

New Forest Notes – February 1995

CYCLE PARKS VERSUS WILDERNESS

It is a good many years since I have seen New Forest people quite so angry about anything as they are over the Forestry Commissions' attitude to mountain biking. One can usually find different opinions among the various Forest societies on amangement issue, but from the most extreme conservationist to the down-to-earth commoner, thereis unanimity that the character and fabric of the Forest are being degraded by excessive use for mountain biking. The Forestry Commission 's attitude to the problem is universally regarded as high handed and in complete defiance of the Ministerial directive that the Commission should protect the traditional character of the Forest. As if all this was not enough, the New Forest Association has obtained counsel's opinion which shows very clearly that the Commission has acted quite outside the law in establishing cycle routes without the consent of the Verderers.

In 1968, the Forestry Commission obtained powers to provide all sorts of recreational services on its land, including camps, car parks, sporting facilities, shops and so on. The Act passed by the Parliament before the Forest realised what was happening and there followed a vigorous two year campaign to have the law changed. Victory came in 1970 with the passing of the New Forest Act which provided that the new powers of the Forestry Commission could be exercised in the New Forest only if the Verderers' consent was obtained for each proposed development. The change in the law came only just in time, because the major programme of car park and camp site building was just about to begin. Through the intervention of the Verderers Court, major changes in the programme were secured, much to the benefit of the Forest Since 1970, the Commission has in general, followed the directives of the 1970 Act and has regularly sought the Verderers' consent for its recreational projects. However, in developing the mountain bike programme it has acted differently. No consent was sought when a massive network of routes were laid out, way marked and publicised. The consequences were disastrous. The Commission 's own " conservation restraint areas" - those places which had always been protected from recreational use - were violated wholesale. Unauthorised mountain biking became far more widespread as huge numbers of bokers were enticed into the remote depths of the Forest along the way marked routes. From these routes they fanned out, criss-crossing the Open Forest and the Inclosures from one "permitted" track another. Far from controlling illegal biking, the new routes have made matters immeasurably worse. In the summer of 1994, with the problem completely out of hand, the Commission's actions were challenged, but to no evident affect. The New Forest bodies, accordingly decided to obtain counsel's opinion on the legality of what had been done. From the resulting document, it is abundantly clear that the Commission may not the Open Forest for mountain bikes routes without the consent of the Verderers. In the light of this advice, fresh presentments were made at the January Court demanding that the Verderers should stand firm against this gross and illegal exploitation of the Forest. Passions were enflamed still further by the revelation that the Commission is again advertising the New Forest for biking on its 1995 camping leaflet. Following the January Court, I received a number of phone calls asking what the Verderers had done about the presentments and generally implying that soft response to the Commission's actions would not be appreciated. In fact , as so often with controversial matters, a decision has been

deferred until February when the Deputy Surveyor has promised further observations on the subject and the provision for a map showing the gravel roads in the Forest. However, I and a number of my colleagues, have already made it clear that we regard the present biking situation as intolerable, and the Commission's action in continuing to promote their bike routes as wholly unacceptable. No more acceptable is the suggestion that " some parts of the Forest might be kept quite." It may be that one or two scenic routes of a few miles might be absorbed without undue damage, but certainly no more than that. There is no doubt that in many minds the credibility of the Verderers as guardians of the Forest is now at stake. The Court cannot afford to fail in meeting this new and crucial challenge.

Oak Cottage Land Exchange

At the January meeting of the Verderers' Court, the public seats were packed in anticipation of great clash between two giants of the Bramshaw community. However, the assembled crowds were bitterly disappointed that they did not, after all, have the opportunity of witnessing Mr. Rudd and Mr. and Mrs. Wilcox arguing put their disagreement on a proposed land exchange in the village. There were mutterings about " asking for their money back! " In 1993, Mr. and Mrs. Wilcox, who own Bloodoaks Farm, applied for an exchange of land with the Forest. They wanted to secure a tiny strip of land around their Oak cottage in exchange for a paddock at Bramshaw Telegraph. A neighbour, Mr. Rudd, objected.

The Verderers considered the exchange plan and all representations made to them on the subject, before coming to the conclusion that the proposal made by Mr. and Mrs. Wilcox shouldn't be agreed, subject to some legal technicalities. Until those technicalities had been sorted out, no final determination could be made. In November 1994, the proposal was renewed with some, but not all, of the legal points resolved. Since some points remained outstanding, no further argument on the subject was accepted by the Verderers. Those who came armed with finely researched and polished presentment, not least, perhaps the principals in the case (a judge and a TV personality) went away unheard and the public departed deprived of its hoped-for spectacle. It is now open to the applicants to clear up the remaining legal obstacles and to renew their request in the light of the Verderers' condition approval in 1993. Then, no doubt the whole thing will come back to the Verderers for further representations followed by a decision. All those carefully prepared presentments should therefore be filed for future use and the disappointed public may not yet heard the last of the Oak Cottage.

Verderers' Clerk

This is one of those months when Verderers' business has seemed to dominate Forest affairs. Although the impending retirement of the Clerk to the Court, Mrs. Shirley Blick, might be regarded as a domestic matter, it does foreshadow considerable changes while stirring memories of the past holders of that office. Indeed, it seems likely that for the first time ever, the Court will have its own full-time office staff.

With the exception of one clerk who did not take to the job and departed within a year, the Verderers have specialised in appointing very durable holders of the office since the Court was reconstituted in 1877. The remaining five clerks have average twenty- three years service apiece, although this figure hides the remarkable fifty-six year' service of Mr. Montague Chandler, clerk for

forty- three years from 1902 to 1945 and before that assistant to clerk Mortimer for thirteen years. Mrs. Blick, a temporary employee by comparison, will have held the post for a mere twenty-one years.

Until 1973, the position of Clerk to the Verderers was always held by a solicitor or at least someone within a solicitors' office as much of the work was done by assistants. In recent years, however, the clerks' tasks have been expanded greatly with increasing emphasis on the administration of a growing field staff and with vast amounts of paperwork to be managed on behalf of the Court. A part-time clerk, however willing and dedicated, clearly cannot now cope with the growing burden as the Verderers perform duties rather like a special planning authority for the Crown Lands, and try to meet the challenge of public interest in the management of commonable animals.

An advertisement for the position of clerk is likely to appear within the next few weeks. The precise duties have yet to be decided, but I am tempted to suggest, in the unpleasant language of such advertisements, that anyone lacking super-human abilities need not apply. The clerk has to manage the affairs of the formal meetings of the Court (partly in public or on alternate months), including the preparation of many pages of minutes. All correspondence has to be dealt with, the accounts of the office and staff have to be kept, and the clerk must work with the agister (who are not over-fond of paperwork)in ensuring that their records are up to date. The agister moreover, inevitably visit the office with ample evidence of their outdoor duties adhering to their Wellington boots. He or she must attend and prepare records of various sub-committee meetings, administer stock premium schemes, handle a great many irate phone calls- " A pig has just destroyed my garden : what are you going to do about it?"- and manage the not inconsiderable and often complicated searches of the Atlas of Commons Rights. The clerk has the triennial duty of revising the electoral register of the New Forest Commoners and must compile annual statistics of animals turned out, killed in road accidents and poisoned by acorns.

For good measure, accurate shorthand and typing have been required to the present clerk, while the ability to appear pleased, to see any one of ten Verderers who may wander in to the office disrupting work, is essential - at least, so far as the disruptive individual Verderers are concerned. I suspect that this is one of the most interesting, demanding and frustrating jobs yet devised.