

NEW FOREST NOTES AUGUST 2008

The National Park Plan

I understand that the draft National Park plan is about to be published in paper form, although it has been available on the web for nearly a month now, with little attention and practically no public comment except in respect of housing. Perhaps even avid consumers of New Forest plans have been sated by the endless streams of paper which flow from South Efford House and from the Forestry Commission in Lyndhurst. On the other hand, such silence might stem from disappointment at the apparent short-measure offered by the Park. The plan is, after all, only one hundred and forty four pages long, whereas the Forestry Commission gave us over two hundred and fifty pages covering much of the same ground four months ago. Still, I think that plan-lovers can take comfort. To the main report must be added a forty-seven page bonus of "Recreation Strategy" and the promise of five more sub-reports to come, presumably each with a similar number of pages. That should put the Park into a comfortable lead with a total of four hundred and twenty six pages, to say nothing of its "Corporate Plan" at seventy five pages (I have yet to find anyone who actually admits to having read the Corporate Plan). As if all this was not enough, I suppose one should really add the several hundred pages of English Nature's "Special Area of Conservation" plan and we end up with close on a thousand pages telling us how to run the New Forest.

So what is the Park offering us ? The scope of the plan is remarkable. It either instructs or exhorts us on practically every detail of our daily lives. Re-cycling, energy conservation, recreation, security lighting, farm management, driving (or not driving), surfacing paths and drives, sub-dividing pony paddocks, using local produce, fostering community spirit and not being beastly to the visitors – all these and many more find a place within it. I don't think that it actually tells us which church to attend or how many children to have, but these are surely accidental omissions. To be fair, a lot of the restrictions fall within the heading of what was once known as "town and country planning", but which now goes under the snappy title of "Local Development Framework Core Strategy". As to the New Forest itself, of course the Park is not able to do very much at all unless it resorts to the unwieldy sledge-hammer of compulsory powers. The exertion of political pressure and the issuing of money are its chief tools when it comes to the Forest.

It has to be said that, if you can find them, the plan contains several excellent provisions. For example, it gives the first official recognition to the scourge of traffic noise and visual intrusion into the Forest, chiefly from the A 31. The problem is that such gems are deeply buried in pages of woolly descriptive material and repetitive jargon.

Perhaps I am unduly intolerant of paper-mountains and council-speak, but is this really the best way to manage the New Forest ? The Forestry Commission controls the land of the "real" Forest. Natural England has, theoretically, a strangle-hold on anything with a conservation designation – and that means most of the Forest. The Verderers control development and farming in the Forest and the County manages the roads. All produce

their own plans and dislike being dictated-to. Then, on top of all this, the National Park comes up with yet another plan telling everyone else what to do or, where it has no power, what it would like them to do. It may be argued that such is the proper purpose of a park plan, but policies it contains which are damaging to the Forest will certainly be resisted. There is a general duty to regard national park purposes – not national park plans. Meanwhile the Forest slowly withers under intolerable pressure of over-use. If there is one overwhelming shortcoming of the plan, it is a resolute shutting of eyes to the fact that the Forest is already severely damaged and needs restoration – not the meeting of more and more demands - for that is what is envisaged. It is claimed that this can be done without prejudice to the special qualities of the Forest by careful location of uses, education, and universal goodwill.

New rules for Forest horsekeeping

Although the bulk of the National Park plan so far published relates to non-planning matters, there is also a major section on development control. Very dull it may sound, but anyone who keeps a horse in the New Forest should be under no illusions as to how deeply he may be affected by the proposed policies. Their most radical element relates to what is called “ the keeping of horses for recreation”.

The Park planners have identified as a major problem the run-down state of former agricultural land now used for horsekeeping. It is split-up, often into very small paddocks, ill-fenced, littered with jumps, tin buildings and old baths. It is over-grazed and often covered with docks, while hedgerows are wrecked and young trees killed as they are barked by bored horses. Anyone who has seen the dreadful conditions which prevail in some areas, especially on the eastern side of the Forest, can hardly argue that the planners are wrong in their attempts to correct this state of affairs. They also have a second valid ground for complaint in that intense recreational horsekeeping depletes the pool of enclosed grazing available to New Forest Commoners – that rare and prized species which comes second only in Park eyes to young people and ethnic minorities. Altogether, the horsekeeping problem has to be tackled and the Park planners are absolutely right in their intentions. Whether they will succeed in curing the ill, or simply in unleashing a spate of litigation and appeals, is a much more open question. Moreover, as at present drafted, the policies will certainly have an amazingly distorting effect on the land market in the Forest, with profound consequences for landowners, solicitors and agents.

There has not, in the New Forest at least, been an effective distinction between horse grazing and horse keeping, but the draft policies would see that change. The consequences are best illustrated by an example.

Mr. Smith and his family decide to move to the New Forest so that their children can keep a couple of ponies and enjoy carefree and safe riding across the heaths. Smith finds a nice little cottage with four acres of grazing and buys it for one and a quarter million pounds. The Browns, from whom he purchases, are an elderly couple who have not themselves used the land, but have allowed their neighbour, Farmer Jones, to graze his cows upon it for many years. In come the Smiths with their two ponies and at this point the story should conclude

with them living happily ever after – but they have reckoned without the National Park. An enforcement officer calls. The Smiths are in violation of the new requirement that planning permission must be obtained for the keeping of recreational horses at a density of more than one per hectare (2.47 acres). They must seek planning permission and will almost certainly be refused because the land is deemed to be available to New Forest Commoners, as indeed is any land in or around the Forest. The Smiths are thus forced to go to war. Now I understand from a senior planner that enforcement officers will not in fact go about the Forest like bounty-hunters in the Wild West, seeking to bring in horsekeepers dead or alive, but the policy will be cast in five-year stone, while the way it is intended that it should be administered could change overnight.

I am told that the policy will be retrospective. In other words, it will not be sufficient to show a high density of use for recreational horsekeeping on the day prior to the policy coming into effect. If you are to escape the need for seeking planning permission, you will have to show that the land has been substantially so grazed for a long period of time. You may be required to provide evidence when challenged by the authority.

What happens when you sell land ? It seems to me that the policy will inevitably create a dual-level market for land within the Park. You will need to sell with either an established use for recreational horsekeeping (probably at a very high price indeed) or at a depressed agricultural value reflecting the right to keep only cattle, breeding horses or recreational horses at so low a density as to be unheard-of. The market for horse land is always buoyant, but prices could spiral upwards as the supply is cut in half. Prices just across the Park boundary will also rise because there no such restrictions will be in force and the Park can hardly erect boarder posts turning back small children on riding ponies. Sellers of recreational horsekeeping land may need to supply “lawful development certificates” from the planners to satisfy their purchasers. Record keeping (including past record keeping) will become crucial. Anyone who has “kept” recreational horses (i.e., more than 1 per ha) will need to build up an accurate history of his land use, supported by vet and farriers’ bills and perhaps by statutory declarations from neighbours, in order to justify the enhanced-value status of his land. At best none of this is going to be easy and at worst we could be in for a period of absolute chaos.

To go back to the example of the Smith family, on what basis might they expect to be given planning permission to keep the two ponies ? They will have to show no adverse impact on the landscape or conservation. This they might, I suppose, be able to do. They would have to show no increased riding pressure on the Open Forest. Since the imposition of more pressure on the Forest is the reason for their being here in the first place, that is quite difficult ! However, the real killer comes at the end in that there must be “no loss of run-back grazing”. That is a curious term and it is not defined, but I think it means that they must not use any land which a commoner could use – whether it has rights or not. Since any field in any part of the Forest could be so used, the Smiths fail miserably and should be packed off back to Surrey with their despised ponies in tow. Of course life is not like that in practice.

Smith's lawyers, planning consultants, veterinary surgeons and human rights advisers set about battering the planners until a messy compromise is reached, but it could be a bloody and expensive process. On the other hand, he could just buy an additional acre from Farmer Jones at a hideously inflated price, thus reducing his stocking density and putting him beyond the clutches of the Park.

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