

NEW FOREST NOTES FEBRUARY 2016

Lost cottages for Forest workers

It is the business of the Verderers to sort out Forest problems and since my return to the Court last November I have had the feeling that some constituents have been saving up particularly complicated and thorny issues for my attention. Blocked ditches or broken fencing are fairly straightforward, but a question in an entirely different category is that of workers' cottages built on land taken from the Forest grazings. My complainant was concerned that the Forestry Commission is intending to let surplus cottages of this type for full market rents. Such prices are often well beyond the reach of indigenous Forest people. How many such cottages there are, I do not know, but the ones immediately at issue are two dwellings at Shobley, another two at Copse of Linwood and a former keeper's house and grounds at Longbeech. That such market lettings are not in the best interests of the Forest is probably beyond question. Government agencies such as the Forestry Commission are not much interested in morality when there is the scent of profit in the wind, so the only argument likely to carry any weight is the legality or otherwise of their actions. Here, I think, we start off rather badly. The Shobley cottages site was taken from the commonable lands of the Forest in 1956 in exchange for a quarter of an acre of land at Mallards Mead near Lyndhurst. Such exchanges can take place only with the consent of the Verderers and today they are governed by strict rules of the Court. The land added to the Forest in exchange for that taken must now be of at least equal value (directly or indirectly) to that taken and about to be developed. That was not the case in 1956 and no doubt the Court was swayed by pleading for a special concession because workers' accommodation was urgently needed. The value of the exchange land given might have been only a few pounds at that time.

Having got control of the site at Shobley by perfectly legal means and built houses on it, the Forestry Commission was freed of all restriction in the way the properties are managed. So far as I can see, they are entitled to let or sell the houses for whatever money they can get. It is easy to criticize the Verderers Court of sixty years ago for carelessness, but the world was then a very different place and the property prices of the early 21st century could not have been foreseen.

At Copse of Linwood I fear that the Forest is likely to do no better. Here the site was exchanged in 1957 for a small plot at Picket Post and the same rules apply. Longbeech Cottage, on the other hand, is a very different case. Here, in 1962, the Forestry Commission sought to provide a new detached house in grounds of one and a half acres for the use of a keeper. This time they chose not to exchange land, but to "re-inclose" a portion of the largely abandoned plantation called Longbeech Inclosure. No doubt their objective was to provide some on-the-spot control of camping on the old Stoney Cross Aerodrome, as the building of formal camp sites was still some years in the future. The Verderers agreed to the development, but it was agreed they had no power to give. The physical re-inclosure of the land they could not object to. The Forestry Commission, like all public bodies, may do only what it is authorized by statute to do and it was not authorized to build a house at Longbeech. I imagine that the legal situation was not then fully understood, but twenty years

later, when Shell applied for planning permission to drill for oil at Denny, the Commission (no doubt under government direction) at first wanted to approve the works. On being challenged by the objectors it took legal advice and eventually concluded that the New Forest Acts limit the use of the Inclosures to the growing of timber and trees. In the Commission's words, and to the delight of those seeking to protect the Forest, "it would appear that any other use cannot be authorized". That suggests that the building of an oil well, a supermarket or a cottage within the Inclosures is illegal. If that is indeed the case, then the technical throwing open of the site, followed by an exchange of land, is the only practical solution to the problem of Longbeech Cottage. The proceeds of such an operation (and bearing in mind the value for value principle) would allow a substantial amount of land to be purchased and added to the Forest for the benefit of the public and commoners alike. The Commission could then let or sell the property as it chooses.

Rifle ranges

In February 2001 I wrote in these notes about the 1892 attempt by the War Office to appropriate a large area of Black Down (near Beaulieu Road Station) for use as a military rifle range. The proposal was strongly opposed by the local community and, after a public enquiry, it was eventually defeated. Now, one hundred and twenty four years later another, if much less substantial, rifle range problem has emerged. It was the subject of the second complaint I received just before Christmas.

Beside the A 35 road between Burley and Brockenhurst is, or rather was, a plantation known as Markway Inclosure. It was on land leased by the Forestry Commission from the Verderers for growing trees. It was planted in 1960 and became a flourishing wood, incidentally doing valuable service in screening the road. What little of it survives still serves that purpose today. The Inclosure originally helped to finance the Verderers' Court by providing rental income and it was also hoped that by fencing one side of the A 35 at this point the number of animal accidents would be reduced. In due course the road was fenced entirely under later legislation. Then fashions changed and the Commission was induced to cut down the trees and return much of the plantation's area to Open Forest grazing. This process is now well advanced. However, before the felling started the Commission established a rifle range in Markway for the use of its staff, with targets on one side of a valley and a large hut on the other. The range, in its present form at least, seems to date from between 2002 and 2005. No consent was given by the Verderers and, indeed, they have no power to give consent. As with the question of Longbeech Cottage, the Forestry Commission has no power to build rifle ranges either in the plantations or on the open waste of the Forest.

Perhaps nobody worried very much about this encroachment when it remained within the fenced and planted Inclosure and well screened from the surrounding Forest. There has been a lot of slackness in such matters over the years. Now that the trees have been cut down the hut stands out like a sore thumb. The safety of grazing stock and of the public has also been called in question. If a resident of Bisterne Close, on the other side of the A35, decided to erect a large garden hut on the Open Forest without legal authority, or planning consent, he would rightly be slapped down very firmly

by the Forestry Commission, the Park planners and the Verderers. Why, therefore, should the Commission be treated differently ? Of course Forest staff need facilities to train in the use of guns and to adjust their weapons, but this should not be done illegally through development on the Open Forest. The use of guns is a key part of the keepers' duties. There are two thousand acres of Crown Freehold Woodland in the Forest available to them and, if this terrain is deemed unsuitable for safety or other reasons, they control vast areas of coniferous woodland west of the Avon. Such areas are outside the constraints of the New Forest Acts.

A dying deer

Early one morning last month a local resident called at my house in considerable distress. In his garden was a deer with a broken back, evidently suffering great pain. He had tried to contact the local keeper and had got only an answerphone. He next tried the Forestry Commission's twenty four hour emergency line and was told it was nothing to do with them. I suppose he hoped that I would be able to summon an agister, but of course deer are not the Verderers' responsibility. Indeed, all the authorities are anxious to shuffle off liability for dealing with such accidents when they can. It costs money.

I could do no more than suggest that he contact the police (which it turns out is the correct course on private land) after we had reviewed, unsuccessfully, the chances of finding anyone with a suitable gun locally. I did not hear the outcome of this unpleasant business.

In the light of this tragedy, it is good to be able to record that the National Park has just issued an information sheet explaining how to deal with deer casualties on and off the Forest and whether road accidents or otherwise. I cannot yet see this document on the Park's website, but I trust that it will eventually appear there. In essence the advice is to contact the Forestry Commission (phone 0300 067 4600) for injured deer on Crown land – other than road casualties. Road accidents to deer and all injured deer elsewhere than on Crown land should reported to the police control (phone 101 or 999 depending on circumstances). I understand that the police maintain a list of authorized animal destroyers. I am also told that those reporting such incidents to the police may need to be fairly persistent as animal welfare may not always seem to be of the highest priority. An alternative for injuries not on Crown land is the RSPCA (phone 0300 1234 999).

The one thing the leaflet does not cover is injured deer on the adjacent commons - most of which belong to the National Trust. They include such areas as Ibsley Common above the Avon Valley and Plaitford Common near Bramshaw and make up quite a significant portion of the Forest. Perhaps this is something for a future revision of the guidance and in the meantime the Adjacent Commons are probably best treated as non-Crown private land.

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