

NEW FOREST NOTES JUNE 2001

Dogs and the Right to Roam

When the Forestry Commission closed the New Forest on the outbreak of foot and mouth disease, it did so simply by withdrawing the public's privilege of access. That is an option which will not be open to the authorities in the event of future outbreaks, because the privilege will have been superceded by a right to wander about the Forest at will. Alternative (statutory) powers of closure will have to be used. The so-called "right to roam" will make not the slightest difference to those of us who simply enjoy a walk in the Forest. We have walked unchallenged in the past and we will continue to do so, but to the political rambler, the securing of a *right* of access is a great victory. It is the Holy Grail of rambling, long sought, and now brought home in triumph by courtesy of the Countryside and Rights of Way Act (CROW Act). Of course if you are trying to penetrate the defences of a Derbyshire grouse moor, the Act is probably very significant but, with one important exception, it means little to the ordinary New Forest user. The exception has nothing to do with access, but a great deal to do with dogs.

When Parliament passed the CROW Act, it apparently had in mind the old cliché that duties and responsibilities are inseparable from the possession of rights. Those exercising the new exciting right to roam – and that is everyone who goes walking in the Forest – will, as soon as a formal mapping process is complete, have to observe new and very tight controls over any dogs they may decide to take with them. At present the Forestry Commission byelaws impose a weak and wholly unenforceable requirement that dogs must not "worry disturb or chase" any animal or bird – effectively, they must be under control. No dog owner has ever been discovered who did not consider that his pet was under control. "It would have come if I had called" or "It was well within sight" or "It was only playing with those cows". The consequence has been that the byelaw is worthless. The keepers know it and the dog owners know it. The CROW Act changes all that. From 1st March to 31st July in every year, dogs in the Forest must in future be on leads and not just any lead. A maximum length of two metres is permitted. The objective of the provision is to give some respite to the hard-pressed ground-nesting birds such as lapwings, curlews, and nightjars. Incidentally, the foals and calves which at present are savaged each year will also benefit. That, however, is not the end of the new controls, because the Act further lays down that dogs must be kept on the two metre lead at *all* times of the year when in the "vicinity of livestock". In other words, there will be five months of absolute control, followed by seven months of limited restriction and together they constitute a considerable change in present practice.

How will the "vicinity of livestock" be interpreted? Farmers, of course, argue that wherever you go in the New Forest, you are always in the vicinity of livestock, but the lawyers are no doubt going to have a field day in arriving at a judicial interpretation. I am inclined to think that practically (and that may have little to do with the law), much depends upon the character and speed of the dog. Something large and fast like a setter or collie is probably "in

the vicinity of livestock”, if it is within a quarter of a mile. A fat little sausage dog, on the other hand, probably constitutes no threat beyond a hundred yards. Still, the Springtime controls at least are unequivocal: no lead and you are breaking the law. Claims that the dog is under control will no longer do.

All this is going to cause a certain amount of annoyance to some dog owners, but delight to ornithologists and to commoners fed up with treating the blood-soaked victims of dog attacks. In the former category are those for whom “free running” is almost a religious rite. My ornithologist friends, however, tell me that free running is merely a euphemism for uncontrolled destruction of nests and fledglings. Even a dog trotting quietly through the bushes beside a heathland path can ravage meadow pipits’ nests, for example, while its owner remains completely oblivious of the damage being done. The dog is, after all, under control.

The effects of the current foot and mouth restrictions on dog walking have been particularly interesting. All dogs have had to be on leads since the beginning of March – exact coincidence with the CROW deadline. There are already reports of birds nesting successfully in parts of the Forest from which they were driven years ago. One bird watcher was delighted to discover successfully reared lapwing chicks where she had not seen them for decades past. In an attempt to capitalize on this improvement, Col.Sweet asked the Verderers at their May Court, if the present (foot & mouth) requirement that all dogs must be on leads, could be carried forward to next year without waiting for the formal completion of the CROW Act procedures. That, it seems, is a matter for the Forestry Commission, supposing that it is legally possible. The Verderers were told that the mapping of the Forest is in any case on a fast track and could well be completed in little more than a year.

I have heard one or two dog walkers express the view that the right to roam was purchased by the ramblers at a rather high price – a dog-walker’s price, not a rambler’s one – but farmers (in the Forest at least), bird watchers and dogless walkers seem generally well satisfied.

Secret Graves

Last month I was sent a photograph showing a series of ancient wooden crosses concealed in the Forest near Ironshill Lodge. I had never heard of them before and enquiries of the New Forest Museum, which I increasingly regard as an unfailing source of obscure information on Forest subjects, also drew a blank. “Something to do with O.T.Price” was their best suggestion and I am inclined to agree. That gentleman was occupier of the present lodge in the middle of last century and a noted character in the Forest. The crosses evidently mark a private burial ground of some sort.

Burial grounds for favourite horses and dogs were common among the great landed families in the Forest and no doubt elsewhere. In my own village of Hale, there are two. The first, near the great house, was for dogs and was made in 1883. The second interment there was of a poodle named “Wasp”, belonging to Lady Elizabeth Knox, which died from drinking too much Madeira ! The other burial ground (for horses) was at some distance from the Park.

That was no doubt accounted for by the soft sandy soil of its location. Horse burial by hand is not to be undertaken lightly.

So what could Mr.Price have been burying at Ironshill Lodge ? The answer seems likely to be either hounds or, more probably, terriers; for Mr.Price was a noted hunting man of the old school. Not for him the carefully worded eco-jargon of today's hunters, designed to present a politically correct view of their sport. For O.T.Price, a good kill rate mattered. He was master of the Buckhounds from 1901 to 1908 and in 1905 is credited with having killed 71 deer in 68 days' hunting. He was also a great supporter of the Foxhounds and Beagles. In one leading reference book he is pictured amid a throng of hounds dispatching two foxes simultaneously !

Apart from being a noted authority on the Forest, O.T.Price was perhaps best known for his terriers, transported by his wife in a governess cart on hunting days, each dog wrapped in a little canvas bag. This and other curious anecdotes of O.T.'s sporting career (including a gory incident in which hounds tore up a fox on top of him in a trench) is recorded in Mary Lovell's "A Hunting Pageant". It therefore seems probable that the little crosses mark terrier graves from the days when the Forest was the Forest and no doubt some would think that hunting was hunting.

Forest seats and a golf course

Those who have had enough of urbanization of the Forest will be pleased to hear that the Verderers have thrown out a Forestry Commission application for yet another batch of formal seats to be distributed about the Forest – mostly in the vicinity of sports grounds. It is the old story that one seat is perfectly inoffensive, but it leads to another and another. Hundreds of seats dotted about the Forest is the result and this time the Verderers have taken a firm stand. The suggestion was put to the Commission that perhaps people might sit on a log or a picnic rug when visiting the Forest. If these options proved intolerable, they might bring a folding garden chair. However, such suggestions did not seem to appeal to the promoters. "You don't have to prepare a risk assessment for visitors sitting on a log", was the response ! The Court has indicated that it is unlikely to object to the replacement or relocation of existing seats, because that does not increase the overall burden of development within the Forest.

The Verderers also considered several presentments and letters concerned at a possible early renewal of the lease for a golf club on the Open Forest at Lyndhurst. The proprietor of the Club spoke in favour of the plan. Again, the arguments against the scheme are based on an alleged urbanizing effect, over-use of the site, danger to stock, and general incompatibility with the traditional character of the Forest. In favour of the Club, it may be claimed that this is what the New Forest's primary purpose should be – the provision of sport and recreation in a pleasant and carefully landscaped semi-rural environment. There is the opportunity to promote a flourishing business on the Forest and to ensure valuable employment, while the costs of returning the site to the Forest (from the public purse) are claimed to be prohibitive. All these points are to be carefully considered by the Verderers.

Before reaching a final decision (and it should be noted that the existing lease has many years to run) the Court is to make an inspection and to invite the club and the Forestry Commission to explain their proposals in detail.

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