

NEW FOREST NOTES JULY 2012

The curious case of the common for sale

There is a widespread and entirely understandable belief that common land belongs to everyone. Even its name implies that this is the case. Moreover, the last government conferred on everyone, subject to conditions, a right to roam over all wild countryside, of which common land is perhaps the largest part. The very idea of a common having a private owner is, for many people, difficult to understand or accept. In fact all land has an owner somewhere, even if that owner cannot be traced and certainly all common land in the New Forest has very well known and well documented ownership. The bulk of the Forest is owned by the state represented on the ground by the Forestry Commission, but around this so-called "Crown" land are various privately owned commons. These were once part of the great estates which surrounded the old royal forest, but much of them has now been bought up by local councils or the National Trust. A few bits retain their original owners or are in the hands of speculators and investment companies.

One of the finest and certainly the largest of the Adjacent Commons (as they are called) is Ibsley Common above the Avon Valley. It formerly belonged to the Somerley Estate and, like its neighbour Rockford Common, is rich in exceptionally valuable hoggin gravel. Hoggin is a gravel with a high clay fraction used as a base for roads and drives. For years in the 1950s and 1960s the estate licensed huge commercial quarries there, but eventually the protective noose about the Forest strangled the last hope of obtaining more planning permissions and the surviving parts of both Rockford and Ibsley commons were sold off to the National Trust, presumably making the best of a bad business job.

Actually it would be more accurate to say that 95% of Ibsley Common was sold, because a small fraction of it around the base of Gorley Hill was retained by the Somerley Estate, for reasons presumably known only to the owner and the National Trust. To everybody's surprise and consternation, three parcels of common totalling about six and a half acres were suddenly put up for public auction last month. Now because common land is owned like any other property, the landowner is perfectly entitled to do this and to that extent the Somerley Estate acted entirely properly – if a little high-handedly. What a landowner cannot do is to sell the common free of the grazing rights of the commoners and, from the lot descriptions in the sale particulars at least, there was no clear acknowledgement of these rights and no specific warning to purchasers that they would buy subject to them and would not be allowed to fence in their purchases. Interestingly, it appears that the land was not registered under the "Crow Act", so the public has no right of access to it. On the other hand, two of the three lots are part of the New Forest SSSI – a conservation designation which further limits an owner's right to use his land.

The Verderers, local residents and commoners' representatives were immediately up in arms and within days the three lots were withdrawn from the auction. Since then rumours have been flying around to the effect that the National Trust has bought the land or that it is about to be re-offered for sale with a clear stipulation that it is sold subject to common rights. We shall have to wait and see which, if either, is correct. In the meantime, the Verderers' clerk would like to hear from anyone who

possesses one of the rare 1919 Somerley Estate sale catalogues, recording the occasion when all the Avon Valley villages from Gorley to Highwood were sold in lots, involving a total of thousands of acres. Only a coloured version of the catalogue will do. It shows the various lots outlined in different colours. The Verderers would like to take photographs, rather than to borrow so valuable a document and they believe that the results would assist greatly with their researches.

Latchmore Brook again

The Verderers' open court in June was one of the longest in recent years as pro and anti-stream filling factions did further battle over the Forestry Commission's plans to fill and divert Latchmore Brook. The contest was, as it has always been, between an alliance of scientific conservationists and those who see a way of gaining more grazing on one side, and local people who don't want to see a favourite piece of the Forest intruded upon and perhaps damaged by a vast engineering project.

The dispute before the Verderers was never going to be decisive or even particularly influential because I do not think it is within the Court's power to rescind a permission it has already granted. It had given consent for the Latchmore engineering many months ago. On the other hand, the primary purpose of making presentments to the Verderers is often to secure publicity and to that extent at least the local people succeeded, even though the Court declined to withdraw its support for the works.

The Friends of Latchmore, the campaign group striving to protect this part of the Forest, are pursuing a new and complex line – that of seeking a judicial review of the Forestry Commission's intended work. I do not understand the very obscure rules of EU conservation law, but the Latchmore supporters believe that they require the preparation of technical assessments prior to major development projects of this sort in protected areas. The Forestry Commission denies this and says that a general approval for works of this type is sufficient and that there is no need to make detailed assessments of individual projects. No doubt the lawyers are going to do well out of all of this if the Friends of Latchmore have the necessary funds. As to their determination and commitment, there is no doubt, but government agencies are formidable foes.

The only technical aspect of the work of assessing that is within my knowledge was covered in a presentment by Ms Margaret Bunyard who drew attention to the very poor standard of the Commission's archaeological survey of the area, including the omission of a number of important and well-known sites such as the WW2 bombing range targets. I understand that target survivals of this sort are extremely rare, even though of relatively recent date. Ms Bunyard told the Court that many other sites from the Bronze Age onwards had been left out or wrongly interpreted. Such inadequacies in assessment have been a worrying feature of most stream-filling projects to date, including the one now starting near Brockenhurst designed to fill-in and divert part of the Lymington River. There the report again contains innumerable errors and omissions. Ms Bunyard's presentment at least, did strike a chord with the Verderers in that the Official Verderer later stressed the importance of securing accurate and complete surveys of historical features. It has to be said that such insistence on his part should not really be necessary if the designation "national park" had any practical meaning for the protection of the Forest and its historic sites.

I suppose the next move lies with the Latchmore defenders, but with the Commission poised to move in its heavy tanks, or at least their tracked-excavator equivalents, in a matter of days, time is running out.

Chemical spraying on the Forest

The heathlands of the New Forest, with their supposedly strict conservation designations, are about the last place where one would expect the widespread use of herbicides. In fact for many years a spray called Asulox has been used by the Forestry Commission to control bracken, although often with rather mixed and strictly temporary success. Whatever one thought of such spraying, I understand that the European Union is in the process of banning Asulox (one must assume for good reason), so the programme will soon be of historical interest only. The Forestry Commission has a wide armoury of control weapons apart from spray and not only for use on bracken. There is the traditional burning of the heaths in early spring, which is still the most effective and, after the first few weeks, the most landscape-friendly method of controlling scrub. Machine cutting is widely used, as is the baling of heather for throwing into stream courses as part of the filling process. Hand cutting of young trees by paid and voluntary labour is much used and, if well done, is tidy and effective. Bracken is harvested on an increasing scale. This is mostly for peat-substitute used in gardening, but some is also taken for bedding for commoners' animals. At one time the entire bracken produce of the Forest was used for such bedding. Altogether the Commission's scrub control works are very effective and the Crown heathland has a well-managed and healthy look about it.

It is a very different story in other parts of the Forest. The management of the National Trust's lands is of a much lower standard, with continued uncontrolled over-grazing on its Bramshaw commons. The Trust apparently assumes that concentration on cutting down trees is an adequate substitute for more fundamental operations like controlling grazing pressure, protecting historic sites, preventing dumping and stopping uncontrolled vehicular access and other abuse. Unfortunately this year it has added the sprayer to its stock of chain saws.

In my part of the Forest the Trust has embarked on a programme of widespread spot chemical spraying of birch trees, resulting in the death of the target, but also of great circles of blasted heather and grass around them. Not only have tiny saplings been attacked, but trees of up to ten feet in height have been deluged in spray, with goodness knows what consequent effects from drift when spraying so high up. I have no idea what chemical is being used, but I am sure I will be told that it is perfectly safe and that Natural England is entirely happy with the process. No doubt somebody said the same of DDT in the 1950s. I suppose I am old fashioned, but I regard the use of chemicals on the Forest and in this manner as abhorrent. Perhaps the worst of it is that the whole process was unnecessary. Most of the targets were susceptible to machine cutting or burning, while those that were not could have been cleared by hand at probably not much more cost. There are instances where the very tightly controlled and very carefully targeted use of spray is justified – such as on rhododendron re-growth – but as a general measure of scrub clearance there should be no place for spraying chemicals over the Forest.

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