

NEW FOREST NOTES AUGUST 2005

How to understand the Forest's management

This month sees the publication of the first really comprehensive and up-to-date guide to how the New Forest is managed and the laws which regulate that management. "Forest Law and the Verderers of the New Forest" is written by Sarah Nield, a senior law lecturer at Southampton University and a Forest resident. She is thus exceptionally well qualified to tackle this complex subject and has produced a remarkably readable and well-illustrated small volume. Her research sprang out of a suggestion by the former Official Verderer, Maldwin Drummond, that she should investigate the numerous laws affecting the Forest – a very different code from the ancient "Forest Law" which governed the Forest from the Norman Conquest to the middle of the 19th Century.

Mrs.Nield's research almost inevitably expanded itself to cover not only the law as it affects the Verderers, but also the Court's relationship with the Forestry Commission, the Verderers' interaction with European conservation rules and, looking to the future, the national park legislation. The publication of the results will thus comprise an essential handbook for all those involved in management and a useful source of information for anyone interested in the New Forest. It would be nice to think that the Park Authority would see fit to equip all its members with copies as I understand that they are now to be taught something about the great treasure which has been committed to their care !

In seven chapters the book covers the constitution and functions of the Verderers' Court, the regulation of common rights, the maintenance and preservation of the Forest, judicial powers and functions, the conduct of Court business and the national park. In addition to numerous black and white maps and illustrations, there are several pages of colour photos.

"Forest Law" is published by the New Forest Research and Publications Trust (a registered charity) and ordering details can be found on the Trust's website - www.hants.gov.uk/nftrust/ - price £8.00 (£9.00 by post).

Ashurst Cricket Pitch

Scattered around the boundary of the New Forest are a few tiny fragments of land which have a very peculiar status and one of these is the grassy area adjoining Church Place Inclosure called Ashurst Cricket Pitch. Forty years ago when the cattle grids were being installed around the New Forest for the first time, preventing ponies from wandering at will into Lymington, Romsey and other surrounding towns, it was realised that a new formal boundary or "perambulation" would be necessary. In those days there was more emphasis on action than talk and once Hampshire County Council had decided to provide the grids, they determined on their sites and the line of any ancillary fencing very quickly. The new perambulation was therefore in part determined by the council's choice of convenient and economic sites for the grids and fences, before the line was eventually committed to paper and then sanctified by the New Forest Act of 1964. Because the new boundary was thus, in a

sense, the joining up of pre-existing dots (the grids), certain small areas of land which in those days it was considered uneconomic to include within the new protective works, became excluded from the Forest. They continued to be owned by the Minister of Agriculture, as was the remainder of the Crown land, and common rights continued to exist for a short time. Some years later these rights seem to have been extinguished in most cases because they were not registered under the Commons Registration Act 1965, although some of the little pieces of green around Old Romsey Road in Cadnam were so registered. Elsewhere, such as at Ashurst Cricket Pitch and a strip along the Woodlands Road, the rights were lost and in many instances the areas became overgrown.

The Verderers and the Forestry Commission are now exploring ways in which these neglected little parcels can once again be integrated with the Forest, especially at the cricket pitch where the former users have relinquished the land and the maintenance services of the Forest ponies are urgently needed. From a legal point of view the task is surprisingly complicated, but with goodwill on all sides it seems probable that some useful little areas of grazing could again be made available to the Forest animals.

Verderers policies for the future of the New Forest

Some years ago the Verderers devised a set of policies which explained in simple terms the Court's objectives in its share of the management of the Forest. They worked well enough for a while, but lacked precision and teeth. Moreover, the passage of time produced new or sharpened challenges so that by the end of last year the policies were somewhat out of date. This fact was emphasised by the judgement which had to be made on the proposed camp development at Hollands Wood and Roundhill and for which the appropriate recreational policy had to be updated in rather a hurry. There then followed a complete overhaul of the remaining policies, so that in the March Court of this year the Official Verderer was able to announce that he hoped the new policies would be adopted later that morning. Nothing happened and, as students of the Court's minutes will know, it was decided to embark on consultations. Leaving aside a few minor queries, there was widespread welcome for the draft except from one quarter – the Forestry Commission – whose response was one of disgust, although expressed in a most gentlemanly manner. That, I suppose, might be interpreted as a measure of the value of the new policies in that they sought, in the clearest terms, to ensure the protection of the Forest. In doing so, of course, they cut across the desires of anyone intent on recreational or other development. I do not wish to suggest that the Forestry Commission actually wishes to damage the Forest, but anyone whose business is the provision of new or enhanced leisure facilities is hardly likely to welcome policies which could act as a restraint on that provision. This is particularly so at a time when the Commission is trying to consolidate its position before it is usurped by the recreational activities of the national park authority. Anyhow, the Commission's grounds for challenging the policies seemed largely spurious to me, but a long period of negotiation commenced during which the policies had some sharp corners (which had evidently caught in the Commission's flesh) knocked off them, together with a bit of tweaking on legal advice. The

result may not have entirely satisfied Queen's House, but they found it somewhat less unpalatable. More importantly, I don't think that the original draft has been seriously weakened.

The policies were finally adopted on 20th July and should by now be on the Verderers website - www.verderers.org.uk . They are free from the clogging nonsense about "balancing demands" on the Forest which render so many public policies at best worthless and more often a justification of perpetual compromise resulting in steady degradation. They are clear-cut statements of what the Court seeks to achieve and how those objectives will be reflected in the Verderers' decisions. Everything from road building to sports fields and from animal health to land exchanges is covered in three sides of A4 and such brevity is not the least of the policies' advantages. I am tempted to contrast them with the 150 pages of the defunct New Forest Strategy, the 125 pages of the "Management Plan" and an SAC Management Plan so vast that its authors evidently shied away from providing consecutive page numbers.

The challenge now is for the Verderers to stick to their guns and resist the looming onslaught of demands on the Forest in the years ahead. It is one thing to write and adopt good firm policies, but far more difficult to adhere to them under pressure.

A Lyndhurst building site ?

Behind the Queen's House at Lyndhurst, sheltered from the bustle of the High Street and overlooked by the peaceful grave of the real Alice in Wonderland is a quiet green oasis. The formal gardens of the old Queen's House (always immaculately maintained) slope down to a small meadow with a backdrop of mature trees. The place is permeated by history. It is the old royal manor house of Lyndhurst, the home of the Lord Wardens (usually made available to the Steward), and it was later the official residence of the Deputy Surveyors. Not least it is the home of the Verderers' Court and probably the meeting place of Forest and manor courts from the days when a great slate-roofed Mediaeval building stood on the site. It is a delightful place and a remarkable survival in this busy town centre, but it has not survived by accident. In 1969 the Forestry Commission tried to extend the Queen's House and that was fought off largely due to the intervention of the New Forest Association. Then they tried to develop that portion of the land adjoining Lyndhurst Church with a free-standing office block, but that also failed or was withdrawn. The oasis survived. Eventually pressure on the planners also secured the removal of a horrid portacabin occupied for years by English Nature under an expired temporary permission. The ground was restored, although I regret to say that the cabin sneaked back again two years ago while the conservation bodies eyes' were temporarily off the ball.

In the last few weeks there have been persistent rumours (they reached me from several sources) that the National Park Authority has cast covetous eyes on this little haven of peace, as a fitting site on which to build itself prestigious offices. I accordingly raised the matter at the July Verderers' Court. Neither of the park Verderers had heard of the scheme, but the denials of the Forestry Commission's officers were less than unequivocal. They also had "heard of no plans to develop, but of course it is government land "

What a way that would be to start off a career as governors of the New Forest – wrecking the setting of one of our finest buildings and despoiling the last green space which survives at the heart of the Forest’s capital ! I am told that they are getting rather desperate about finding premises, but they will make few friends in the Forest if they start off by striking at its heart. It would be better by far to convert some redundant factory in Totton or Hythe. That would at least show a degree of sympathy for conserving the Forest.

Anthony Pasmore