

## **NEW FOREST NOTES AUGUST 2002**

### **Cutting the Verderers' Income**

At the July Verderers' Court, the Forestry Commission made the unexpected and unwelcome announcement that it proposes to cut the Verderers' income by £2445. This is the first stage in a cumulative reduction as the Commission seeks to erode the £18,000 per annum compensation which is currently paid for the Verderers' Inclosures. It is quite a separate matter from the annual grants made by the Commission to finance the Court.

In order to understand what the Commission is about, it is necessary to know a little of the history of the Verderers' Inclosures and, inevitably, that is a bit complicated. Back in 1949, the Forestry Commission was given the power to plough up and plant with trees up to 5,000 acres of the Open Forest. That 5,000 acres was additional to the 17,600 acres of the so-called Statutory Inclosures which were already held under earlier Acts of Parliament. From the Commission's point of view, this windfall was subject to one important snag: it needed the permission of the Verderers. At the time, there was a great deal of argument and unhappiness in the Forest about the additional planting, but eventually a scheme was hammered out under which the Verderers agreed to the inclosure of just over 2,000 acres of which 90% was to be planted with trees and 10% with grass for the commoners' animals. These "Verderers Inclosures" were a natural response to the (then) recent wartime timber shortages and the experience of blockade by U boats. Home-grown timber, it was thought, would be valuable and secure. Moreover, the inclosures could serve a variety of useful purposes unrelated to timber production. They could prevent livestock from straying off the Forest in some areas (this was in the days before cattle grids), they could be located so as to help reduce accidents on the main roads (then unfenced) and they could screen unsightly suburban development in the Waterside. Finally, the "compensation" paid by the Forestry Commission could help to finance a financially weak Verderers' Court. The Verderers agreed to the 2,000 acres with heavy hearts and in the face of considerable local opposition.

Unlike the other inclosures in the New Forest, the Verderers' Inclosures are held under an agreement made between the Court and the Forestry Commission (authorised by the 1949 Act) made in 1959 for a term of 150 years. In other words, they were to be "temporary" woods, to be returned to the Open Forest by 14<sup>th</sup> July 2113 – now still nearly two lifetimes away. The Verderers were to receive rent (they called it compensation) based on the rental value of forestry land and initially at the rate of four shillings (20p) per acre. This was increased at the first thirty year review in 1989, so that the total now payable is about £18,000 per annum.

As to the practical management of the Verderers' Inclosures, many of the grass strips around them failed and the Commission did not maintain the outer fences as envisaged in the agreement, but no-one worried very much about that. The Inclosures grew up to become flourishing conifer woods, sometimes (as at Dibden and Fawley Inclosures) comprising valued dog-walking areas and sometimes (as at Turf Hill) providing important screening for new

eyesores. The fact that they reduced a scarce heathland habitat did not concern anyone very much in those utilitarian early post-war days. After forty years, many of the woods are now producing significant amounts of timber.

Everything might have continued very happily until the early 22<sup>nd</sup> Century, with the Commission harvesting its trees, the Verderers spending their compensation and the dog-walkers enjoying their sheltered environment, if it had not been for the Forest Design Plan process of the last few years. No doubt as an attempt to meet an over-ambitious government target for the restoration of heathland, the Forestry Commission decided to abandon much of the Verderers' Inclosures in stages as the softwood timber matured and was cut. In some cases the abandonment is to be in advance of this stage. Some storm-damaged areas have already been cleared and not replanted.

It has now evidently occurred to the Commission that it would be rather nice not to have to pay for an asset which it has decided will no longer be used. That is what lies behind the announcement to the Verderers that 222 acres will, initially, be given up and that the compensation will henceforth be reduced by £2445 per annum.

The agreement between the Verderers and the Forestry Commission and the Acts which govern it are not entirely straightforward. To a layman it is very difficult to see the grounds on which the Commission is able, unilaterally, to cease payment of compensation. In 1958 it sought and obtained permission to use the land for 150 years and to pay compensation for that use. Nothing that I can see within the agreement allows the Commission to walk away from its obligations, just as there is nothing which enables the Verderers to demand the return of the land in advance of the full term. Both are bound by what they agreed. If I take a lease of a shop, but in due course get bored with selling goods, that does not relieve me of the obligation to continue paying my landlord. It may suit the Forestry Commission to give up growing trees, but it has yet to explain how this entitles it to default on its payments to the Verderers. It looks as though the death of the Verderers' Inclosures is going to be just about as controversial as their birth.

### **Restoring the Inclosures**

If the Forestry Commission's attitude to compensation is questionable so far as it relates to the Verderers' Inclosures, its staff deserve congratulation for their recent practical works of restoration there. After nearly a decade in which this important question was largely evaded, there are now real signs of progress and hopes for a comprehensive programme of work. The Inclosures were deep ploughed, making them virtually impossible to walk or ride over, even when the trees had been cut. Clearance of the stumps and brash and levelling of the ridge and furrow, as insisted on by the Verderers, is an expensive business. Until recently the Commission has been reluctant to tackle the problem.

Last week the Verderers were shown the results of experimental treatments at opposite ends of the Forest. At Turf Hill (near Redlynch), three different techniques have been tried. The results are in proportion to the amount spent. A 360 degree tracked excavator fitted with a root fork has, at £555 per acre, achieved very good results, while a

heavy spaded roller looking something like the back of a stegosaurus, has merely succeeded in making a rather nasty mess for £212 per acre.

The real success story is at Dur Hill south of Burley on, admittedly, a much easier sandy site, well suited to the giant mulcher which has been used. This monster consumes stumps, brash and ridge and furrow in one operation – spewing out a fine mixture of soil and wood chips. The spectacular topography here, masked by trees since the 1960s, is gradually re-emerging. Some of the earlier done work suggests that a good restoration of heathland vegetation will be achieved in as little as two to three years. The cost in this case is between £275 and £405 per acre. Similar excellent results have been achieved in Markway Inclosure.

### **National Trust Conservation Grazing Scheme**

The National Trust has sent to the Verderers details of what it calls a conservation grazing scheme for the Bramshaw Commons. These are a group of commons owned by the Trust, most of which were donated by the Eyre family in the early part of the last century, although Half Moon Common was purchased at auction from the Paultons Estate some years ago. The Trust is anxious to correct what it describes as “damage due to excessive grazing, enrichment and poaching”. It says that excessive grazing pressure is converting heather areas into grassland – a process which is aggravated by heavy deposition of dung. It is well known that heather is easily destroyed by such heavy stocking and supplementary feeding, both on and off the common. Waste from hay and silage consumed in yards is excreted when the animals are turned out after feeding. Indeed, this was the classic method which was used to destroy heathland and convert it to ordinary agriculture in the days before any value was attached to landscape and wildlife.

The National Trust has been very slow to admit the problem, as vast areas of the commons, still continuous heather as recently as the late 1960s, have already (and probably irretrievably) gone over to low-grade grass. Its plan is now to pay some commoners to remove some of their animals for some part of the year. The scheme is a very complicated one which, within its limited scope, would probably achieve a small reduction in pressure if everyone concerned works together and tries to ensure that the plan succeeds. On the other hand it is far from watertight and if anyone was inclined to abuse it, I think that they would encounter little difficulty. It is certainly worth trying, but I fear that the ultimate judgement will be that it is far too little done far too late. In addition, I imagine that it will not escape the notice of other National Trust commoners in other parts of the Forest that significant sums are being paid to those whom the Trust has concluded are causing serious damage to rare and valuable habitats, while those elsewhere whose stewardship has not been questioned will not receive a penny of Trust funds. That, they might reasonably claim, is inequitable.

### **Park Inquiry duration and scope**

Last month I wondered if I had been a little pessimistic in predicting that the New Forest national park inquiry could go on until Christmas (it starts on 8<sup>th</sup> October). Like nearly everyone else, I was therefore staggered by the inspector's estimate that it will probably run until the end of March 2003. It will first of all hear specific objections to bits of the boundary.

The second and most important part, if perhaps the shortest, will consider whether there should be a park at all and the final part will examine the Countryside Agency's advice to government on the non-statutory arrangements for park administration.

One crucial question is now clear: the inquiry will hear representations against making the Forest into a park at all. This had concerned the Forest community and the Verderers, as the Countryside Agency had repeatedly failed during the consultation period to give an unequivocal answer as to the inquiry's scope.

The objectors to the creation of a park now have the remainder of the summer to get together and decide on a co-ordinated approach. No decisions have yet been made, but I think it likely that many groups and individuals will probably choose to support the Verderers' Court as the Verderers will be represented by a barrister. That is something which is beyond the pocket of many others. Such a consolidation of objections could, as a by-product, save time and public expense.

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