

## **NEW FOREST NOTES JUNE 2018**

### **“Forest First” or recreation planning by popular vote**

There are some meetings of the Verderers which I leave feeling quite depressed and the May Court was one of these. The theme for the day was set in the Open Court and continued into the committee stage thereafter. It was a picture of the Forest under intense and growing pressure from all directions, with the various authorities (however well-intentioned) carried along on a tide of competing demands which they are powerless or unwilling to control, and with the Forest suffering grievous damage as a result. The chairman of the Commoners' Defence Association spoke well on the subject of poaching damage by cattle and the pressures resulting from increased stock numbers, while the Official Verderer drew attention to the continuing menace of free-running dogs worrying livestock and the consequences of such abuse. Mrs. Ailsa Farrand, on behalf of the New Forest Equestrian Association, highlighted the growing problems of interaction between the large herds of cattle and the public. It is well known that the euphemistically-named “incidents” between livestock (protecting their young against dog threats) and people are resulting in more and more regular conflicts. Usually it is the grazing stock that comes off worse, with some horrific instances of both ponies and cattle being mutilated, but pre-emptive defensive measures against dogs and the humans associated with them, undertaken by maternal cattle, are increasing all the time. I have worked with cattle all my life and truly aggressive cows are fortunately quite rare, but any mother will instinctively protect her young against a perceived threat from predators and no blame attaches to that.

None of these problems is exactly new, but vast increases in the number of visitors, many of them careless of how to behave in the countryside, has coincided with equally large increases in the number of stock. It is no wonder that the pressures are becoming intolerable. Like the little boy with his finger in the dyke, the Verderers try to hold back the flood, but it often seems a losing battle.

The theme of public pressure received a further airing in committee when the chairman of the National Park Authority (Oliver Crosthwaite-Eyre) explained to the Court his latest thinking on what is called the Recreation Management Strategy. That is a paper which seeks to prescribe how visitors and their activities will be managed – chiefly by the Forestry Commission. I am not allowed to write about what it contains because the papers are plastered with “confidential” watermarks, but it can be said that like so many of its predecessors the strategy is open to a variety of different interpretations. At the opposite pole to the Park was the chairman of the New Forest Association's Habitat and Landscape Committee, Mr. Brian Tarnoff. He has been a consistent critic of the way in which the strategy has been devised, based as he says upon a poll carried out last year. In a presentment on behalf of his association he told the Court that the process had made no attempt to get a balanced and representative sample and included “probably false misreadings of its mere 1500 respondents”. Of course those making presentments are subject to a strict time limit and that is quite a challenge for even the best advocate, so I think the Park had the advantage of time if not argument in this case.

Mr. Crosthwaite-Eyre sees the document very differently and considers that it gives a real opportunity to tackle some of the many ills of the Forest through collective efforts of all the public authorities involved. Whether these predictions, based on the content of the latest draft, are valid, the public will have to judge when it is eventually allowed to see the papers. Cynics may see in it opportunities for further expansion of recreation to the detriment of the Forest, because like all modern reports of this nature, the scope for different interpretations is very wide. My own view is that the outcome will be somewhere in the middle. Some well-intentioned efforts will be made to tackle parts of the Forest's problems, but deeply entrenched sectional interests will prove too powerful and the famous principle of "Forest First" may struggle to make much progress. I long for the clear-cut determination of reports of the 1970s. Then a problem would be identified, its solution decided upon and action prescribed within a fixed time frame. It usually worked. In the present case action remains far away in the future. After publication of the draft there will be a further period of consultation and presumably amendment. Then suggested policies will be drafted and a new round of consultation will follow with, I suppose, more amendment thereafter. As this slow process drags itself out, it is difficult to remain optimistic.

### **Woodland regeneration experiment**

Last month the Forestry Commission asked the Verderers for permission to make two small enclosures in Mark Ash Wood to encourage the natural regeneration of broadleaved trees and in particular beech. Mark Ash, like much of the so-called "Ancient Ornamental Woods" is in an advanced state of decline with no material natural regeneration having been able to survive. The wood and the adjoining plantations have suffered an additional disaster with many hundreds of ancient trees destroyed or damaged by having their bark stripped off by ponies. The Forestry Commission produced a map showing the distribution of the damage. Although precise figures were not given, it is clear from the map that over two hundred trees were mutilated in the winter of 2015/16 and a similar number the following year. Damage in 2017/18 was far less, due to the concerted efforts of all concerned to get the problem under control. Indeed, only about twenty trees were recorded as having been attacked, mostly at Bolderwood Hollies.

Any initiative on the part of the Forestry Commission to try to save the old woods is to be welcomed, but the suggested enclosures are pitifully small, each having an area of less than a quarter of an acre. The area of Mark Ash Wood as a whole is over 300 acres. One of the enclosures will be deer fenced and the other stock fenced only. Both of them are in bracken areas and it is said that volunteers will keep the bracken under control to encourage the natural seeding of new trees.

It is difficult to understand why the Commission has chosen such an unambitious experiment and the Deputy Surveyor was not present to give further explanation to the Verderers. The scheme ignores more than a century of such experimental work, although this was often ill documented or not carried through to a conclusion. Still, it gave adequate evidence that enclosure of this type can be successful so long as its fencing is rigorously maintained and the internal management is efficient. The latter may necessitate actual planting of trees. In 1947 an expert committee on the Forest

described Mark Ash as being a notable instance of woodland disintegration, with many of the old pollarded beeches having already disappeared. Today things are far worse, with storm damage having destroyed many hundreds of trees, ring barking taking perhaps as many and with grazing pressure completely suppressing all natural regeneration. The wood, like many across the Forest needs drastic measures to save it and the Forestry Commission has a legal duty to provide such protection. Of course artificial intervention is not ideal if natural alternatives are available. When stock numbers fluctuate within a time scale of a few decades, pulses of natural regeneration occur without man-made intervention, but we are now in a period of nearly eighty years when very little regeneration has been possible across almost the whole of the Forest. All the signs are that things are likely to get even worse, so action is needed now. The only interesting exception to this depressing picture is the triangle between Lyndhurst, Ashurst and Cadnam where grazing pressure has been lower than in many other parts. Even here the principal flush of regeneration was forty years or more ago, but it has left us with a good successor generation of young trees which are now well established.

### **Encroachments committee**

At the February meeting of the Verderers, Mr. James Young (speaking for the New Forest Commoners' Defence Association) asked the Court for support in fighting encroachments on the Forest made by adjoining landowners. In fairness to the Verderers, I think their record of support both financially and morally has been good, notably in recent cases at Minstead and Cadnam, but I can understand that for a small private society such as the CDA, the continual struggle against encroachers must sometimes feel very frustrating.

Last month Mr. Young's presentment bore fruit in the form of a meeting of all the statutory agencies concerned in the management of the Forest, together with the Association. The meeting was chaired by the Official Verderer and its objects were to assess the nature and extent of the threat and the tools available to meet it. It was one of the rare occasions when I felt some real progress was made.

On the Crown lands of the Forest there is no real difficulty. Encroachers are met with the full might of the Forestry Commission and its legal resources, so there are few people who step out of line. The Commission has an officer specially employed to challenge encroachers and other adjoining landowners who cause damage to the Forest. This arrangement is working well. The real difficulty comes on the numerous fragments of privately-owned land which are, or are said to be, subject to grazing rights. Such land typically comprises the grassy ditches which lie outside the boundary fences of many Forest properties. They may belong to the householder, but they have been grazed by the commoners' stock from time immemorial. They must not be fenced in, but property owners seem increasingly set on ignoring this rule and it is the CDA that must challenge them. The land is not Crown property, so the Commission has no role. Natural England is not interested because it has no conservation designations. Even the Verderers' role is limited as it does not form part of the land classified by statute as the New Forest. However, at the meeting it emerged

that help may be available from an unexpected source. The National Park planning officer told us that fencing in an external ditch, open to grazing, so as to incorporate it within the curtilage of a dwelling constitutes a change of use for planning purposes. In other words it is a change from grazing land to garden. As such it may be subject to enforcement action by the authority.

All this may at first sight appear rather trivial, but it must be remembered that there are many miles of such ditches (by their nature fertile grazing ground), so that across the whole Forest significant areas of land are under threat.

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