

## Cabinet – 2<sup>nd</sup> July 2025

### Public Space Protection Order(s) Review & Extension

Purpose	For Decision
Classification	Public
Executive Summary	<p>This report provides a summary of activities covering PSPO1 &amp; PSPO 2 since enacted by the council in July 2023.</p> <p><b>PSPO 1 prohibits within a defined area:</b></p> <p>the placing, throwing or dropping items likely to cause a fire; or lighting fires (of any type) or barbeques (including disposable barbeques and any outdoor temporary cooking facilities or equipment).</p> <p><b>PSPO 2 prohibits:</b></p> <p>feeding or providing or depositing food for consumption by any New Forest pony, horse, mule or donkey; or petting or touching any New Forest pony, horse, mule or donkey.</p> <p>The orders are for a period of 3 years and without extension, will expire on June 30<sup>th</sup> 2026</p>
<b>Recommendation(s)</b>	<p><b>That Cabinet:</b></p> <p>Approve a public consultation is undertaken to evidence and support:</p> <ul style="list-style-type: none"><li>a) Renewal of the orders in their current form from 1 July 2026</li><li>b) Variation of the current conditions as outlined in PSPO 1 and 2 from 1 July 2026</li><li><b>c) Non-renewal of either OR both orders upon expiration on 30 June 2026.</b></li></ul>
Reasons for recommendation(s)	Since 1 July 2023 following the introduction of PSPO 1 & 2, 399 reports of non-compliant behaviour resulted in engagement with over

	<p>2,000 members of the public, undertaken by delegated officers.</p> <p>The ability of delegated officers to proceed with enforcement measures is an influencing factor in gaining compliance and ceasing of undesired behaviours or activities.</p> <p>The New Forest continues to grow and benefit as a destination of tourism. The area is unique in both its landscape and diverse wildlife inclusive of free roaming animals. Both have increased vulnerability to risk taking behaviours as prohibited within the current prohibitions.</p> <p>The continuation of the orders will enable effective and proportionate steps to be taken, where compliance is not achieved through positive engagement.</p>
Ward(s)	All
Portfolio Holder(s)	Councillor Dan Poole
Strategic Director(s)	Richard Knott – Housing & Communities
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## Introduction and background

1. In 2022, Forestry England and the Verderers of the New Forest raised increasing concerns relating to animal welfare from public interactions with free roaming animals and incidents of fire setting. The request was for NFDC to exercise its powers and implement restrictions on behaviour and specified activities under a Public Space Protection order.
2. To support the views expressed and meet the legal threshold of implementing any restrictions, NFDC undertook extensive evidence gathering with key stakeholders. Data obtained by Forestry England,

Verderers of the New Forest, National Park Authority and Hampshire and Isle of Wight Fire and Rescue Service informed proposals for two PSPO's which formed the basis of a public consultation.

3. On review of these findings, on 5 April 2023, under delegated powers of the Anti-Social Behaviour, Crime and Policing Act 2014, NFDC approved two Public Space Protection Orders prohibiting:
  - **PSPO 1** - placing, throwing or dropping items likely to cause a fire; or lighting fires (of any type) or barbeques (including disposable barbeques and any outdoor temporary cooking facilities or equipment).
  - **PSPO 2** - feeding or providing or depositing food for consumption by any New Forest pony, horse, mule or donkey; or petting or touching any New Forest pony, horse, mule or donkey.
4. Following induction and training by NFDC Community Safety and Legal services, staff from Forestry England, the New Forest National Park Authority and the Verderers of the New Forest were granted delegated authority by the council to enforce the two new Public Space Protection Orders (PSPOs). The enforcement process forms part of a wider toolbox of intervention, only to be utilised following a member of the public's failure to comply with positive interventions and instructions to cease by a delegated officer.
5. PSPO orders are to protect the forest from damage caused by wildfires, BBQs and for public safety and animal welfare reason. Failure to comply can result in a fixed penalty notice or prosecution for non-payment.
6. As a shared approach in managing and publicising awareness of the orders, and to ensure this met the legal requirements for enforcement, a standardised information poster was developed by NFDC. Led by Forestry England, these are displayed in areas of significance across the forest where the orders apply.
7. Information about both orders is also hosted on the NFDC website and also that of the key stakeholders with delegated authority. Additional information is provided in printed format and shared with campsites and towns and parishes across the district.

### **Review of data**

8. The issuing of fixed penalty notices forms part of the toolbox of intervention by delegated offices. During officer training, the '4E'

approach of 'Engage, Explain Educate and Enforce' formed the basis of working practice to be used by authorised officers.

9. Agencies with delegation are required to provide quarterly returns outlining activity by their respective services. Since July 2023 to 31 March 2025, there have been a recorded 399 incidents with 2,099 people being spoken to about their activities and advised of the orders and highlighting the New Forest Code.

10. Interactions are broken down as:

<b>PSPO 1</b> (Fire)	99 reports
	456 individuals
<b>PSPO 2</b> (Animals)	300 reports
	1,643 individuals

11. The number of PSPO interactions recorded are broken down by day, since its implementation until 31 March 2025.

Day of Week	PSPO Type	Number of reports logged	Number of people involved
<b>Monday</b>	1 - Fire	9	45
	2 - Pony /Donkey	57	249
<b>Monday Total</b>		<b>66</b>	<b>294</b>
<b>Tuesday</b>	1 - Fire	8	18
	2 - Pony /Donkey	31	158
<b>Tuesday Total</b>		<b>39</b>	<b>176</b>
<b>Wednesday</b>	1 - Fire	14	71
	2 - Pony /Donkey	42	284
<b>Wednesday Total</b>		<b>56</b>	<b>355</b>
<b>Thursday</b>	1 - Fire	1	2
	2 - Pony /Donkey	23	106
<b>Thursday Total</b>		<b>24</b>	<b>108</b>
<b>Friday</b>	1 - Fire	5	15
	2 - Pony /Donkey	28	106
<b>Friday Total</b>		<b>33</b>	<b>121</b>
<b>Saturday</b>	1 - Fire	33	152
	2 - Pony /Donkey	64	401
<b>Saturday Total</b>		<b>97</b>	<b>553</b>
<b>Sunday</b>	1 - Fire	29	153
	2 - Pony /Donkey	55	339
<b>Sunday Total</b>		<b>84</b>	<b>492</b>
<b>Grand Total</b>		<b>399</b>	<b>2,099</b>

12. The number of PSPO interactions recorded by month since implementation until 31 March 2025:

<b>PSPO Type</b>	<b>Month</b>	<b>Number of reports logged</b>	<b>Number of people involved</b>
<b>1 - Fire</b>	Jun 2023*	1	10
	Jul 2023	5	18
	Aug 2023	19	81
	Sep 2023	8	28
	Oct 2023	2	12
	Nov 2023	0	0
	Dec 2023	0	0
	Jan 2024	0	0
	Feb 2024	3	7
	Mar 2024	2	3
	Apr 2024	5	11
	May 2024	13	50
	Jun 2024	11	55
	Jul 2024	11	88
	Aug 2024	10	71
	Sep 2024	1	5
	Oct 2024	0	0
	Nov 2024	1	2
	Dec 2024	0	0
	Jan 2025	2	2
Feb 2025	2	5	
Mar 2025	3	8	
<b>1 - Fire Total</b>		<b>99</b>	<b>456</b>
<b>2 - Pony / Donkey</b>	Jul 2023	15	103
	Aug 2023	70	330
	Sep 2023	40	137
	Oct 2023	6	32
	Nov 2023	7	16
	Dec 2023	3	10
	Jan 2023	0	0
	Feb 2024	8	46
	Mar 2024	18	120
	Apr 2024	19	69
	May 2024	25	178
	Jun 2024	8	66
	Jul 2024	18	155
	Aug 2024	26	183
	Sept 2024	3	20
Oct 2024	2	12	

	Nov 2024	6	14
	Dec 2024	2	7
	Jan 2025	5	22
	Feb 2025	11	74
	Mar 2025	8	84
<b>2 - Pony /Donkey Total</b>		<b>300</b>	<b>1,643</b>
<b>Grand Total</b>		<b>399</b>	<b>2,099</b>

\*Both PSPOs were implemented on 1 July 2023 however data was captured for June 2023 for PSPO1 which for transparency is included in the overall stats.

13. Monitoring of incidents by location has identified the following areas of repeated non-compliance:

- Bolton's Bench - 45 reports (44 pony related and 1 fire)
- New Forest Reptile Centre - 23 reports (23 pony related)
- Outside Brockenhurst College - 18 reports (18 pony related)
- Hatchet Pond - 12 reports (11 pony related and 1 fire)
- Whitefield Moor - 12 reports (5 pony related and 7 fire)
- Janesmoor Pond - 4 reports (2 pony related and 2 fire)
- Wilverley Plain - 4 reports (2 pony related and 2 fire)
- Bolderwood – 3 reports (3 pony related)

14. These sites are currently well patrolled and targeted by rangers and they will continue to have a presence at these locations. The New Forest reptile centre experienced 23 incidents related to ponies. Further aggregation of this data shows this to be one pony with incidents being witnessed by staff working at the centre.

15. Boltons Bench, Lyndhurst continues to experience the highest volume of animal related incidents. This in part is influenced by parking facilities for visitors, tourist location and high density of free roaming animals. This is similar to the issues within Brockenhurst influenced by animal presence and high levels tourism with holiday makers residing in several local campsites.

16. The Fire Service report a reduction in fire incidents over the PSPO period.

17. To assist with the repeat locations where breaches are witnessed, New Forest District Council created a new online form for Officers to require members of the public to complete. The reporting person will not receive a direct response to their report, but content details are shared with the authorised officers at Forestry England, National Park Authority and Verderers of the New Forest to consider hotspot areas for future patrolling.

18. Since the form was launched, 60 reports have been received, 10 relating to fires and 50 relating to the feeding and petting of New Forest animals with 19 of these relating to Brockenhurst.

### **Corporate plan priorities**

19. The activities of the PSPO 1 & 2 support the Corporate Plan 2024/28 priorities:
- Empowering our residents to live healthy, connected and fulfilling lives.
  - Protecting our climate, coast, and natural world.
  - Working with our partners at the National Park and other key stakeholders to support the protection and enhancement of natural landscapes, habitats and biodiversity to ensure the future sustainability of the Forest.

### **Options appraisal**

20. The current PSPO orders expire on 30 June 2026 with options for consideration ahead of this date.

**Option A** - Undertake a public consultation to support:

- a) Renewal of the orders in their current form from 1 July 2026
- b) Variation of the current conditions as outlined in PSPO 1 and 2 from 1 July 2026
- c) Non-renewal of either OR both orders upon expiration on 30 June 2026.

**Option B** - Do not undertake a further public consultation with the orders expiring on 30 June 2026. This would result in no PSPO orders or prohibitions being in place from 1 July 2026.

### **Consultation**

21. Consultation with Forestry England, National Park Authority and the verderers association was undertaken to inform this report, The preference expressed by all agencies is for the orders to be renewed on expiration from 1 July 2026 due to the positive impact the orders have had. As key stakeholders with delegated authority for enforcing the orders, they have committed their existing staffing resources to continue for the maximum extended period of an additional 3 years until June 2029.
22. Prior to a PSPO being extended or varied, there is a statutory requirement to undertake further consultation as was carried out when the orders were initially approved in 2023. It is proposed that

public consultation is hosted on the Council's digital engagement platform, 'Go Vocal' which has been successfully used by council services when undertaking public consultations. To increase awareness and responses, additional links will be hosted on our partner websites including request for Town and Parish Councils.

23. The consultation period is proposed to be conducted over a 4-week period commencing 14 July 2025. The questionnaire is currently in development with Legal Services. On completion, findings will be collated with a further report, including recommendations as to extend, vary or cancel the PSPOs.

### **Financial and resource implications**

24. Whilst the process requires dedicated resources, these can be met within existing staffing resources. There may be costs attributed to replacing or updating signage within open spaces with this forming part of the Partners' contributions led by Forestry England.
25. Refresher training for delegated officers will be required should the council proceed with an extension to the orders. This is facilitated by the Community Safety team and Legal services and can be met within existing resources. Following completion of training, officers are issued with Fixed Penalty Notice books and ID cards at a total cost of £1,000, which can be met from existing budgets.

### **Legal implications**

26. Introduced under the Anti-Social Behaviour, Crime and Policing Act 2014, for NFDC to make or renew a public spaces protection order(s) if satisfied on reasonable grounds that two conditions are met. The first condition is that:
  - 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.

The second condition is 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 the notice.

27. Payment of the fixed penalty notice, discharges liability ending all enforcement action. Where payment is not made, the council has the right to exercise its powers and elevate matters to court proceedings. Each case is reviewed by legal services to ensure the legal threshold has been met.
28. Regular reviewing and monitoring of activity by partners with delegated authority is undertaken. This is to ensure compliance is maintained with the relevant legislation as outlined under the Anti-Social Behaviour, Crime and Policing Act 2014.

### **Risk assessment**

29. Officers undertake training prior to being granted delegated authority to issue Fixed Penalty Notices. Elements of this include safe working practices, challenging behaviour and lone worker arrangements. Each agency with delegated authority as the employer, undertakes their individual agency risk-based activity assessments.
30. Public and media interest in the orders is high. The balanced approach of education and awareness raising, before proceeding with enforcement has featured in several online blogging conversations. This balanced approach is supported by key stakeholders delegated with enforcing the orders as the preferred escalation method.

### **Environmental / Climate and nature implications**

31. The objective of PSPO 1 is to reduce incidents of fire which are a cause of damage to the environment including sites of special scientific interest. Through the reduction of wildfires and BBQs, this can have a positive environmental impact through the reduction in carbon dioxide and other pollutants into the atmosphere.
32. Additionally, taking measures to prevent fires will help preserve the natural habitat and longevity of the woods, forests and heathlands within the Forest, all of which will have positive effects in terms of climate change.
33. PSPO 2 relating to the feeding and petting of Forest animals, is likely to have a positive impact for the Forest; free roaming animals are less likely to suffer illness or death through being fed the wrong food stuffs and being attracted to access roads. This also interrupts their natural habitat for food sources and ultimately, animals can lose their ability to survive on the Forest as a result of these feeding activities.

34. Historic land uses such as commoning, have shaped the Forest landscape over many centuries and human activity can interfere with these important practices, to the detriment of the Forest and wildlife as a whole.

### **Equalities implications**

35. The council has due regard to the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. The impact that the PSPOs have on the community, as well as those with protected characteristics under the Equality Act 2010 were carefully considered previously before implementation. It is not considered that either PSPO targeted those with any of the protected characteristics, and it is not considered that they will have a negative impact on those with protected characteristics. Based on the Equality Impact Assessment (EIA) screening, it is not considered that a new and full EIA Assessment is required on the occasion of renewal, but this will require reviewing prior to the decision to alter or extend the current orders.
36. Statutory guidance states that '*consideration should be given to how the use of this power might impact on the most vulnerable in our society*' and, '*consideration should also be given to any risks associated with displacement, including to where people may be dispersed to*'.
37. Authorised officers are requested to exercise discretion over the issuing of FPNs and the council will have further discretion over the decision to prosecute breaches of the PSPOs. Decisions to issue FPNs or to instigate prosecution proceedings are subject to careful and proportionate decision making.
38. The council is required at all stages to have particular regard to articles 10 and 11 of the Human Rights Act 1998, when considering imposing restrictions under a PSPO.

### **Crime and disorder implications**

39. Anyone breaching the terms of the PSPOs, without reasonable excuse, are committing a criminal offence punishable by prosecution with a maximum fine of £1000, or by the issuing and payment of a Fixed Penalty Notice currently £100, discharges liability to prosecution.

### **Data protection / Information governance / ICT implications**

40. The collection, retention and deletion of residents' data is governed by GDPR and associated guidance. All data is collected and

maintained in line with the required legislation and shared in accordance with defined and established information sharing protocols and procedures.

## **Conclusion**

41. Since their implementation in 2023, the two PSPOs have demonstrated that when used proportionately and as part of a wider toolbox of interventions, facilitate compliance and a cessation of unwanted or persistent behaviours that adversely affects the quality of life of residents.
42. To continue to protect the National Park, residents and wildlife within the New Forest from the significant and destructive harm of fire, it is recommended public consultation is undertaken to extend PSPO 1.
43. To protect the welfare of free roaming animals and members of the public from harm through unwarranted physical interactions, public consultation is undertaken to extend PSPO 2.
44. It is evident that through the combined approach of the council and partners, continued efforts in raising the profile of the orders, uniqueness and vulnerability of the New Forest are essential in developing a lasting understanding and compliance by our residents and visitors.

## **Appendices:**

## **Background Papers:**

- PSPO 1 - [The New Forest PSPO 1 \(fire\)](#)
- PSPO 2 - [The New Forest PSPO 2 \(animals\)](#)