

NEW FOREST NOTES DECEMBER 2003

Kingston Great Common

There was consternation during November when fencing started to be erected around a substantial part of the New Forest near Ringwood. Kingston Great Common is a particularly beautiful and ecologically important tract of heathland and bog just to the west of the village of Burley. It is indistinguishable from the Crown lands. You can walk from one to the other without realizing that you have crossed a boundary. The common is recorded in various government reports and learned papers as being about 308 acres, but this is probably an exaggeration. A little under 200 acres seems more likely. Anyhow, like all the Adjacent Commons of the New Forest, Kingston Great is "privately" owned. In other words it belongs to an individual or individuals and is not "community" property. There is a common misconception about common land that it belongs to everyone: it does not. In most cases the public does not (yet) even have a right of access to common land, although of course the commoners do. Commons are usually enjoyed by the public in fact (as opposed to law) because of the goodwill or apathy of the owner.

The government has decided that in future the public will enjoy a right of access to all common land and open country. For technical reasons connected with its location within the boundaries of the New Forest, Kingston Great Common falls into the latter category and is duly recorded on the Countryside Agency's provisional "right to roam" maps. This means that, in the absence of a valid appeal being upheld, the public will in due course be allowed to wander about freely. I have been unable to locate any recorded appeal on the Planning Inspectorate's website, and if none exists the confirmation of the classification would seem inevitable. The last date for appeals is past. The presence of the new fencing will not therefore prevent public rambling (although it will make it more difficult), but it is a serious challenge to those New Forest commoners in Burley who enjoy rights over the common, to the conservation interests which depend upon unimpeded access for grazing animals to maintain the heathland's importance and to those who value the beauty of the Forest. The fence is undoubtedly an eyesore.

As soon as the fence erection commenced, a site meeting of Verderers and Commoners' Defence representatives was held. As a result of this the Verderers contacted both the landowner and all the relevant national and local bodies interested in the protection of common land. As always in the New Forest, the historical and legal background to the dispute is complicated, but I understand that much of the common is leased by English Nature and that they are gravely concerned at recent developments there. Moreover, common land is protected against enclosure without the consent of the Secretary of State for the Environment and, to date, no evidence of such consent has been forthcoming.

If this enclosure is successful, it will undoubtedly be the largest single loss of privately-owned common land in the Forest since the destruction of Gorley Hill by gravel diggers in the middle of the last century. It therefore presents an unparalleled challenge to

the amenity and conservation bodies of the New Forest. The Verderers and the Commoners Defence have been quick to act, but it remains to be seen how the others will respond.

The New Forest Museum Library

A few days prior to the re-opening of the New Forest Museum library in Lyndhurst, I was given a preview by the librarian, Jude James, and his assistant Richard Reeves. It is a truly remarkable facility and will be of lasting value, unlike the vague schemes and talking-shops into which so much public money (often European) is poured in the supposed interests of the New Forest.

The new library has been accommodated largely within the roof space of the original museum building. Its books are arranged in several large bays and my only criticism is that with the rate at which new material is being donated or otherwise acquired, it will not be long before the storage space is again outgrown. There is a fine new map room (not yet open) and an array of computers and microfilm readers which reminds me of the control centre for a space programme. It has all come a very long way from the handful of cardboard boxes in the manager's office of a decade or so ago.

Museums, libraries and record offices – and this is really a cross of all three – can provide all the hardware and resources in the world, but are of little value without knowledgeable staff. Staffing is perhaps the greatest strength of the new library. No one person could be master of the vast body of topographical and historical information contained within the library's records, but I cannot remember asking a question there without receiving either an immediate answer or at least a firm lead as to where to find one.

The project has been financed largely through the generosity of the Christopher Tower Foundation with the addition of lottery funding. It may be the first occasion in which the lottery has done anything of real value for the Forest, although the Foundation has already contributed in many ways.

Verderers Election 2003 result

Another Verderers' election is over and it proved rather different from the contest which had been expected. Record numbers of candidates had been rumoured, but as the date approached for nomination papers to be submitted, these potential contestants started to melt away. Of the two lady challengers expected, one changed her mind and the second was prevented from standing by work commitments. A third candidate is said to have fallen foul of the very tight timetable required for the election paperwork. He was not the first to encounter this problem and I don't suppose he will be the last. Finally, the rumour that one other candidate was to stand proved unfounded. That left in the field the three retiring Verderers and one challenger when nominations closed and on election day. In the event, the retiring Verderers were returned for a further six years. Those years are likely to be a testing time for the Court. Within them it is probable that the Verderers will start administering the important financial support scheme for the commoners – the Agri-Environment scheme. A further bruising battle to stop the construction of an outer Lyndhurst bypass looks increasingly likely, while the financial pressures on the Court (reflecting those on the Forestry Commission) will

probably continue. If a national park administration is imposed on the Forest (and barring any delays resulting from legal challenges), I would expect it to start operating effectively towards the end of the six years if its park plan is approved by then. At that stage we could see the authority's first challenges to the Court's powers to protect the Forest – perhaps plans for a visitor centre, or park backing for an outer Lyndhurst bypass. In the intervening period, the pressure of increased park-induced recreation is inevitable. Against such activities of the park the Verderers will be significantly weakened, but they will be by no means finished.

In the run up to an election there is always a measure of uncertainty overshadowing the Verderers' work. Will negotiations commenced by one person on behalf of the Court have to be handed over to another? Will some crucial link in the management structure such as the chairman of the Staff Committee have to be replaced? This time the voters have opted for continuity and all of us will be quickly back to work in the first week of December, tramping around Sluffers in judgement on the Forestry Commission's latest stream-blocking proposals (otherwise "mire restoration"). Another crucial meeting fixed prior to the election is between the Verderers and the Environment Agency as it launches its proposals for the construction of huge temporary flood reservoirs on the Open Forest north of Brockenhurst.

I think that it is one of the great strengths of the Court that it comprises members with expertise in such a wide range of fields – pony breeding, farming, land management, local government, landscape, law and so on. Looking at the work schedule for the remainder of 2003 it is clear that many of these skills will be exploited to the full, while the prospects for 2004 look just as busy.

Death of the Allotments

Across the south of the Forest there is scattered a string of isolated enclosures, mostly ranging in size from about five to ten acres and used as vegetable allotments. These enclosures look like any other piece of private land, but they are crucially different in that all were taken from the Open Wastes of the New Forest, sometimes in the teeth of opposition from the commoners and Verderers. They remain, of course, in the ownership of the state and the freehold is administered by the Forestry Commission. Many, such as those at Lyndhurst, were enclosed under the Poor Relief Act of 1831, a procedure whose validity the Verderers contested. Then, after the First World War, this contentious area of law was modernised by the Allotments Act of 1922. This legalised the existing allotments, and provided that up to sixty acres might be enclosed with the consent of the Verderers. The 1831 Act was repealed in so far as it applied to the New Forest and provision was made that if allotment land ceased to be used for its intended purpose, it should be returned to the open grazing of the Forest. Reversion to the Forest must, at that time, have seemed a very remote prospect indeed.

After the Second World War, interest in the allotments began to decline. The Verderers and the Crown fought, from time to time, over the adequacy of the rents paid, but there was already a clear trend towards abandonment. So far, large blocks of land at Sway, Brockenhurst, Lyndhurst and Pilley have been returned. Sometimes the land has been

offered back in an appalling condition, frequently covered in dangerous litter, but the Verderers have become increasingly determined to enforce a high standard of cleanliness and safety upon reluctant parish councils, before final hand-over is agreed.

In November the latest and very substantial surrender was commenced. A large square field (about five acres) at East Boldre, south east of Broom Hill, is to be given up. Compared to previous surrenders, this one looks as though it may be trouble free. The parish council is co-operative and has employed a competent contractor (incidentally but not unimportantly a local commoner) to clean up the relatively small amounts of debris and to arrange the opening. The first Forest ponies and cattle to gain access are in for a great early Christmas present. Only the resident barn owl, whose rich hunting territory in the long grass is about to be destroyed, will be a loser. He is apparently well known to local people and flew off in disgust as the Verderers and Forestry Commission made their first site inspection.

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