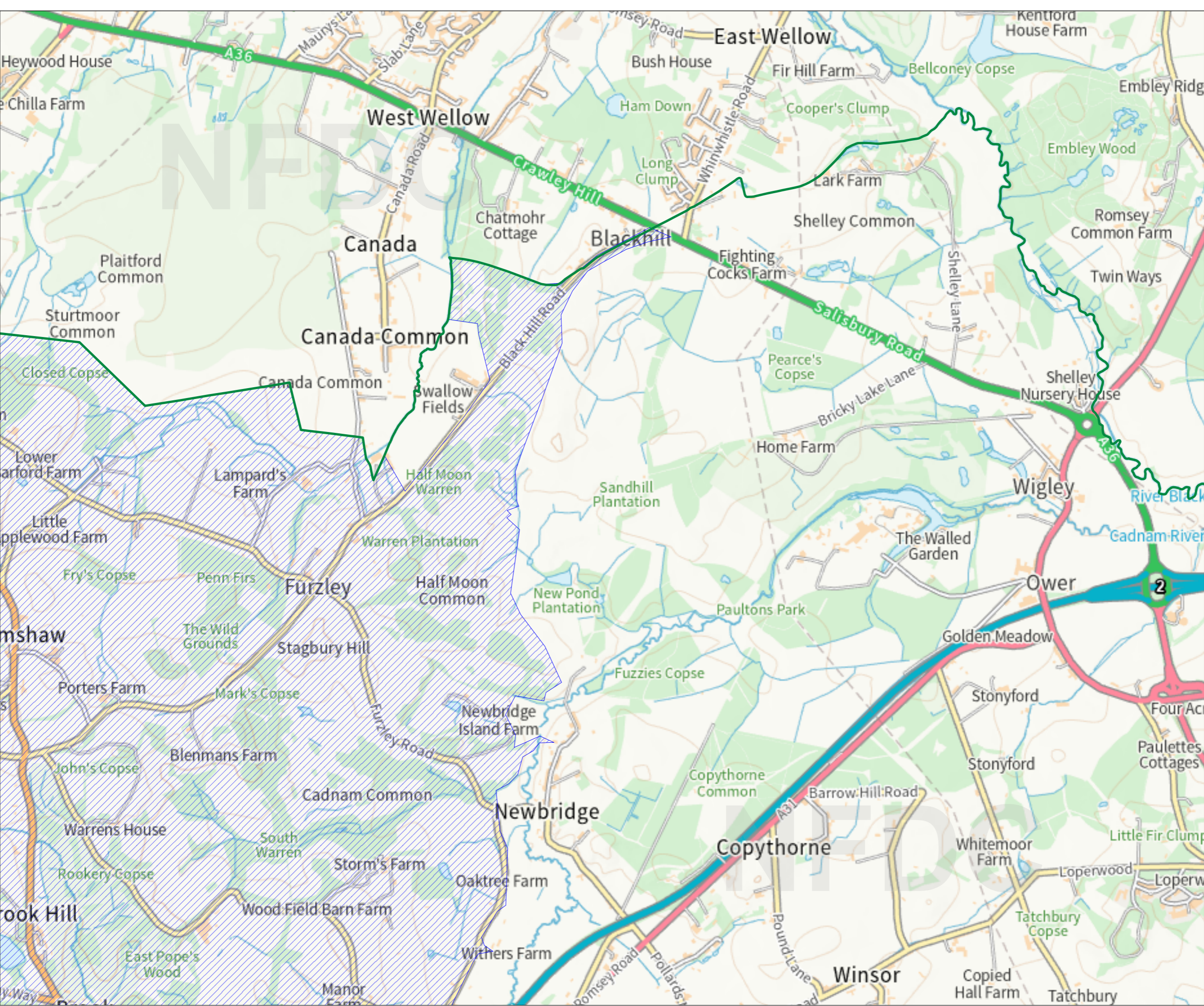
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-  Restricted Area
-  District Boundary

Sheet: 3



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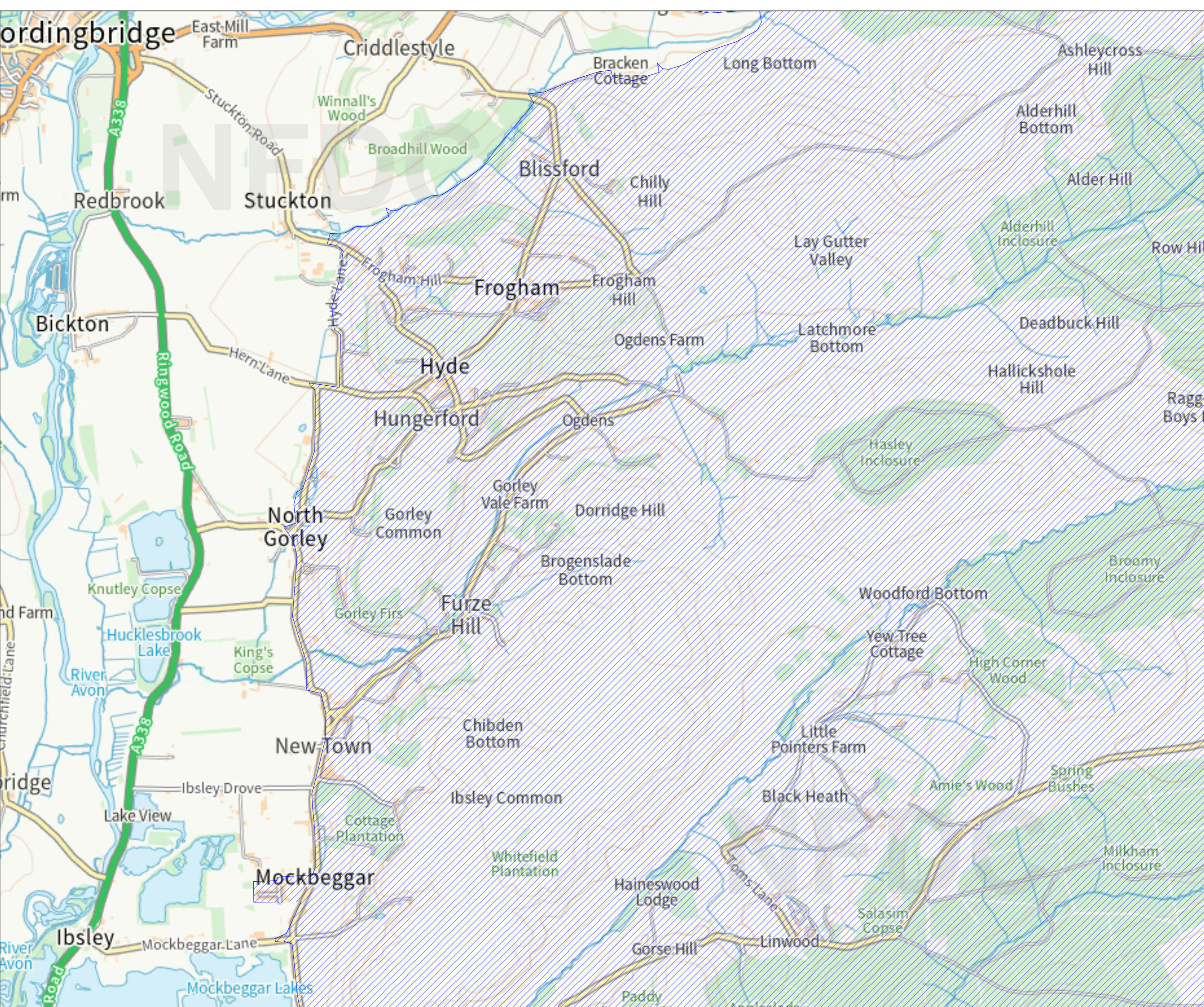
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.2)

-  Restricted Area
-  District Boundary

Sheet: 4

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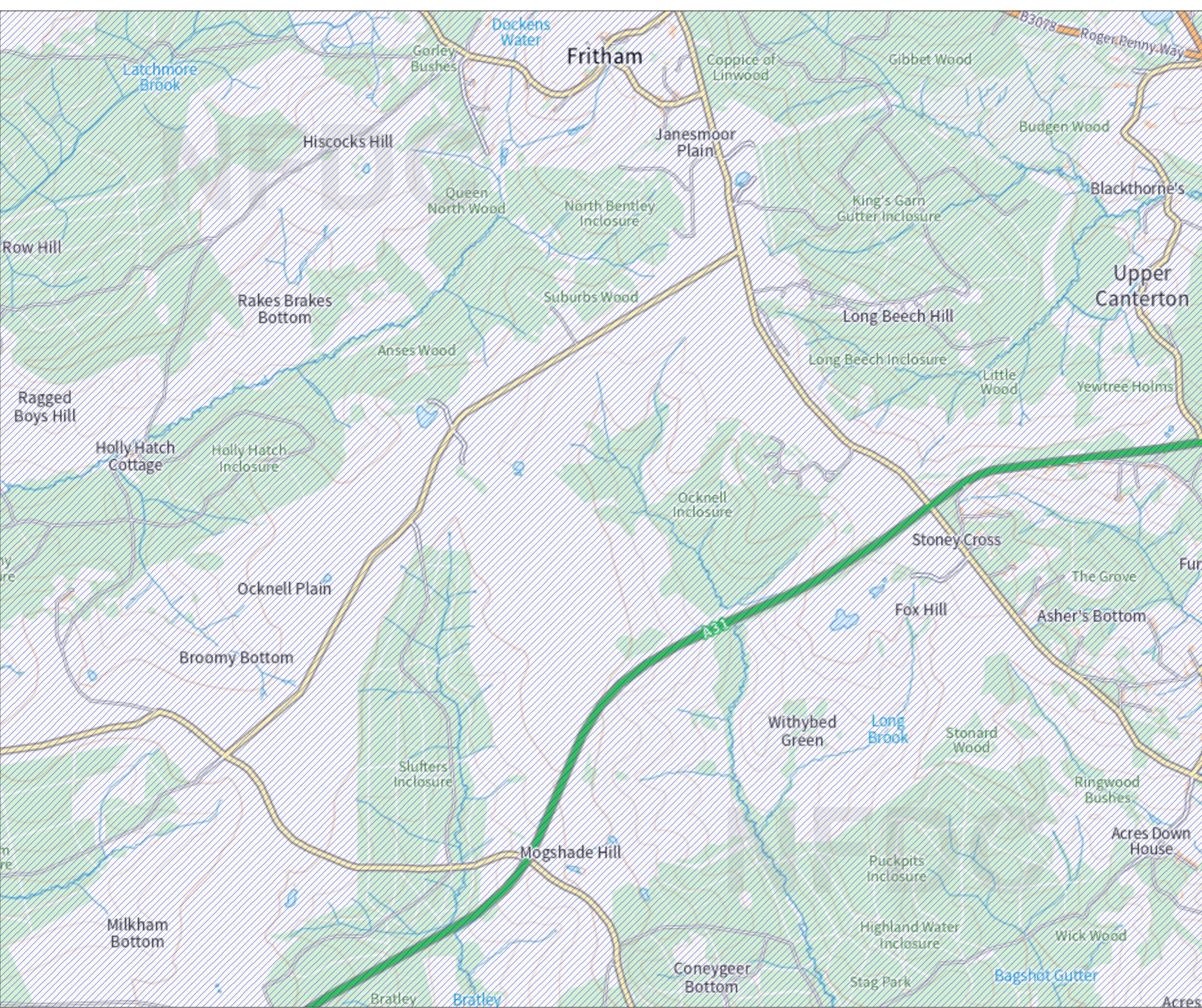
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-  Restricted Area
-  District Boundary

Sheet: 5



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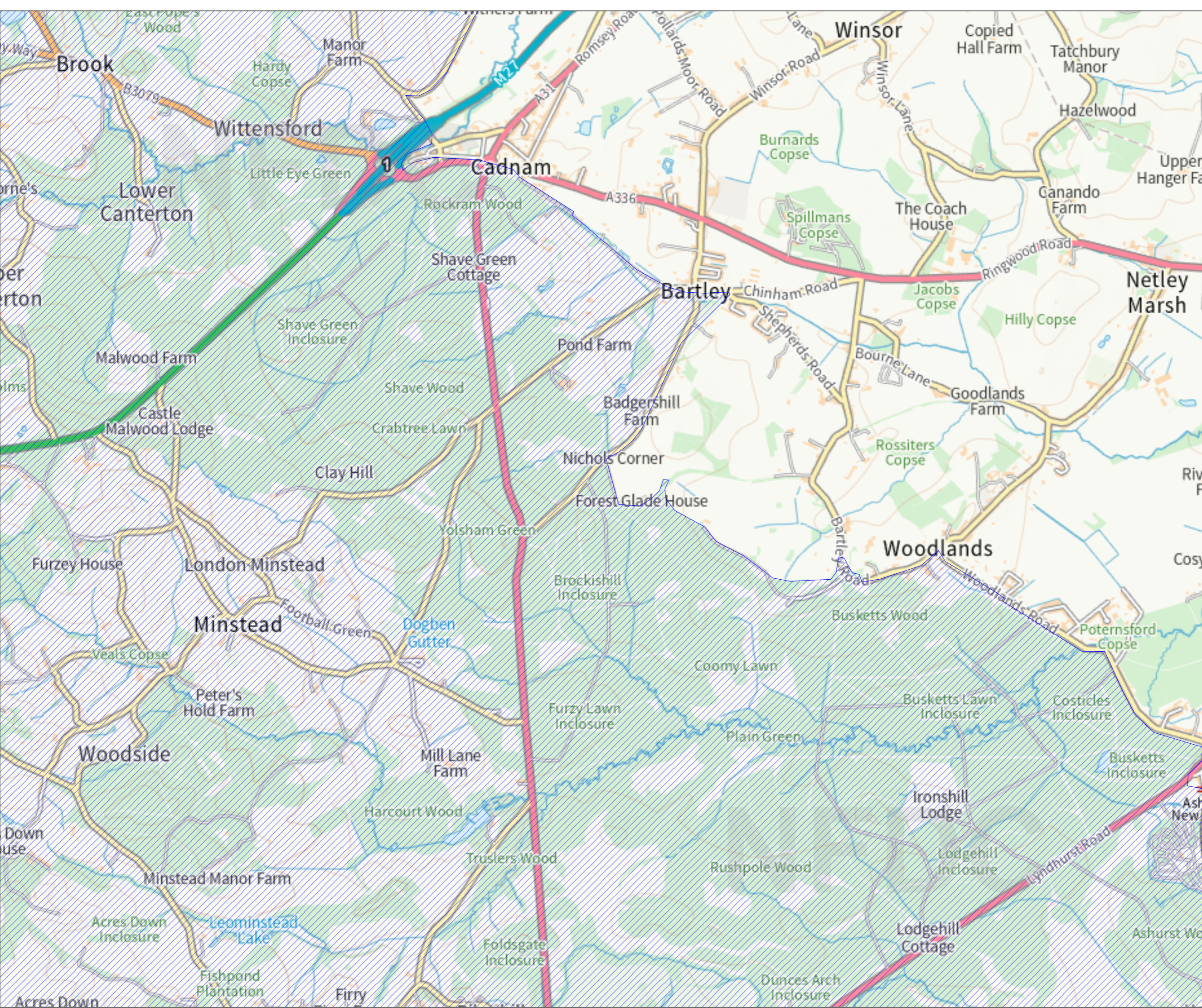
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-  Restricted Area
-  District Boundary

Sheet: 6



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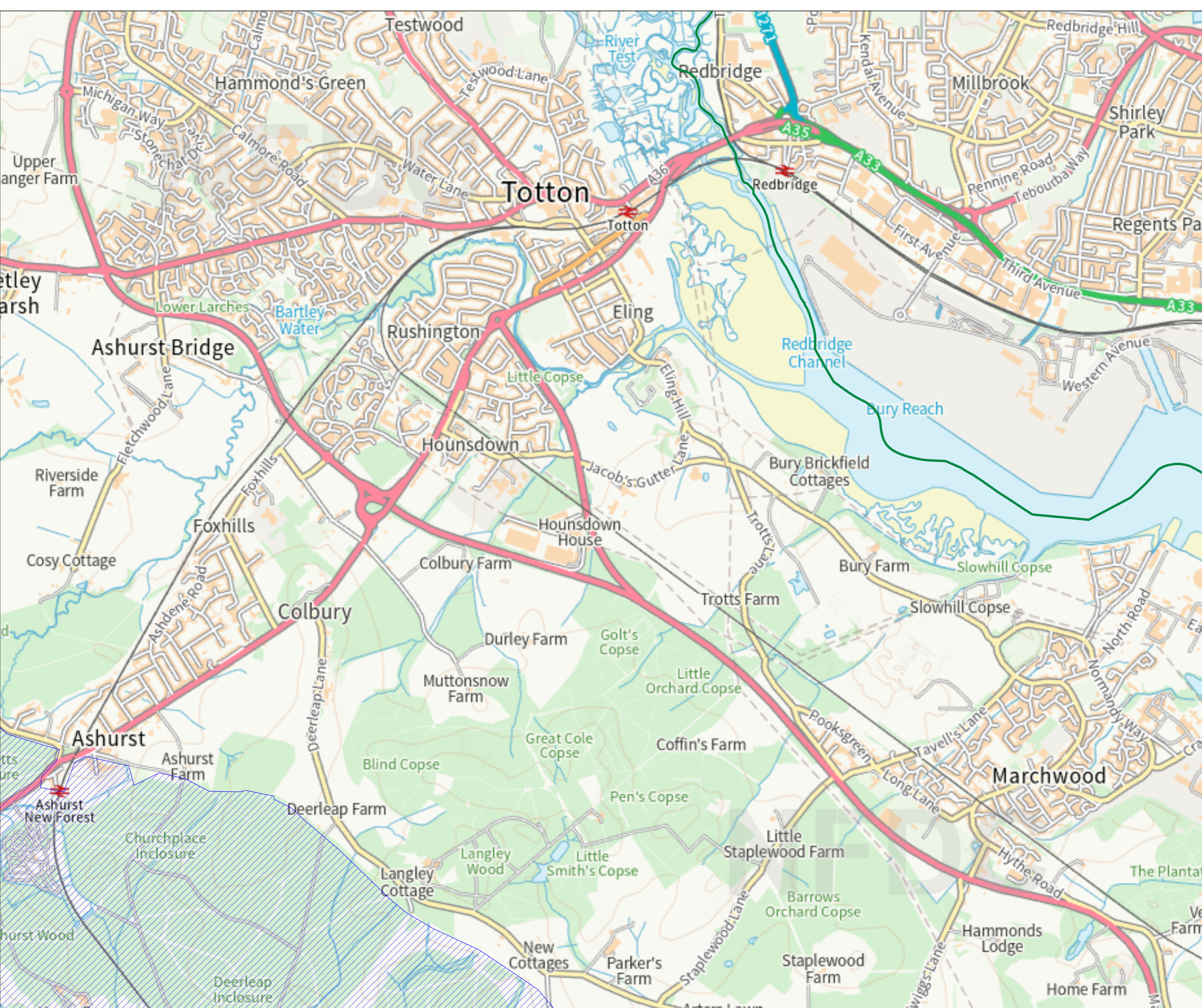
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-  Restricted Area
-  District Boundary

Sheet: 7



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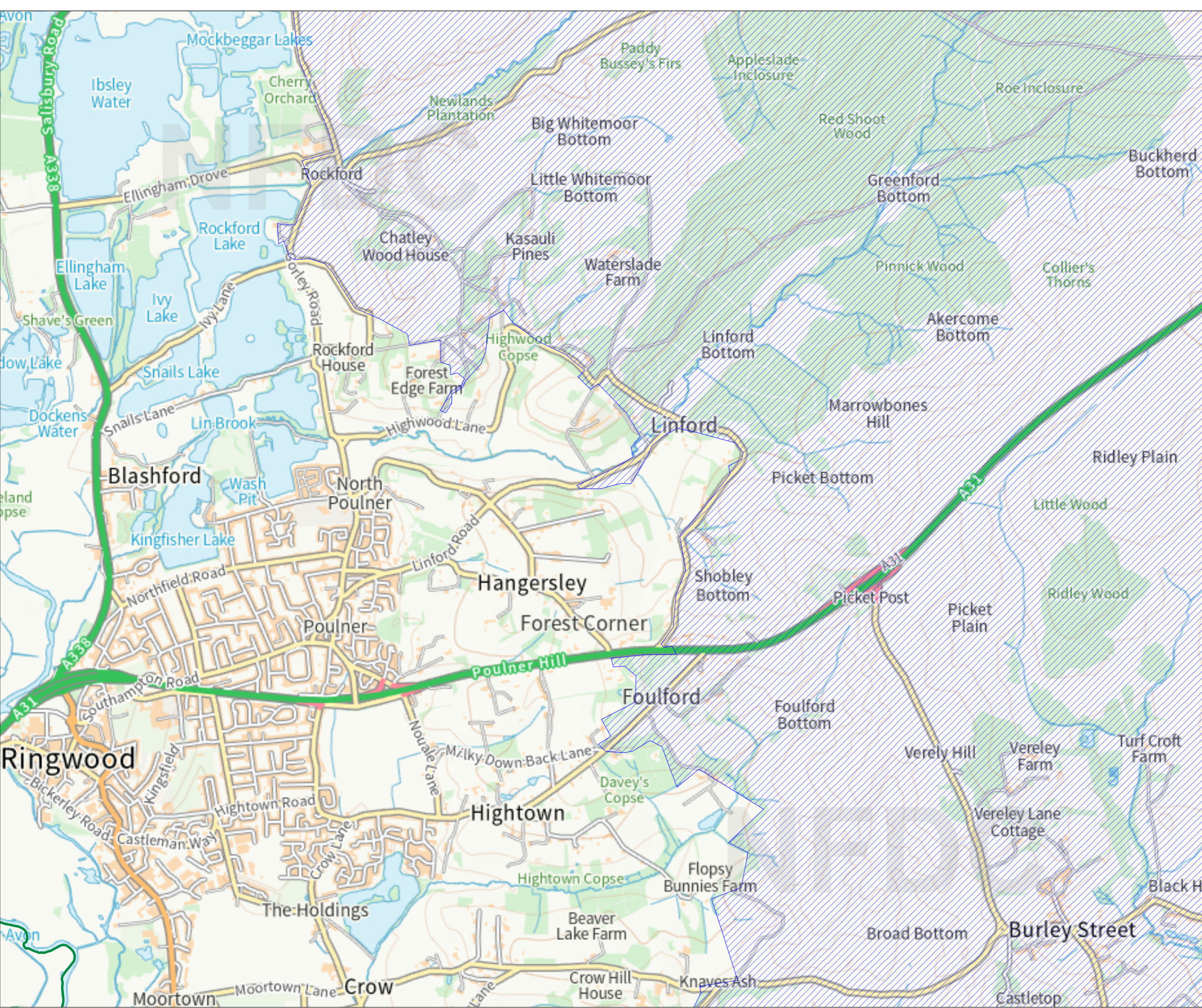
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-  Restricted Area
-  District Boundary

Sheet: 8





Scale 1:20000

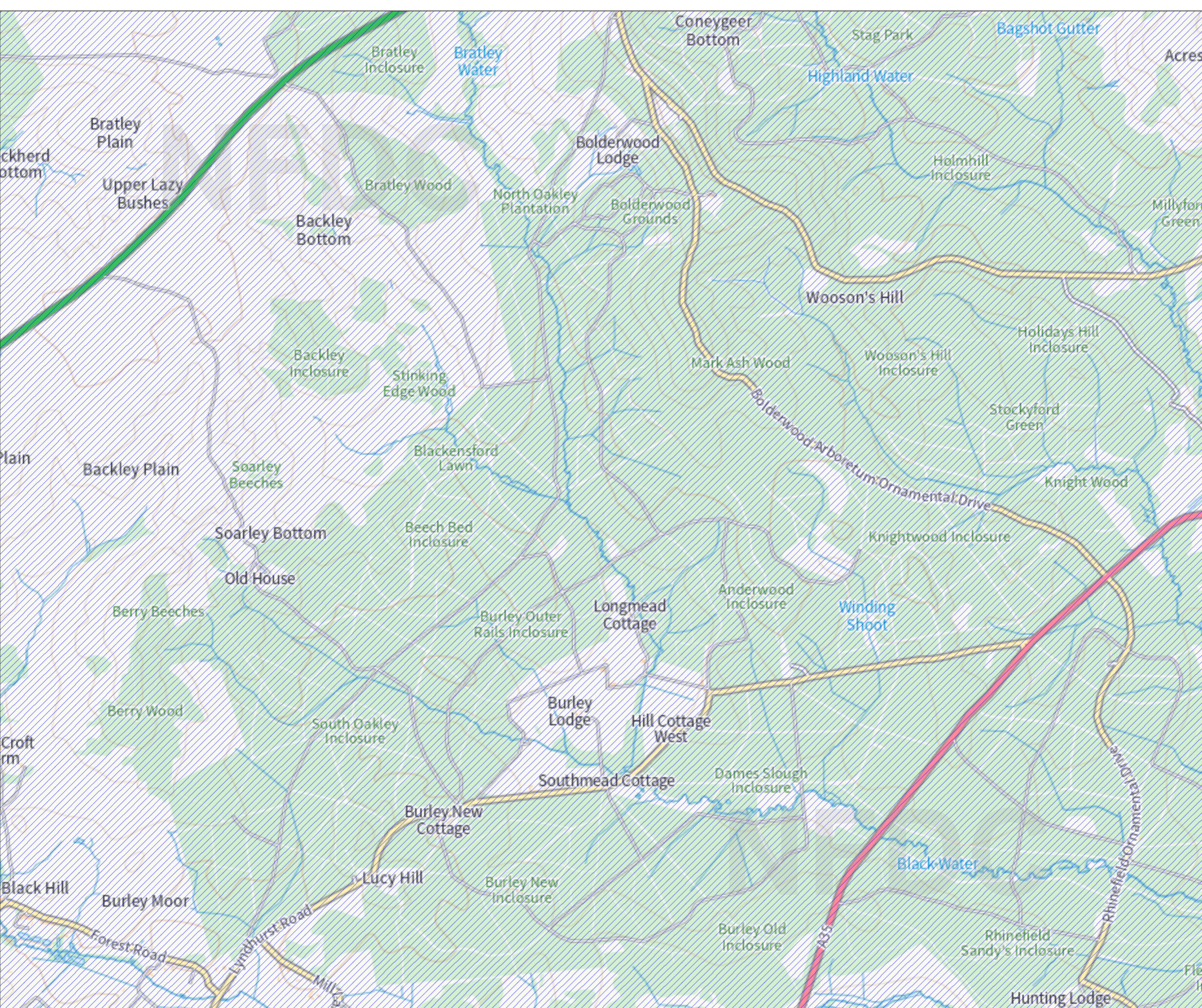
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-  Restricted Area
-  District Boundary

Sheet: 9



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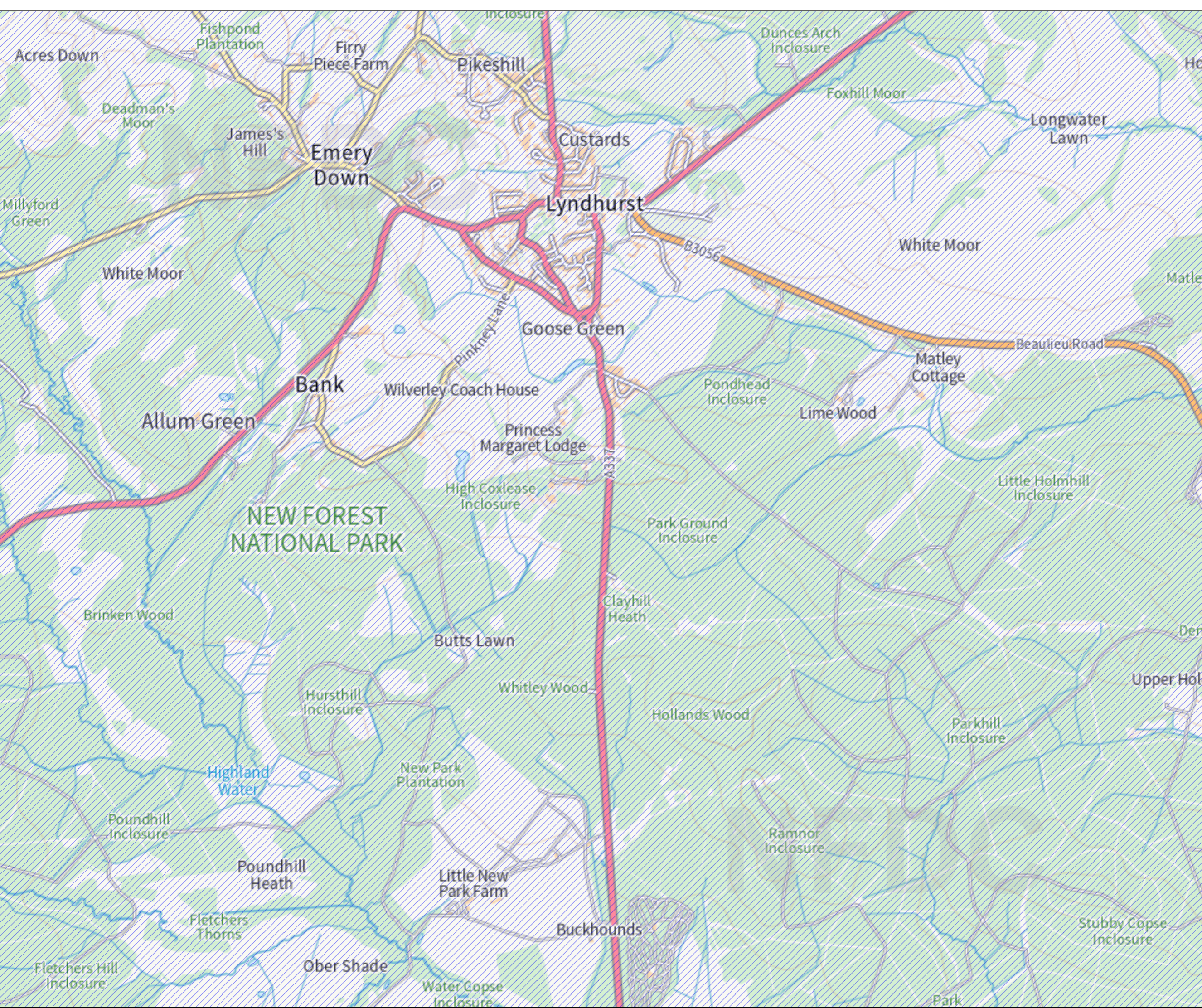
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-  Restricted Area
-  District Boundary

Sheet: 10

Scale 1:20000

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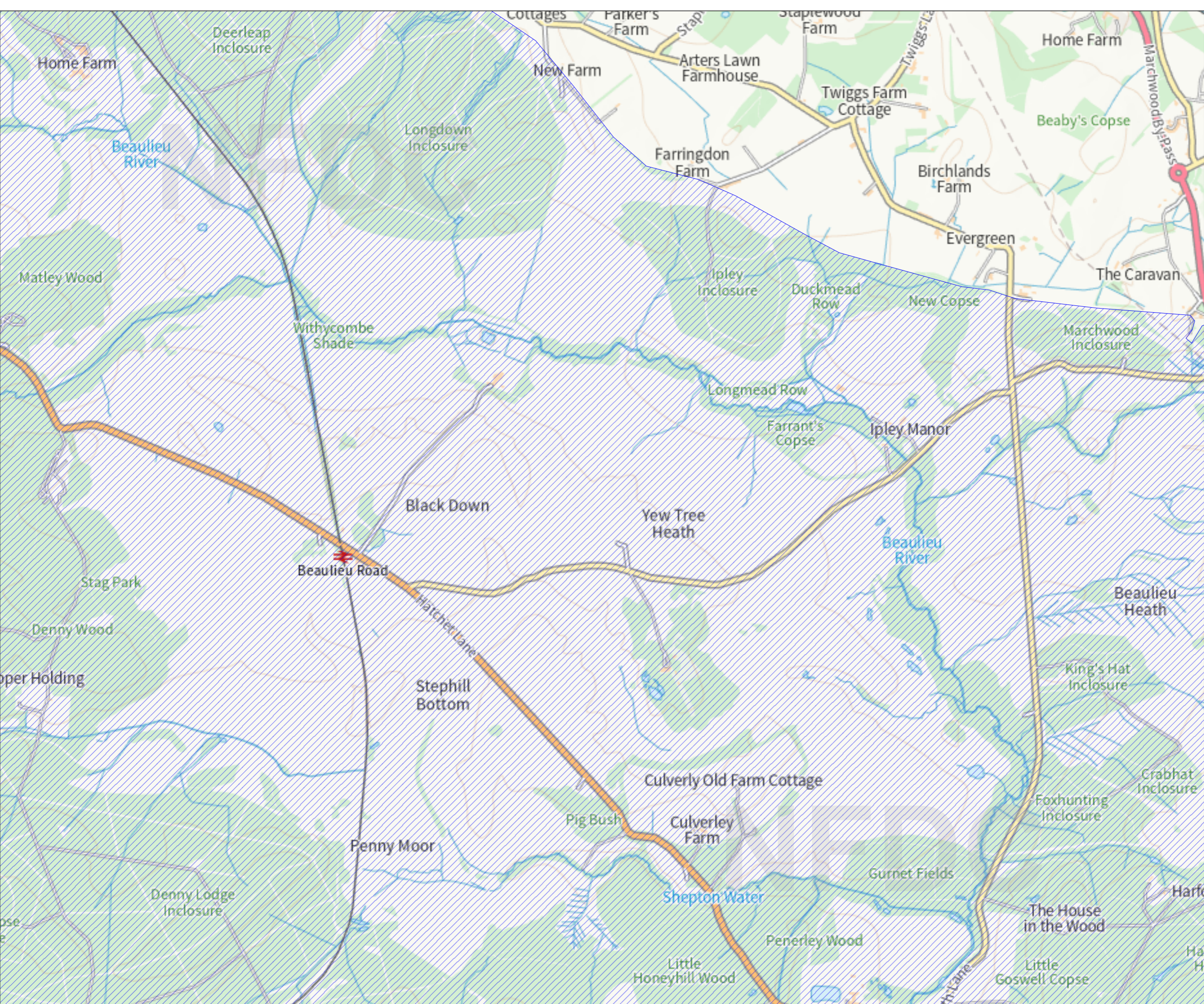
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-  Restricted Area
-  District Boundary

Sheet: 11



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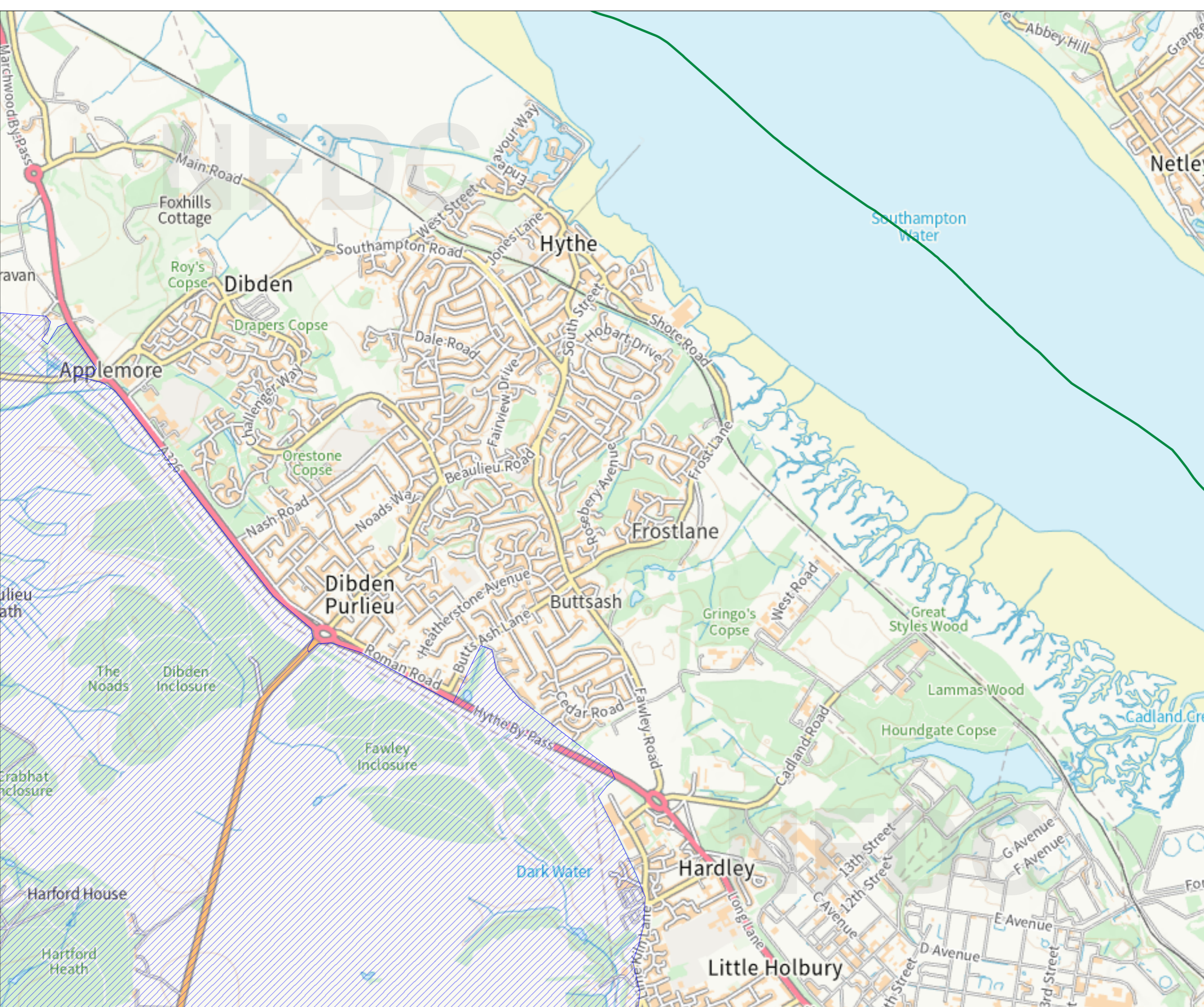
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THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.2)

-  Restricted Area
-  District Boundary

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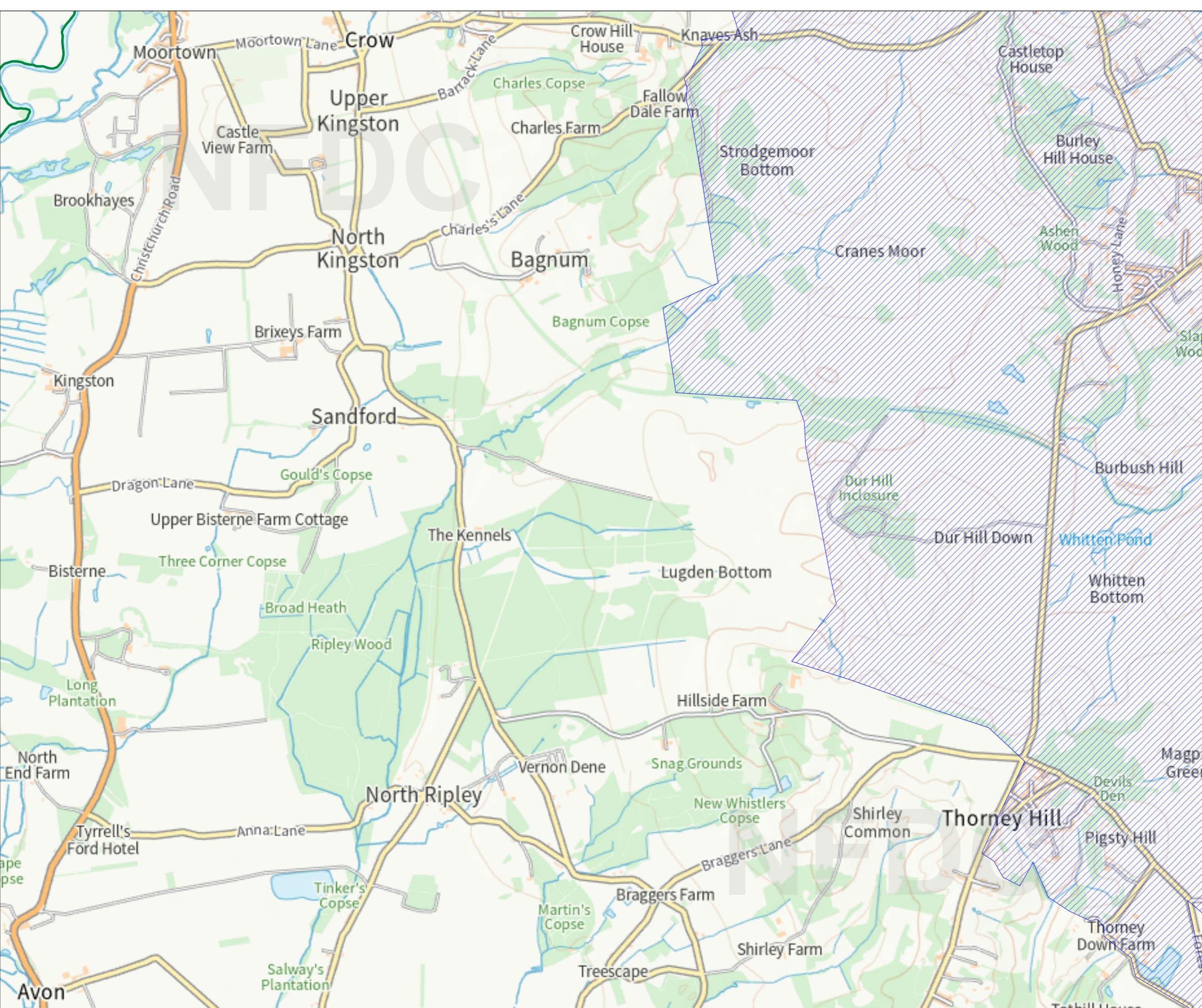
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THE NEW FOREST
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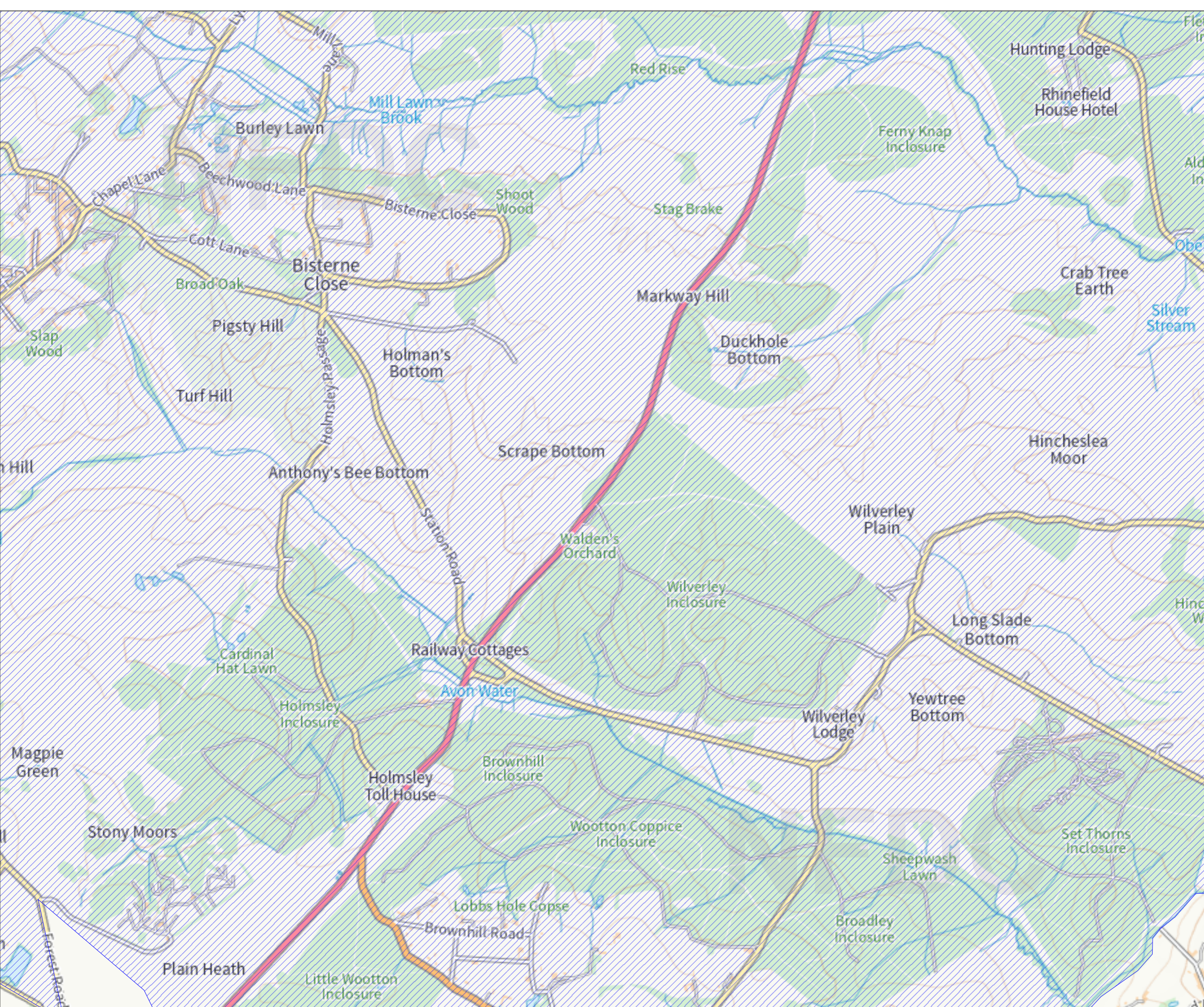
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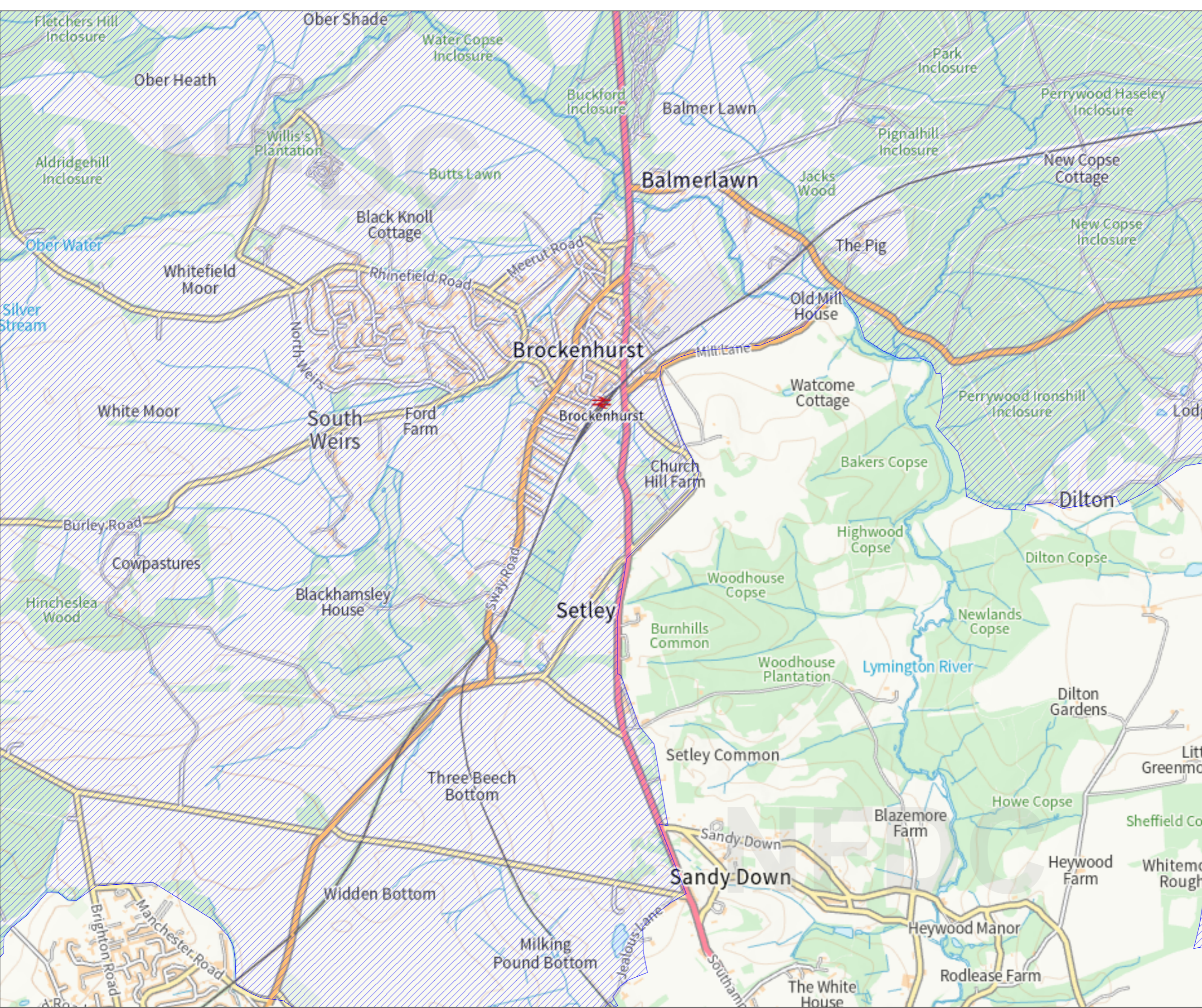
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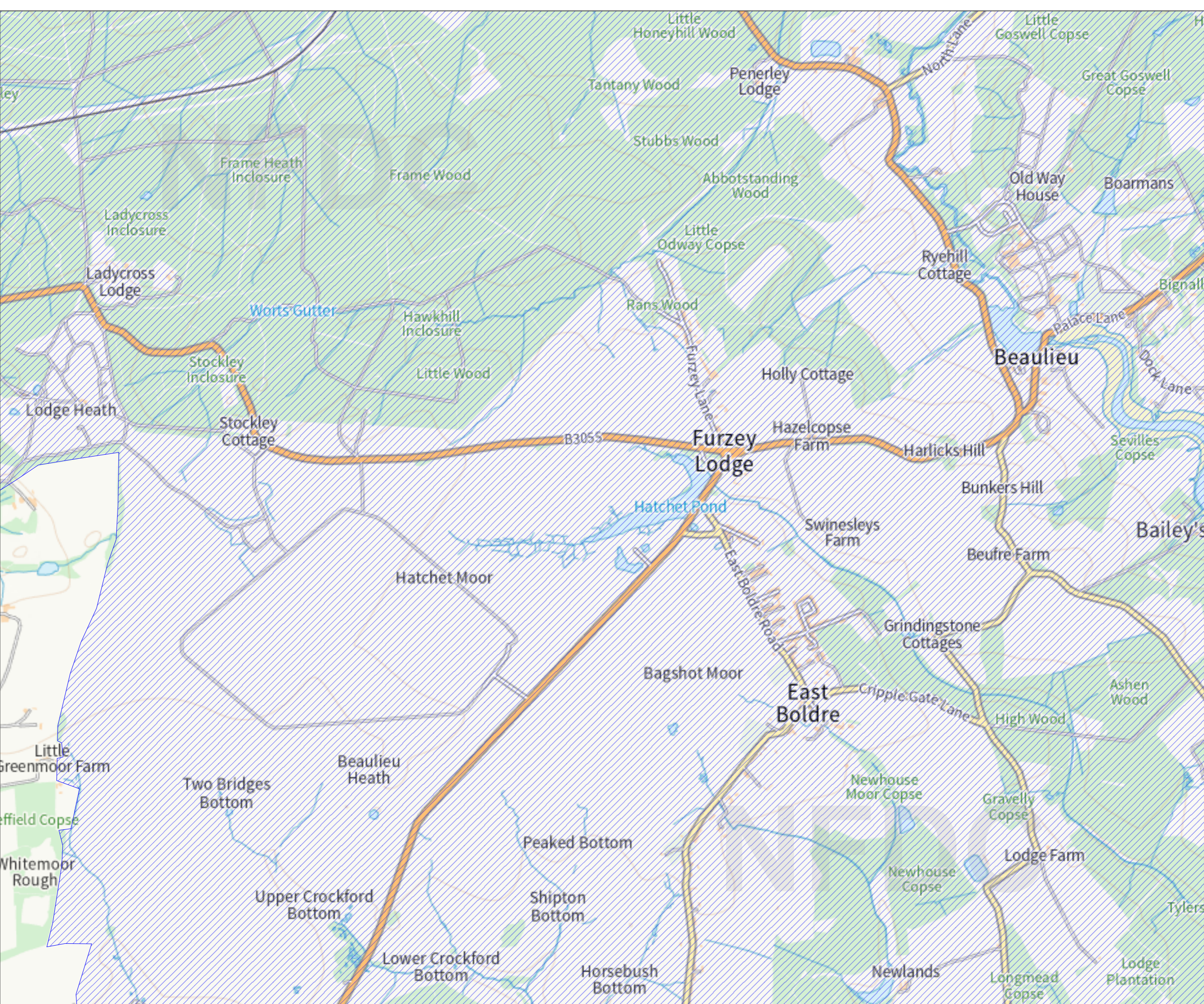
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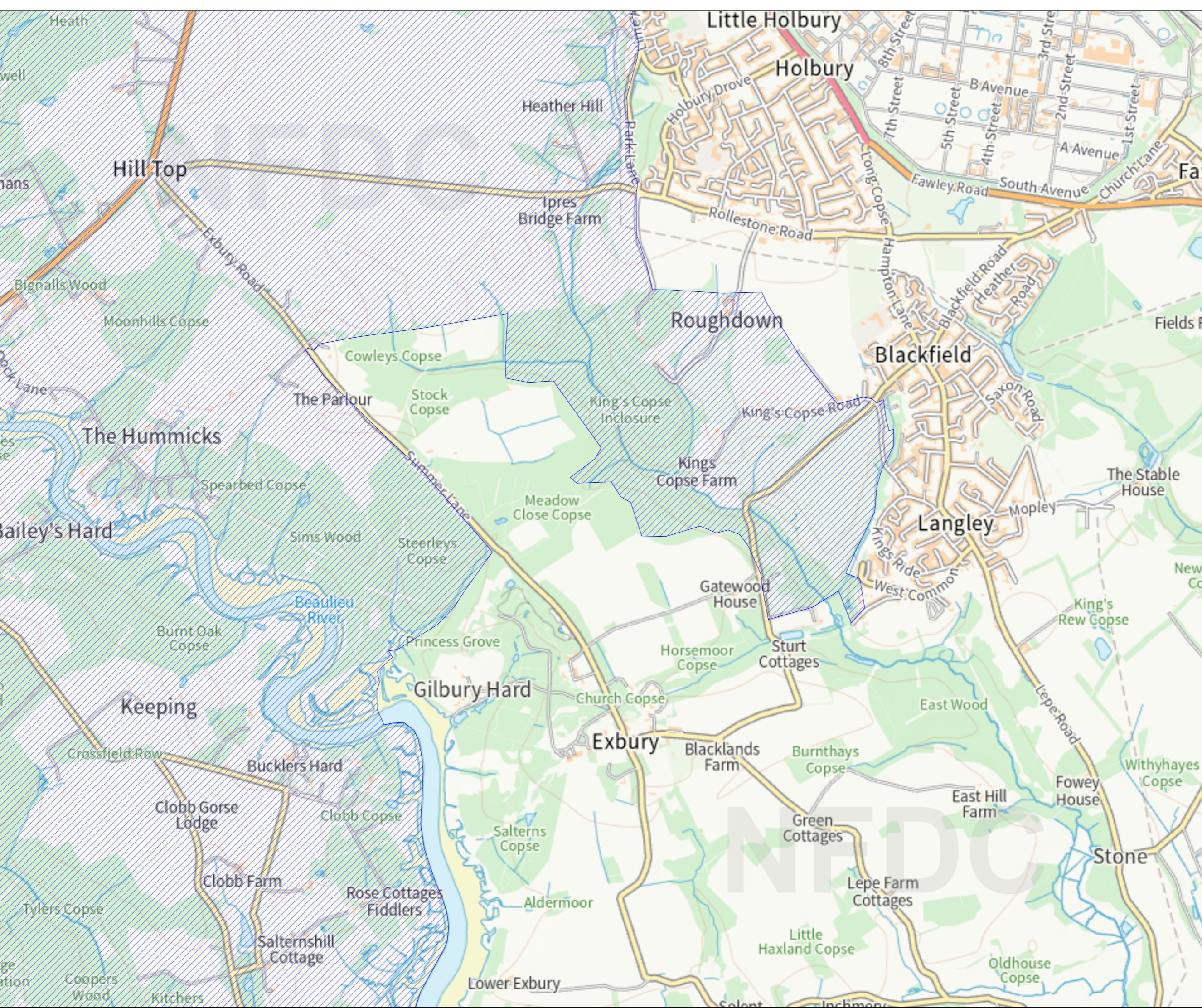
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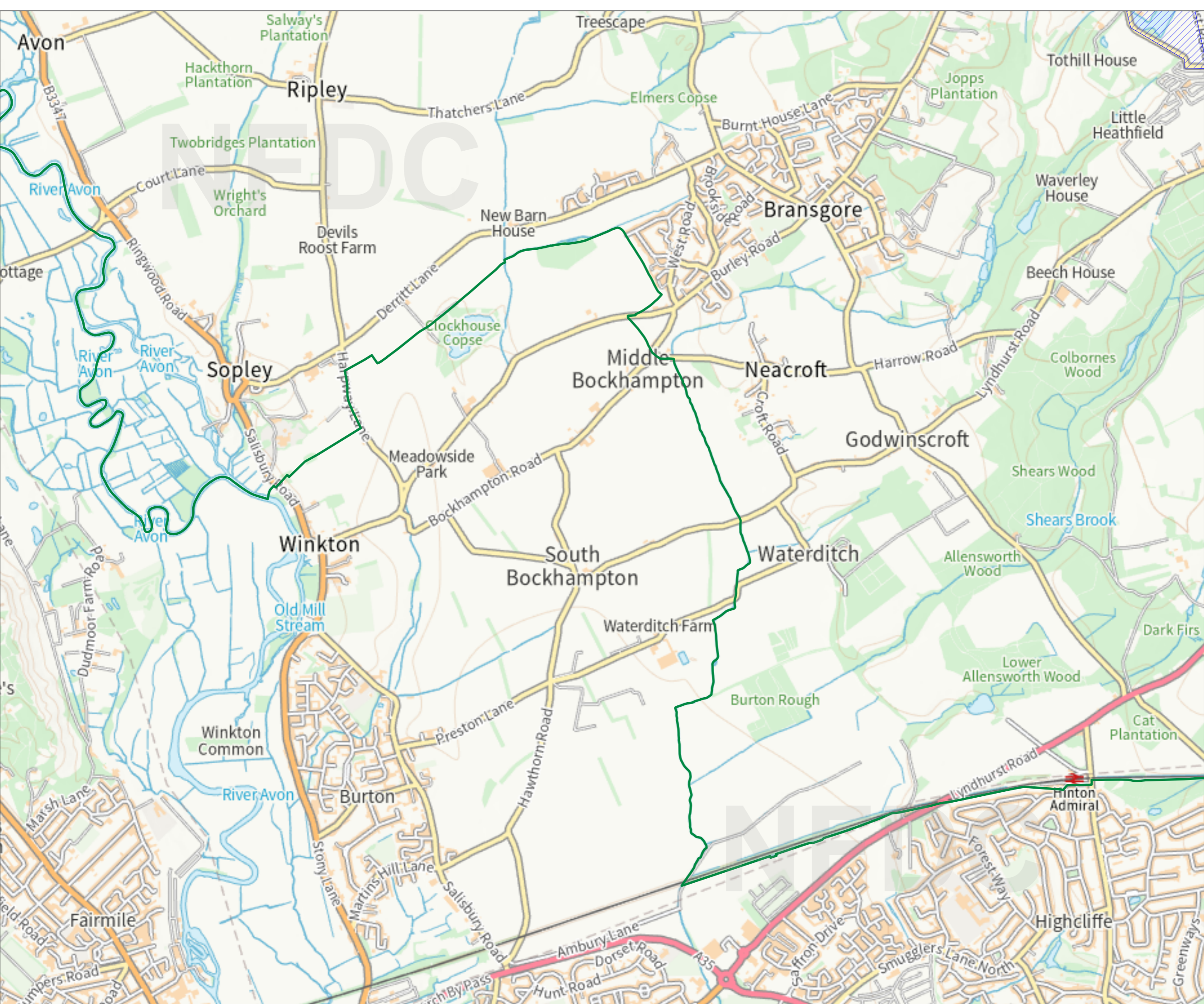
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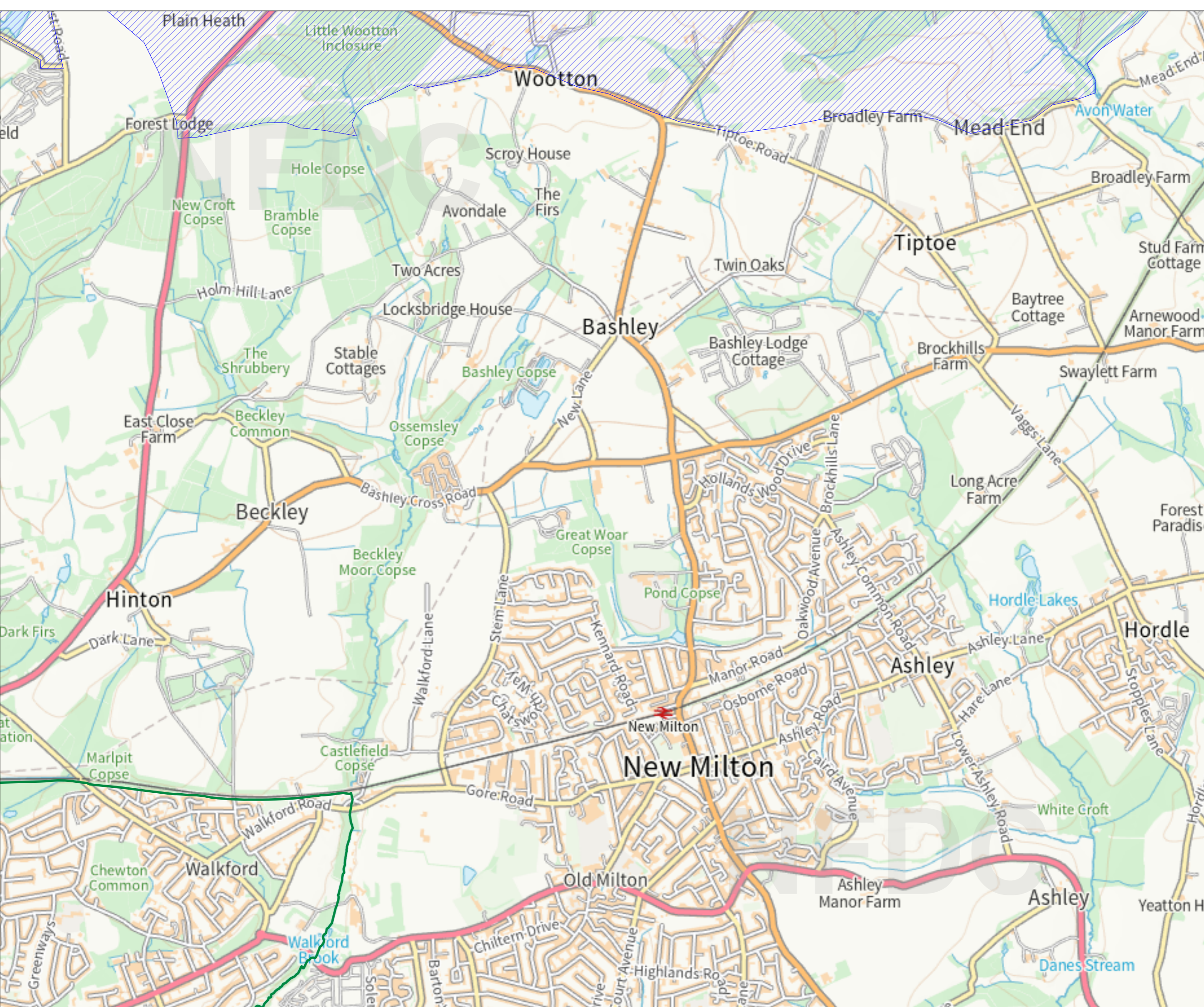


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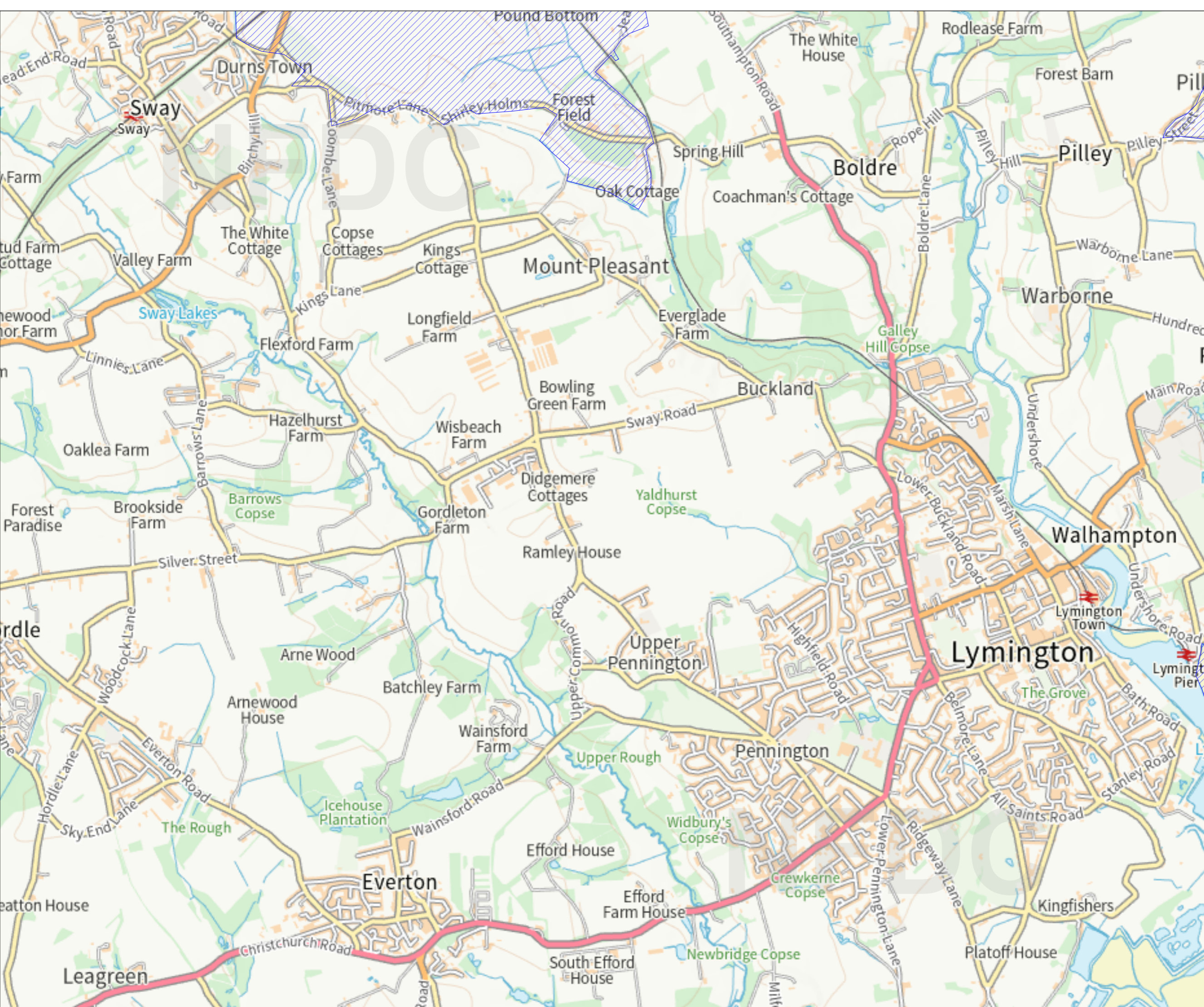
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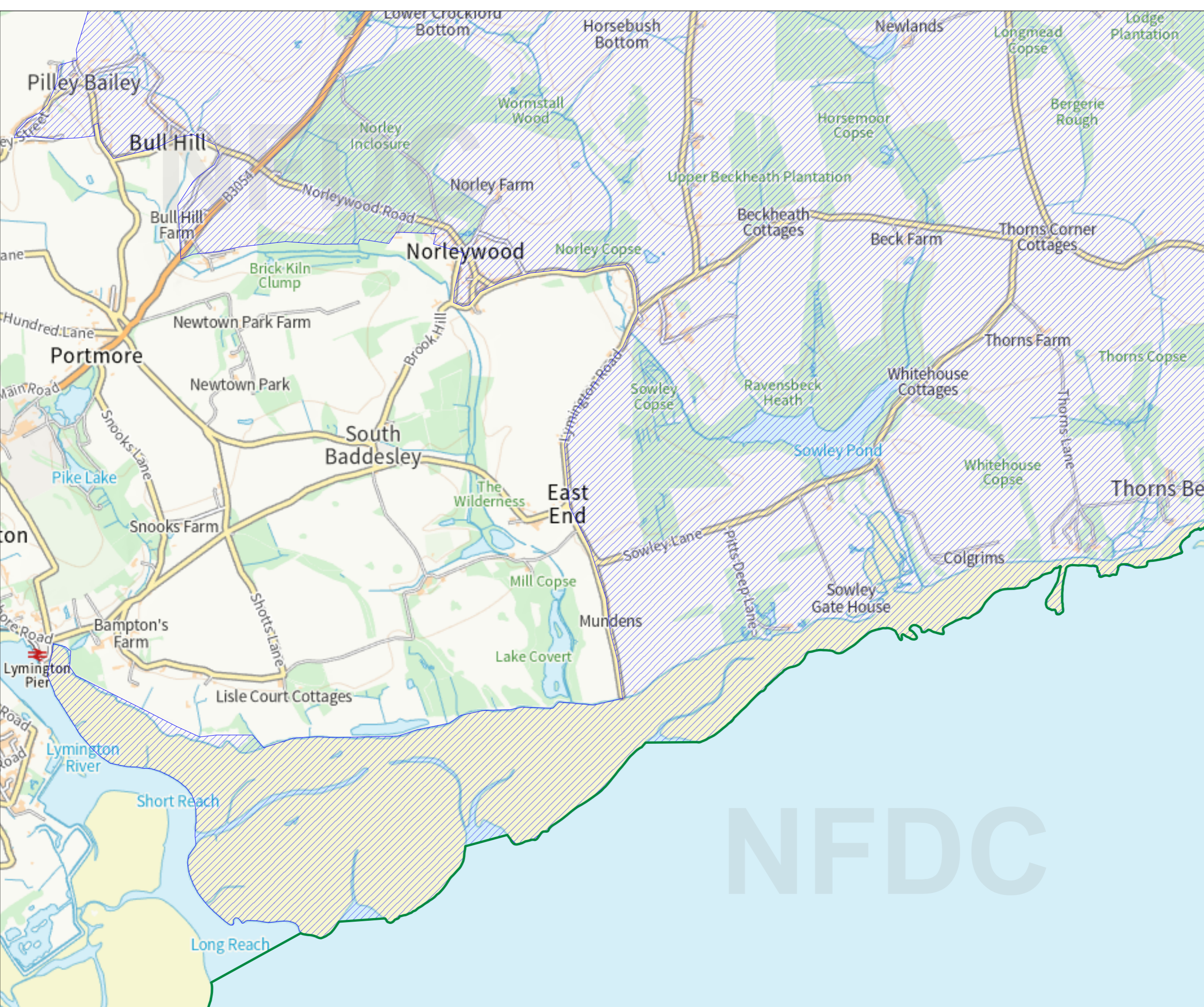
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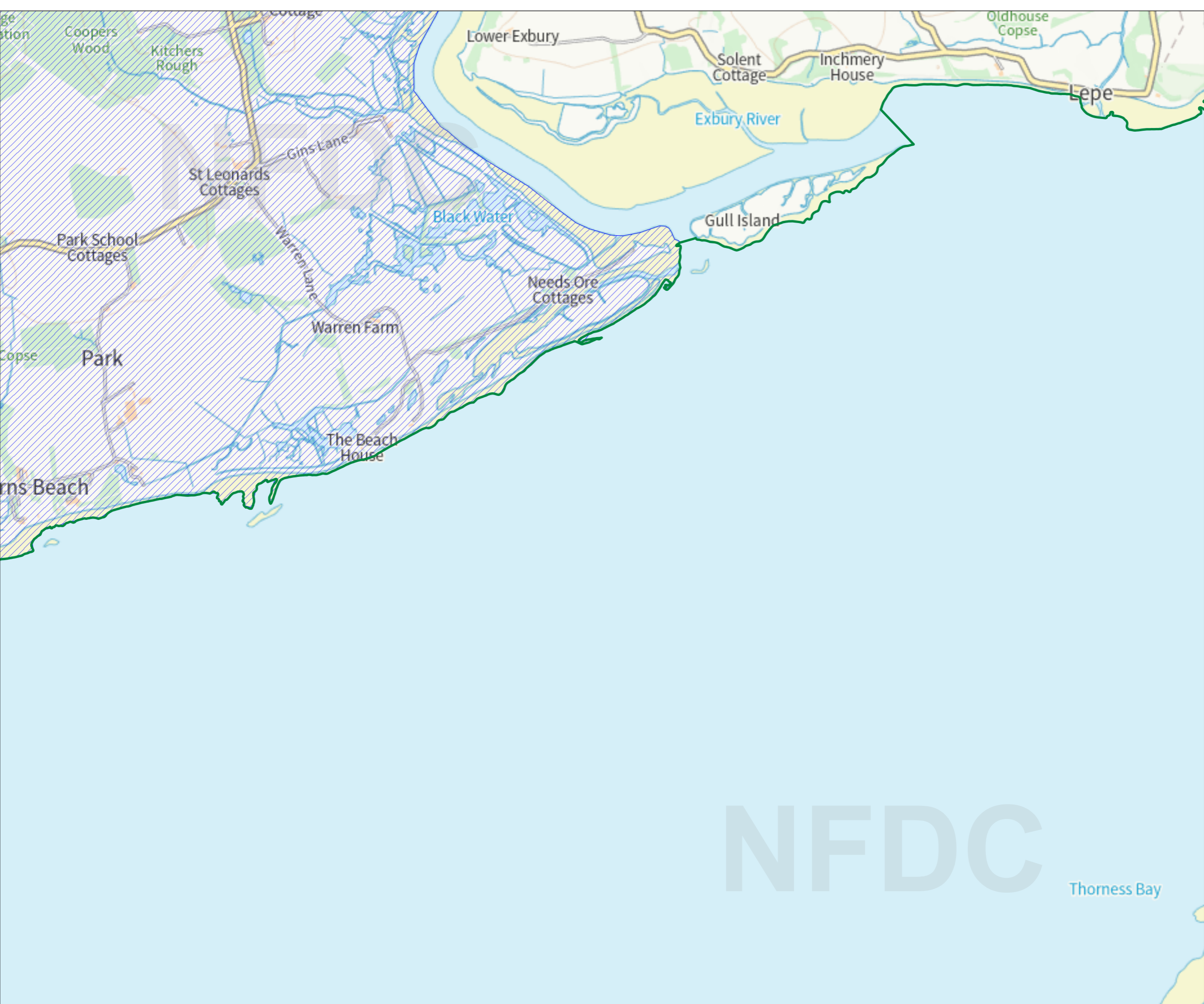
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AUTHORISED OFFICERS

The following is a list of job titles authorised by the Council to be authorised persons for the purposes of section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014, referred to in the PSPOs as Authorised Officers.

The current number of individuals that hold these job titles is included in brackets.

FORESTRY ENGLAND

Programme Manager (1)
New Forest Keeper (9)
Estates Officer (1)
Community Manager (1)

NEW FOREST NATIONAL PARK AUTHORITY

NPA Rangers (5)
Enforcement Officers (3)
Executive Director (Strategy & Planning) (1)

VERDERERS

Agisters (5)



Be Forest
Friendly!

Public Spaces Protection Order

It is an offence to:



Feed, provide or deposit food for consumption by any New Forest pony, horse, mule or donkey



Pet or touch any New Forest pony, horse, mule or donkey

Fail to terminate any of these activities or surrender any items used in conjunction when required by an Authorised Officer.

Failure to comply may result in a fixed penalty of £100 or being taken to court and a fine of up to £1,000.



To find out more, scan the QR code or visit newforest.gov.uk/PSPO

Public Spaces Protection Order



It is an offence to:



Light a fire or place, throw or drop items likely to cause a fire



Feed, provide or deposit food for consumption by any New Forest pony, horse, mule or donkey



Light a BBQ (including a disposable BBQ)



Pet or touch any New Forest pony, horse, mule or donkey

Fail to terminate any of these activities or surrender any items used in conjunction when required by an Authorised Officer.

Failure to comply may result in a fixed penalty of £100 or being taken to court and a fine of up to £1,000.



To find out more, scan the QR code or visit newforest.gov.uk/PSPO



Public Space Protection Order Signage Scheme

March 2023



PSPO Signage Scheme

Diagram 1. PSPO Signage - PSPO 1 & 2



Diagram 2. PSPO Signage - PSPO 2 Only



PSPO Signage Scheme

Signage Size

The signs will be portrait orientation as they will mount more effectively and robustly on a single post and will be produced at A4 size - approx. 30cm x 22 cm.

Signage Materials

The signs will be printed directly onto 3mm thick “dibond” composite aluminium plates and as a result don’t need additional support or backing boards. Dibond is an aluminium faced composite sheet with a polythene core making it very stable. It is extremely rigid yet lightweight is robust, long lasting and cost effective.

Signage Mounting Detail

The signs have been designed to be mounted on either a single wooded treated 75mmx75mm post at between 1m and 1.75m above the ground level or on a wooden “tombstone” type post of approx. 100cm above ground level x 300mm wide x 50mm thick

The tombstone type mount would be used where there is high likelihood of damage by stock as the design is more resistant to cattle and ponies rubbing on the signage.

At some locations the design of the sign gives the opportunity of directly mounting the signage on gates or fences although this is the less favoured option and will only be used where other options prove difficult to use. Examples of this are where people enter the perambulation on foot and there are gates/ stiles where it may be difficult to erect freestanding signage on other organisations land.

Locations

PSPO 1 & PSPO 2 - Forestry England Estate Only - approximately 200 locations.

Signage containing reference to both PSPO’s (diagram 1. On Page 2 of this document) will be erected in at least one location within each of the 130 formal Forestry England Car Parks within the Forestry England estate boundary as shown on the PSPO 1 Maps.

Additional locations on the Forestry England estate will be required where members of the public access the estate directly from the main towns and villages in the New Forest. An example of this would be at Boltons Bench, Lyndhurst where members of the public living, staying, or working in Lyndhurst Village might access the Forestry England estate directly from the High Street without having parked in a formal Forestry England car park. There

PSPO Signage Scheme

will be similar use cases in and around a number of the major villages adjacent to the Forestry England Estate.

There will also be a need to sign access points from the HCC fenced roads where the public either park in informal lay-bys to access the Forest such as on the A35 and the A337 cross from the Waterside conurbations on foot to use the Forest via the A326. In both situations it is intended to erect the signs on the gateway infrastructure to give notice to those using those access points.

It has also been agreed that PSPO signage for PSPO 1 and PSPO 2 will be displayed within those car parks operated by NFDC within the restricted area. The required number of signs of each type will be supplied to NFDC for them to install at their own cost within the locations. A record of the locations will be kept and included in any review.

PSPO 2 Only - Outside Forestry England Estate Within Perambulation - approx. 50 locations

Signage referencing only PSPO 2 - Animal Feeding/ Petting will be displayed at access points outside the Forestry England estate but within the New Forest Perambulation as shown on the PSPO 2 Maps.

Signage at these locations will be erected by other partners working with landowners to prioritise locations used by the public to access public open space outside the Forestry England estate but within the Perambulation.

The locations in this category will be more limited than on the Forestry England Estate and will target access points such as car parks, public rights of way, well used lay-bys and routes used to access the public open space directly from village and other honeypots or tourist attractions.

The National Park Ranger team will lead on this and liaise with the relevant landowners as necessary to ensure that the signs are erected in locations agreed with the relevant landowner.

It has also been agreed that PSPO signage for PSPO 2, where required will be displayed within those car parks operated by NFDC within the PSPO 2 restricted area. The required number of signs of each type will be supplied to NFDC for them to install at their own cost within the locations. A record of the locations will be kept and included in any review.

PSPO Signage Scheme

Co-ordination

Forestry England will procure and take delivery of all the required signage as well as procure and take delivery of associated woodwork for the signs on the Forestry England estate.

Signage for outside the Forestry England estate can be collected from Burley Yard by arrangement with Forestry England. Any timber required for locations outside the Forestry England estate are intended to be supplied by those erecting the signage. It may be possible for Forestry England to procure the relevant materials on behalf of partners at cost.

Installation

It is expected that Forestry England will take responsibility for installing and maintaining the signage that is to be erected on its estate.

It is expected that the National Park Ranger team will take the lead on arranging installation of signage and maintenance of the signage outside of the Forestry England Estate. This may be carried out directly or through other partners or landowners.

Mapping

It is not intended to supply a map prior to the roll out of the signage but all locations where signage is erected will be mapped on the Forestry England GIS System along with a photograph of the sign, details of mounting and the date on which it was erected. This information can be added to if we erect additional signage following modification or tweaking if necessary. The GIS layer can be shared with NFDC/ Partners as required.

Review

It is intended that signage requirements are subject to review following lessons learned in the management/ enforcement of the scheme during Summer 2023. It is likely that there will be a need to respond to feedback from those enforcing the scheme and to use this feedback to either add additional signs in hotspot locations or to modify the signage scheme in a limited way to make it as effective as possible.

EQUALITY IMPACT ASSESSMENT SCREENING – PUBLIC SPACES PROTECTION ORDERS

1. BACKGROUND

1.1. Section 149 of the Equality Act 2010 provides that '*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it'.*

1.2. This is known as the Public Sector Equality Duty.

1.3. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

1.4. An Equality Impact Assessment ('EIA') is a tool that helps ensure decisions, policies, projects or services within or made by the Council are fair and do not discriminate against those with a protected characteristic.

1.5. The first stage of the process is known as screening and is used to come to a decision about whether a full assessment is required.

2. SUBJECT OF THIS EIA SCREENING

2.1 This EIA screening considers the impact on equalities of the introduction of two Public Spaces Protection Orders ('PSPOs') in accordance with Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act'). These PSPOs will be known as:

- The New Forest Public Spaces Protection Order 2023 (No. 1) ('PSPO No 1').
- The New Forest Public Spaces Protection Order 2023 (No. 2) ('PSPO No 2').

3. WHAT IS THE OVERALL PURPOSE AND AIM OF THE DECISION/ POLICY/ PROJECT/ PRACTICE OR SERVICE?

3.1 Section 59 of the Act gives the Council the power to make a PSPO. PSPOs are intended to deal with a nuisance or problems in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of the area. They are

designed to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

- 3.2 The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- 3.3 The purpose of a PSPO is to stop individuals or groups committing anti-social behaviour in a public place, known as a Restricted Area. Councils can make a single PSPO or multiple PSPOs, if the evidence base exists to demonstrate the legal tests are met. PSPOs can have a duration of a maximum of 3 years and can be extended.
- 3.4 It is an offence under the Act to, without reasonable excuse, breach the terms of a PSPO. This can result in the following formal action:
 - Prosecution in the Magistrates' Court with a maximum fine of £1000; or
 - The issuing of a Fixed Penalty Notice ('FPN') with a maximum penalty of £100.
- 3.5 The background information and the reasons for the proposal to introduce PSPO No 1 and PSPO No 2 can be viewed here: [The Introduction of Public Space Protection Orders - Report to Cabinet, 2 November 2022.](#)
- 3.6 The aim of PSPO No 1 is to reduce the detrimental effect of the quality of life of those in the locality caused by the lighting of fires and the use of BBQs within the proposed Restricted Area, principally comprising land managed and controlled by Forestry England and the aim of PSPO No 2 is to reduce the detrimental effect of the quality of life of those in the locality caused by the feeding and petting of Forest animals within the proposed Restricted Area, the Perambulation of the New Forest.

4. WHAT CONSULTATION ON THE PROPOSALS HAS BEEN CARRIED OUT?

- 4.1 The Council was required to carry out a statutory consultation, publicity and notification in accordance with Section 72(3) of the Act. In relation to PSPO No 1 and PSPO No 2 the consultation period commenced on 5 December 2022 and ended on 27 January 2023.
- 4.2 The consultation included consulting with the Police and Crime Commissioner, Hampshire Constabulary, owners and occupiers of land within the Restricted Areas (where reasonably practicable to do so) and community representatives that it was considered appropriate to consult. Further, notice of the consultation was published on the Council's website and in two newspapers circulating in the district for 2 consecutive weeks.
- 4.3 Members of the public and the bodies/organisations that were required to be consulted/ notified of the proposals were directed to two separate surveys (relating to PSPO No 1 and PSPO No 2) which were accessed through the Council's website. Paper copies were also available on request and a telephone number was provided to enable the public to speak to someone directly for assistance with completing the surveys.
- 4.4 A total of 771 responses were received about PSPO No 1 and a total of 769 responses were received about PSPO No 2.

5. RELEVANCE ASSESSMENT - WHICH GROUP(S) OF PEOPLE (IF ANY), DO YOU THINK WILL, OR POTENTIALLY CAN BE, AFFECTED BY THIS POLICY/PROJECT/PRACTICE OR SERVICE? PLEASE STATE YOUR REASONS.

5.1 Assessment of PSPO No 1 and PSPO No 2 on groups with protected characteristics:

Protected Characteristic	Positive Impact	Neutral Impact	Negative Impact	Comments
Age		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.
Disability		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.
Gender Reassignment		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.
Pregnancy and Maternity		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.
Race		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.
Religion or Belief		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.
Sex		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.

Protected Characteristic	Positive Impact	Neutral Impact	Negative Impact	Comments
Sexual Orientation		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.

5.2 The Statutory Guidance for frontline professionals on the anti-social behaviour powers contained in the Act, including PSPOs, states that *‘Consideration should be given to how the use of this power might impact on the most vulnerable in our society’*. The Authorised Officers, who have the ability to enforce the PSPOs, will have particular discretion over the issuing of FPNs and the Council will have discretion over the decision to prosecute breaches of the PSPOs. Decisions to issue FPNs or to instigate prosecution proceedings will be subject to careful and proportionate decision making.

5.3 Due regard has also been given to the Public Sector Equality Duty.

6. CONCLUSION

6.1 The PSPOs will affect all individuals who visit the Restricted Areas, including residents and visitors.

6.2 It is not considered that either PSPO No 1 or PSPO No 2 targets those with any of the protected characteristics and it is not considered that they will have a negative impact on those with protected characteristics.

6.3 Based on the EIA Screening, it is not considered that a full EIA Assessment is required.