

New Forest Notes – January 1996

Mountain bike settlement

AFTER two years of intense conflict, an uneasy settlement was finally reached between the Verderers and the Forestry Commission just before Christmas. It would be nice to claim an outstanding victory for the Forest over the unacceptable demands of recreation, but it was in fact a compromise. As one disappointed opponent of cycling pointed out to me, every compromise in such matters yet more loss to the Forest's wilderness quality and character. It is perfectly possible to compromise the Forest to destruction. Since he was quoting my own words of twenty years ago, an explanation of why this particular compromise was necessary is undoubtedly due.

When, the mountain bike craze broke upon the New Forest about five years ago, the Forestry Commission gave in immediately. All the learned reports which had said the Forest could take no more recreational pressure were cast aside in the face of this sporting onslaught. A feeble attempt was made to confine cycling to all gravel roads and this was followed in due course by the issuing of a map showing a dense network of "permitted" routes, a significant number of them over grass and mud paths across the open Forest. The Verderers protested, but to no avail. A network of cycle routes had been established, but the cyclists took little notice and went where they pleased, virtually without challenge.

As the consequent protests mounted, the Forestry Commission began to backtrack. By the autumn of 1994, disquiet in the Forest was such that the Commission was compelled to accept a greatly reduced network of about 126 miles of off-road cycling in the Forest. Still there was no effective policing of the rules and bikes were to be found everywhere. Not even the smallest pony path was without tyre tracks. At this point the Forest societies and the Verderers had had enough. Counsel's opinion was taken and this confirmed that the Commission had acted illegally in allowing the Forest to be used for cycling without the consent of the Verderers' Court. The Forestry Commission took its own advice which flatly contradicted that obtained by the Forest. The result was months of stalemate.

Last summer, preparations were made to commence legal action against the Commission, in an attempt to put right the damage. The lawyers, however, warned that the cost of litigation would be huge and although the Forest assessed the prospects of success as good, there is always just enough uncertainty in legal proceeding to make the consequence of failure an important consideration. Such a failure would have ruined the Forest societies, opened the entire area to any degree of biking the Commission decided to impose and soured relations in the management of the Forest for years to come. Even total success at law might have brought its problems. The possibility of an attempt to amend the law "to give the public what it wants" seemed by no means impossible, perhaps on the back of national park legislation after the next election.

Faced with 126 miles of irrevocable bike routes, the Forest would have had no option but to fight and accept the risks. However, by the autumn it was clear that the Forestry Commission was also having its misgivings. We can only guess at what they were, but no doubt they included uncertainty as to their legal position, a consciousness of the intense local unpopularity of what they

had done to the Forest and (I hope) some appreciation of how much damage uncontrolled cycling had caused.

After a rather tense meeting with the Verderers and the Forest societies on one side and the Commission on the other, it was agreed that one final attempt should be made to reach a compromise. There followed a series of hard-fought negotiating sessions in which every inch of bike route was considered and most contested. By the end of November, the Forest side had secured a deal which seemed as much as could be extracted from the Commission and this was duly reported to the Verderers. With no enthusiasm and considerable misgivings the Court accepted the map and asked for assurances on future policing and other matters.

Full details of the map and accompanying agreement will be announced by the Forestry Commission and Verderers later this month. However, it is an agreement without prejudice to the legal rights of the parties. In other words, the Commission continues to deny that it needs the consent of the Verderers for cycling, but nevertheless has obtained and will continue to obtain the Verderers' approval before establishing routes. The Verderers for their part, have agreed not to take legal action against the Commission in respect of the present illegal (in their view) cycle routes. Without pre-empting the forthcoming announcement, I cannot describe the routes in detail, but they represent an immense improvement on the present state of affairs, designed to minimise the inevitable disturbance which cycling causes, and with significant reductions in length, especially on the open Forest. Large sensitive areas of the Forest will be freed altogether from cycle disturbance. Having said all this, I accept that it remains a matter of judgment as to whether it would be better to have fought the Commission, with all that would have entailed, rather than to compromise. It was at least the collective view of the Court that in this case peace was more attractive than war.

The Queen's Fortress

I can remember in the 1950s being taken on a school trip to see the Verderers' Court. In those days the door was always unlocked and often open. Anyone could wander in and stare at the huge range of antlers which adorned the walls. During a fit of renovating zeal, the Forestry Commission threw out most of them (I am told they were put on the bonfire), so we lost the fascinating collection of names and dates which recorded the killing of each buck or stag. I am sure I remember the initials of Cumberbatch and Lascelles on some of them.

At about the same time, the IRA resumed attacks on government buildings. The Forestry Commission responded by locking the front door of the Court and painting the interior bright pink. I don't suppose the paint was intended to repel the terrorists (who could in any case continue to gain access via the side door), but it certainly had that effect on regular users of the Court.

Just as the Irish decided to call a halt to violence, the Commission set about turning the Queen's House into a fortress. The threat of semtex fixed to the courtroom dock or a fertilizer bomb under the library table had failed to frighten the Commission, but the recent invasion by unruly hunt protestors held much greater terrors, You now need a punch-in code to get into the Queen's House and the Verderers' office. Alarm boxes decorate the Stuart brickwork of the old building and closed-circuit television gives the receptionist a thrilling view of the paving slabs outside the Court. It also,

presumably, allows a filmed record to be kept of suspicious anti-Commission characters entering or leaving the Verderers' Offices. It is all rather sad but, I suppose, an inevitable consequence of living in an increasingly violent and unpleasant world.

The Verderers' Office

For years the Verderers' part time clerk struggled bravely against too much work and too little time in which to do it. Pressing and essential matters received prompt attention, but much else had to be left undone. Telephone callers after 1 p.m. or when the Clerk was on holiday fretted and fumed at the absence of any response. Then, in the middle of last year, the Verderers appointed their first full time clerk since the Court was established in 1877 and the office was opened from 9 a.m. to 5 p.m. daily instead of mornings only. The telephone was more or less constantly monitored. although from time to time the clerk's duties required her presence elsewhere in Queen's House.

In December the Verderers appointed Mrs Sally Cardwell as part time assistant to the clerk. The workings of Parkinson's Law have not yet caught up with this rapid expansion of the court's office capabilities and the Verderers are at last able to attend to such matters as bringing up to date the register of pony-brands on which both the clerk and the agisters have been working. A fully revised edition of the brand book is to be produced by the New Forest Research and, Publication Trust in the near future..

There will still be the odd occasion in future when the office unmanned, but these should be much fewer than in the past. For personal visits to the office, a telephone appointment is therefore still advisable. Among its other treasures, the Verderers office contains the Atlas of Forest Rights which, by law, is open to public inspection for a fee not exceeding five pence. Less well known is the fine collection of New Forest books donated to the Verderers by the late Capt. Cecil Sutton. This collection has been added to from time to time, although it has not been kept as up to date as I should have liked and requires re-cataloguing. As with the Atlas, the public is welcome to use the collection, although books may not be borrowed. Between the Sutton books and those available at the Barker Mill Education Library, Lyndhurst now possesses an outstanding local history resource

To my old fashioned eyes, the office daily becomes more and more like the control room for some space mission with banks of incomprehensible equipment and screens. However, the ladies in charge of these monsters seem to have no trouble in controlling them and they disgorge an endless stream of immaculate minutes and correspondence in an amazing variety of typefaces.

Anthony Pasmore.

