

## **NEW FOREST NOTES FEBRUARY 2011**

### **The end of the Forestry Commission in the New Forest ?**

The government's proposals for the future of the public forestry estate in England have the potential for delivering the most shattering blow to both the Forestry Commission and to the administration of the New Forest itself. I say *potential* to do so, because the plan to transfer the New Forest to an unspecified and perhaps not yet established charitable trust is not inevitably damaging, although it most probably is so. The key question is how such a transfer would interact with the New Forest Acts. I have hardly skimmed even the explanatory notes of the Public Bodies Bill now before parliament, but it seems to present some significant dangers for the New Forest which will need proper legal scrutiny. The Bill covers the mechanisms by which the Forest and other land could be transferred and the conditions of such a transfer.

The consultation document ("The Future of the Public Forest Estate in England") identifies various categories of woodland for disposal, but only one seems relevant to the New Forest and that is what the government calls "heritage sites". The New Forest is specifically mentioned as falling into this category. With such sites, a recipient charity would be given a transfer of the land and initial financial support, but would – ominously – "be expected to become less reliant on government support over time". Since the New Forest runs at a substantial loss, there is an implication here that the charity would be expected to squeeze its new asset for funds.

If the New Forest Acts, which are all that stand against a recreational free-for-all together with public-sponsored development schemes, are set aside, the Forest as we have known it will be finished. Conservation designations cannot do the job of protecting it – their administrators are subservient to the recreation lobby and oblivious of such qualities as natural beauty and tranquillity. On the other hand, if the New Forest Acts are maintained in full force, no doubt we could learn to live with (and just possibly to love) a sympathetic charity, just as we rub along with the Forestry Commission now. That, of course, says nothing about the misery and disruption to long-serving Commission staff who, however much we may dislike many of their official policies, on a personal level I find pleasant, usually knowledgeable and efficient. Some, I suppose, would be taken on by the new manager, but for all of them years of uncertainty lie ahead.

It is early days for a full assessment of the proposals, but they could hardly have hit us at a worse moment, with a new and possibly entirely green Official Verderer about to be chosen. It also gives one no confidence to find that the government has chosen to ignore the Verderers Court in its list of official consultees. I doubt if they even know the Court and the New Forest Acts exist. The only blessing is that the Verderers have reserves of £100,000 and the New Forest Association perhaps a quarter of a million pounds. We may just have on our hands the most serious fight for the survival of the New Forest since 1875.

Copies of the consultation document can be obtained from the DEFRA website.

### **Choosing a new chairman for the Verderers' Court**

The chairman of the Verderers Court is called the Official Verderer and he is appointed by the government. That is laid down by statute but is, to many people concerned with the Forest, a very unsatisfactory situation. Local councillors appoint the chairmen of their own authorities and so do the members of the National Park Authority. Such appointments are, admittedly, tainted by party politics, but at least have the merit of ensuring that the appointing councillors and their chairman share a measure of mutual confidence. It is far otherwise with the Verderers who must accept whatever chairman, good or bad, is delivered to them from above. That is precisely the situation which the Court will face over the next couple of months.

The present holder of the post of Official Verderer is Oliver Crosthwaite Eyre who, under the rules which govern public appointments, must finally retire this year. That is certainly not in accord with the wishes of the local community. When an attempt was made to "deselect" him three years ago, there was uproar in the Forest and the appointing authority backed down. Now, however, there is no alternative. Advertisements for the post have already appeared. A link to the "information pack for applicants" appears on the Verderers' website, but my searches of the official appointments sites failed to uncover details, so the announcement is not easy to find except via the Court's pages.

The information pack is just a little more informative about the appointment process than on previous occasions. We are told, for example, that the choice will be made by a panel of four people, chaired by a senior Forestry Commission official - presumably not the Deputy Surveyor because the official is said to come from outside the Forest. It will include an independent public appointments assessor, but we are left in the dark as to who the other two will be. There is a strong local fear that the National Park will be much involved, as it was reputed to be on the last review of the appointment. Astonishingly, it seems that the Verderers themselves will have no say whatever in the choice. The arguments put forward three years ago by one of our local MPs, Dr. Lewis, seem to me to be very relevant in respect of the present appointment. There is a potential conflict of interest between the ambitions of the Park and the Forestry Commission on the one hand, and the existence of a strong efficient chairman of the Court, commanding the full support of rank-and-file Verderers on the other. In other words, the weaker the Verderers Court becomes, the easier it will be to push through recreational and other development damaging to the Forest. The Verderers are the chief bulwark defending the Forest against such spoliation.

The information pack is interesting in other ways. It is clearly written from a Forestry Commission perspective, seeking to gloss over the role of the Court in maintaining the special qualities of the Forest such as natural beauty and peace. The Commission has always particularly disliked these aspects of the Court's work because they restrict the creation of such things as sports trails and enhanced infrastructure for visitors. In fact, of course, the Verderers' policies in these respects are little different from its statutory duty to have regard to

National Park purposes and to give priority to protection over recreation in the event of conflict.

The advertisement sets out the qualities expected of an Official Verderer and does so in an adequate manner. It explains that he will receive no salary or expenses and requires of him a minimum of forty hours of work per month. What I think it does not make clear is that the Official Verderer does not rule the policy of the Court or its decisions. Those are matters for the Verderers as a whole, and the suggestion that he is equivalent to a chief executive is misleading. It happens that the present Court has worked closely and harmoniously with its existing chairman. In many years, I cannot remember any issue on which there has been significant conflict with him. That, in one way, simply emphasizes the risks of imposing the wrong man on the Court without any consultation. I have served under many Official Verderers, ranging in quality from outstanding to completely incompetent (the latter now in their graves) and the prospect of the chairmanship falling into the wrong hands is extremely unappealing. The Verderers can now only hold their collective breaths, hope for the best and envy the more enlightened constitution of the councils and the Park – if only in the matter of choosing chairmen.

### **Killing the Silver Stream**

The latest stream-filling project was put to the Verderers and Commoners last week. It comprises a plan to fill the brook called Silver Stream near Brockenhurst, from the bottom of Redhill and Holm Hill Bogs to Puttles Bridge. The diverted water will then be allowed to flow over the surface of the heath along the bottom of the valley so as to produce (the Commission would say “restore”) a mire – or bog in layman’s language. The stream is well named, because its waters flow over an unusually white gravel bed which glistens in a sea of darker heather and (in summer) molinia grass. Little fish swim in its pools and numerous pony paths cross its course. Its surroundings comprise a favourite feeding ground for Forest stock on summer evenings, not least, I am told by local commoners, because the area is difficult to walk over and the animals can rest and eat free of disturbance from dog-walkers and other distractions.

The site meeting was told that the proposal is one of “mire restoration” with the complete in-filling of the existing brook and with no provision for the construction of a new defined course. Damage to the grazing would be inevitable from such work. Little areas of sweet grass will be swamped, bog vegetation will take over and the numerous pony crossing places will be wiped out impeding access to both stock and their managers on horseback. But in addition to all of this there would be the loss of a charming and very ancient feature of the Forest’s landscape. Silver Stream is not quite on its original course because of drainage works which have caused erosion over a short length, but it is a longstanding stream and certainly not a piece of former bogland as the Forestry Commission’s proposals suggest. A clear stream appears on the earliest large scale map of the Forest, Driver’s Map of 1787, and by the time of the first edition of the Ordnance Survey Six Inch map in 1871, the stream course and its surroundings were very precisely distinguished from the bogs feeding into it

from the south. They are shown as swamp, while the surroundings of Silver Stream are clearly indicated as heathland.

I am sure that scientific conservation interests are perfectly sincere in their desire to flood and restore to bog large areas of the Forest, but I feel that they do their cause no service by trying to sell to the public schemes such as this, which are classified as bog restoration, when they are clearly very far from that. A decision of the Verderers on this project is awaited.

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