

# NEW FOREST NOTES DECEMBER 2017

## The Forest's deteriorating tracks and drains

Just after the Second World War the management of the New Forest was overhauled, with the Verderers' Court being given a new constitution and powers and with the Forestry Commission being granted new rights of commercial management. At the same time, the obligations of the Commission to maintain the Forest were increased. The new arrangements were generally regarded at the time as a defeat for the commoners. For example, the majority voting position on the Court was given to representatives of public bodies such as the local planning authority, so that the commoners' representatives became, in theory at least, a minority group. The actual numbers of elected and appointed members are in balance, but the Official Verderer (the appointed chairman of the Court) has a casting vote. The difference between theory and practice is that appointed Verderers very often vote in support of protecting the Forest along with their elected colleagues.

If the new constitution was regarded as an important defeat, there was something even worse. The Forestry Commission was permitted (with the Verderers' consent) to make huge new timber plantations on the open grazing lands – land which had hitherto been used by the commoners' stock. Altogether it is easy to see why the New Forest Act of 1949 was regarded locally as something of a disaster, but there were compensations. Power was given to fence the A 31 road on which hundreds of the commoners' animals were being killed, although it was over a decade before the work was actually done.

The biggest gain for the commoners and Forest residents was the securing of Section 11 of the Act. That laid a qualified duty on the Forestry Commission to "ensure that the Forest will be properly drained and that culverts and bridges crossing drains or streams in the Forest will be properly maintained". It also required the Commission to clear scrub and coarse vegetation. This section of the Act was certainly a small triumph for the Forest. For nearly a century the question of drainage had been a matter of contention between the commoners and the Crown. Now, it seemed, the problem was finally to be resolved. Over the following years a great deal of good work was done, if occasionally going too far and damaging conservation interests. The tracks and bridges steadily improved so far as their maintenance was concerned and the old drains on which the quality of the Forest lawns (the best grazing areas) depended was slowly restored. Every autumn the Commoners' Defence Association held local meetings in all parts of the Forest, the primary purpose of which was to prepare lists of drainage and other maintenance works required, based on the special knowledge of those in each area. There were grumbles of course, but on the whole the scheme worked well. Then, in the 1990s, both the commoners and the Verderers took their eyes off the ball and, according to supporters of the European Union environmental directives, those new regulations effectively repealed much of Section 11, without our parliament having any say in the matter. The drains were to be abandoned or filled in and, by implication, the bridges and culverts degraded. The Forestry Commission, of course, welcomed such "repeal" because it saved them a lot of money.

Immediately the drainage started to deteriorate again. Bridges and trackways received only the most minimal repair and only the scrub clearance continued at a reasonable level. In the present century things have gone from bad to worse as deliberate wrecking of the historical drainage systems, sometimes dating back to the 17<sup>th</sup> century, has been undertaken accompanied by the threat that subsidy payments will be blocked if resistance is encountered. That is where we find ourselves today.

This autumn I have spent a lot of time walking in Islands Thorns Inclosure which, despite its name, is currently part of the Open Forest and thus a potential beneficiary of the valuable provisions of Section 11. Culverts are blocked and rides which were once, at the very worst, useable when I was a child, are reduced to bogs. The fine 1852 oaks are being killed wholesale in several areas as blocked streams overflow their banks and destroy the root systems of the trees. One important bridge has been removed altogether and the only alternative is blocked by fallen trees. The inclosure is altogether in a shocking mess. The great foresters of the past – men like the Hon Gerald Lascelles – would no doubt weep to see such dereliction. Moreover, whatever one's views on the rights and wrongs of hunting, this negligent management would certainly not have been tolerated in the good (or bad) old days when the need for hunting access was a powerful force in the Forest.

I am actually very far from being convinced that the environmental directives are so fatal to our own Acts of Parliament as is claimed. Since minimal drainage and maintenance is still undertaken in places, it is clearly a matter of degree and compromise between our own legislation and EU rules. If one choked drain can be cleared, why not another and if a culvert on one piece of ride can be repaired, why not a bridge on an adjoining ride ? But if I am wrong in this and the EU can wipe out British legislation with a stroke of the pen, condemning large parts of the New Forest to a state of semi-swamp, surely the Brexit process should give our local MPs the opportunity of restoring the balance of interests in the Forest that parliament originally decreed. Sir Oliver Crosthwaite Eyre (grandfather of the present Park chairman) was our MP when the advantages of Section 11 were gained for the Forest and perhaps our present representatives can secure the resurrection of that valuable legislative provision.

### **Pony and cattle collars**

I have a box at home filled with reflective pony and cattle collars I have picked up in the Forest. The cow collars, with their heavy duty plastic clips are useful for all sorts of purposes, not least as luggage straps and identifiers. All that is needed is a short spell in the washing machine. Unless very old, they brighten up as good as new.

The collars are used on the necks of Forest livestock so that they will reflect the headlights of traffic and give early warning to drivers of the presence of animals. There has recently been some rather ill-informed comment suggesting that owners should be forced, by the Verderers, to fit collars to their animals. This ignores the fact that the Court has absolutely no power to impose such a rule. It would necessitate the introduction of a new byelaw, even assuming that such a regulation could be made. Byelaws take, on average, about five years before approval is given by government and they

are very expensive to secure. Like all public authorities, the Verderers must operate within the law and cannot make rules just because they think it might be a good idea. The Court actually does all it can to encourage the use of collars. They are provided free of charge and they are fixed by the agisters, again with no cost to the animal owners, but whether or not to use collars is ultimately a decision for those owners. There are, even today, parts of the Forest where ponies never encounter fast moving traffic. Examples are such places as Backley and Pinnick Wood in the north of the Forest. There collars are unnecessary.

Outsiders also seem to make the completely false assumption that because a pony has no collar on, it never did have one. The collars are carefully designed and constructed to ensure that if they become caught on a branch or other obstruction they will either pull off or break rather than strangle the wearer or condemn it to a slow death by starvation. Such losses of collars occur regularly – hence my own boxed collection, while another resident in my village is steadily lining the top of her garden fence with a string of the reflective material. At the last Court the head agister told the Verderers of a particularly fine filly foal to which he had attached a collar. A short time later it was killed on the road. Its collar had been lost on some tree. It is far too easy to condemn stock owners for “not caring” when so many other possibilities are involved.

#### **A different view on public use of the Forest**

At the November Verderers' Court there was once again a cluster of presentments complaining about the behaviour of the public intent on recreation, about the intensity of use and about the unwillingness of the Forestry Commission to take action under its byelaws against miscreants. In his reply to earlier presentments on these subjects the Official Verderer acknowledged the growing concern over such problems, while in committee afterwards the Court made clear its disappointment that the Forestry Commission has permitted a particularly disruptive night-time event later this month.

One presentment in November was not exactly in tune with the majority view on recreation. It was from Ms Barnes who runs the National Park. I think this is the first time the Verderers have received a presentment from this source. Understandably, the presentment was a reiteration of the usual national park lines about educating the public, helping them to understand the Forest and encouraging quiet use of the area.

Ms Barnes was at pains to explain that the Park is not the tourism promotion body for the New Forest. That is technically correct, but it is not how much of the resident population sees the Park operating in fact. Hardly a week goes by when the local papers do not proclaim some new initiative by the authority which will actually intensify pressure, although always hidden behind education, understanding or well-being masks.

She laid much emphasis on the park's obligation to foster economic well-being and so on. She also explained how her recreation strategy review aims to find solutions for problems – solutions which will “last for the next fifty years or more”. Since the explosion of pressure over the last few

years has already become intolerable, I fear that her aim is likely to prove very over-optimistic. It would have been good, just for once, to hear an admission from the Park that the Forest is already suffering immense damage, both to its tranquillity and fabric, and that the authority is far from blameless in bringing about this situation. Perhaps Ms Barnes's recreational strategy will deliver what she promises, but I fear a string of platitudes is more likely, interspersed with a further turn of the screw as she seeks to impose new recreation trails and uses on the Forest. I hope I am wrong.

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