

New Forest Notes – July 1991

The Stoney Cross Junction Controversy

Over the last few weeks, the future of the Stoney Cross Junction has become the subject of intense interest in the Forest, not least because of the Verderers' decision to withhold their consent for the taking of land for the proposed works. Back in 1986 the Court had indicated that it would approve the necessary grant of land, but the project became bogged down in legal technicalities. No compensation was ever agreed and no transfer document was signed. That initial support for the scheme was certainly one of the Verderers' least inspiring decisions of post war years. It was made against the interests of the Forest and under pressure of public opinion which was then, as so often with road schemes of this sort, dictated exclusively by the convenience of local motoring and access to property. As time went by however, and the appalling consequences of making Stoney Cross into a major access to the Forest became generally apparent, public opinion changed. Today it is difficult to find anyone who has a good word to say for the Department of Transport and Hampshire County Council schemes which together make up this project. This has enabled the Verderers to repair the damage of their earlier policy, but it leaves unanswered the big question as to how the promoters of the schemes will respond. No doubt there will be a good deal of fury in the drawing offices of Winchester and Whitehall, but is the Court's latest pronouncement the end of the matter?

Perhaps the best face-saving formula available would be for the Secretary of State to find against the scheme for, despite the present flurry of activity, the results of the 1989 enquiry into the compulsory purchase orders are still not published. However, if he does not do so, the Department of Transport and the County Council will have to take on the Verderers by one means or another. They might, for example, question the right of the Court to review its original decision. The moral justification for such a reversal of view seems more than adequate after a lapse of over five years during which public opinion has undergone a radical alteration. In the same period, the importance of the Forest has been better appreciated and understood than ever before. With this in mind and since no final "contract" was ever concluded, the prospects for a successful legal challenge seem very dubious, even if the original presentment (the formal 'request' for the land) had been valid. In fact that presentment seems to have been defective in more than one respect. First of all, it sought consent for all the works under a section of the New Forest Acts which related only to the trunk road. A separate presentment should have been made for the side road alterations under a different section. Secondly, some of the side road land was to be fenced and this would have been quite illegal if the highway authorities had sought its acquisition under the correct provisions. Finally, land for temporary works was to be taken and fenced for which neither the trunk road provisions nor any other part of the New Forest Acts allow.

In short, any intended consent of the Verderers was in respect of an invalid presentment. Neither they, nor the Minister of Agriculture could legally have agreed to the works.

If the highway authorities decide against any sort of legal challenge, they could submit a new and valid request to the Court which would almost certainly be refused. At that stage they would have to consider the promotion of a parliamentary Bill against the Forest along the lines of that used for the Lyndhurst bypass. The County Council, having twice burned its fingers in projected legislation against the New Forest, is unlikely to be enthusiastic about such a course. Indeed, there are strong indications that both the County and District councils are becoming distinctly unstable allies of the Department so far as Stoney Cross is concerned.

If all this was merely an argument about obscure provisions of Forest legislation and the squabbles of local politics, it would not really matter very much. It is, of course, much more than that. The tranquillity of the Forest and of the villages of Minstead, Emery Down and Fritham is seriously threatened, together with the lives of countless New Forest ponies and cattle. The Forest community must await the outcome with concern.

Verderers' Election

National politicians may be anxiously debating the date of the general election, but the New Forest suffers from no such indecision. This is election year and on November 22nd three members of the Verderers' Court will be chosen to serve for six years. During the next week or so, those whose names appear on the existing electoral register will receive a form from the Clerk to the Court inviting them to register for the right to vote in November. Failure to do so will mean the loss of voting rights and with it the change of a say in the immediate future of the Forest.

Since 1949, the majority voting strength on the Court has been in the hands of public authority representatives, at least if the chairman's casting vote is taken into account. However, the local community's representatives retain a substantial minority position and I have never in fact known an elected versus appointed member vote within the Verderers. So who is entitled to vote in November and how do they go about claiming their right? Those who drafted the Act intended that, since the Verderers control the local agricultural system, all those with an agricultural interest in the Forest should be given voting rights. This of course means the New Forest Commoners, but the chosen agricultural qualification is much wider than that and includes a large proportion of the residents in the more rural villages in and around the Forest. Anyone who occupies (not necessarily owns) at least one acre to which rights of common attach is entitled to vote provided that their name appears in the electoral register published at the beginning of October. Both joint occupiers may vote provided there is at least one acre per person.

Registering the right to vote normally involves a visit to the office of the Clerk to the Verderers in the Queen's House at Lyndhurst to examine the Forest Atlas. However, a more convenient opportunity for registering is provided at the New Forest Show where the New Forest Commoners' Defence Association has a microfilm copy of the Atlas available for public examination in the New Forest Corner. Help is given in identifying properties and the rights attached to them.

Voting rights are important to all who value the Forest, but are of particular significance to the practising Commoners. It is therefore surprising that so few of them have registered in recent years. Indeed, less than one in three of those actually exercising rights appeared in the last electoral roll. On the so-called "New Forest Register of Commoners", those who actually turn out ponies and cattle are outnumbered six to one. This is sad because the working commoner is in many ways the soul of the New Forest.

This fall in the number of practising commoners on the register can be traced to the abandonment of the "Atlas meetings" which always used to be held by the Commoners' Defence Association in election year. The huge green volumes were, taken round the Forest to local pubs during the summer and widely distributed posters announced their impending arrival. Strenuous efforts were then made to ensure that all commoners using the Forest (and their wives and families where appropriate) were included in the register.

Overall numbers of people registering (practising commoners or not) also fell by a third during the 1960s. Perhaps with today's growing interest in the survival of the Forest we will now see a reversal of recent trends.

The New Forest Speed limit

Some research carried out during June has given an interesting but disquieting picture of motorists' response to the 40 m.p.h. speed limit which covers the north of the Forest. Weekday speeds were measured on the Cadnam to Godshill road just west of Bramshaw Telegraph for each hour of a fourteen hour daylight period, together with some sample measurements taken at weekends. As might be expected, on a dry bank holiday afternoon 96% of motorists kept strictly within the limit, the majority probably being day visitors or pleasure drivers. At peak commuter time, on the other hand (7 a.m. to 9 a.m.), little more than half the cars were within the limit, although the number greatly exceeding it was small.

The really alarming disregard of the limit occurs in the evening between seven and eight when the commuter traffic has thinned and when, presumably, drivers judge the risk of police observation to be minimal. On one wet Tuesday evening, over eighty percent of motorists ignored the limit.

The taking of these measurements has coincided with the appearance of a fresh batch of rumble strips and "gateways" on the Fordingbridge road, apparently designed to remind motorists of the existence of the limit. It is hard to see the logic of these new measures. Those who drive the road regularly are fully aware of the limit and, if they break it, they do so as a conscious act of driving policy, not through some momentary lapse of attention. The odd visitor who might possibly have failed to take in the dozens of signs is more than likely to be driving slowly in any case. Ten minutes watching the evening commuter traffic blazing through the gateways and over the rumble strips should convince anyone of the truth of these observations. It is a regrettable but unavoidable fact that a large proportion of regular users of this fast main roads have not the slightest intention of keeping to a 40 m.p.h. limit unless compelled to do so by constant and rigid enforcement or by the sort of physical restraints which are apparently unacceptable in the light of a serious accident last year.

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