

## **New Forest Notes - June 1998**

### **NEW LEGISLATION FOR THE FOREST**

They say that the worst part of war is waiting and the Forest is now condemned to wait. Last month the Countryside Commission rubber stamped the New Forest Committee's plans for granting itself statutory powers and status. The Committee had concluded, after a self-congratulatory interpretation of the results of its consultation exercise, that the Forest supported its drive for status and power. It sent its pleadings to the Secretary of State for the Environment in twenty-eight pages of dense text. Meanwhile, in the background, unseen forces seek to give momentum to the legislative bandwagon. At the general meeting of the New Forest Association, the chairman revealed that the Council for National Parks had taken counsel's opinion on the consequences for the Verderers of the imposition of a national park type administration. Exactly what they are up to, I do not know. It is unlikely to be anything very appealing to the New Forest community.

The tactics appear to be to keep all details of what is proposed out of the hands of the opposition for as long as possible. As tactics, one has to admit that they are probably admirable, for they mean that we have no clear idea of what the forthcoming parliamentary bill will contain or how it will be promoted. Will it be a private member's bill with the New Forest Committee effectively in the driving seat ? From their recent press statement, the Forest's two MPs seem, at the very least, to have considerable reservations about the Committee's ambitions. Will precedent be followed with the County Council (the New Forest Committee's so-called "banker") leading the attack as it did with the bills of 1973 and 1988 ? Will the government be persuaded or bullied into adopting it ? Certainly the Countryside Commission's chairman was right in his observation that it would either have to be unopposed or receive government time. Since, on the limited evidence of its likely contents, it will be vigorously opposed at every stage, government support will be essential if the Committee is to be victorious. It looks like being a long, bruising and expensive contest, but so was the Lyndhurst Bypass Bill and from that, against all the odds, the Forest emerged the winner. The prospect of having to fight, yet again, to preserve the Forest and its institutions, is an extremely disagreeable one.

The Bypass conflict left the coffers of the Forest societies badly depleted, but the intervening ten years have seen a marked recovery. How much, if anything, these bodies choose to spend is entirely a matter for them, but they have never yet failed the Forest is a crisis. The New Forest Association, it is true, is at present perched uncomfortably on the fence. It is trying to keep the New Forest Committee from interfering in the Forest itself, while accepting that it should operate in the suburban fringe. This may do as a stop-gap compromise policy, but in the end the Association will have to decide if it is for or against a quasi national park.

Reading between the lines of the New Forest Committee's published statements, it is possible to piece together the likely clauses in the bill which is presumably now taking shape in the offices of the Countryside Commission, the Council for National Parks, and the New Forest Committee. To start with, I would not expect them to go for a quick knock-out blow, seeking the ejection of the Forestry Commission and the Verderers in the first wave of legislation. They have said that they will not do so and there is no reason to doubt this unless they have become too exasperated with the Forest's obstinate independence and affection for its established institutions. The bill (perhaps the first in a series) will comprise a modest initial advance.

The first clause will establish the Committee as a new public authority with powers over the entire Forest - Crown lands, private commons, enclosed farms and the "heritage fringe". This will conflict directly with the wishes of the core organisations of the Forest community, - the Commoners' Defence, the Pony Breeders, the Verderers and so on. It will be welcomed by the supporters of national park type administration. Exactly what the authority will be empowered to do is not so clear. I predict minor roles in tourism marketing and control, planning and land use regulation, and the provision of "recreational opportunities" (chiefly off Crown land). Initially, all are likely to be very low key so as not to tread on local council and Forestry Commission toes.

Next there will be a clause compelling existing management agencies to operate within the scope of policies laid down from time to time by the Committee. In other words they will be compelled to follow the New Forest Strategy published by the Committee in 1996. That is a very long and complicated document (some have even called it tedious) which has remained unopened on my bookshelf since I first read it two years ago. So far as I can recall, it has never once been referred to by the Verderers in deciding any matter. It may, I suppose, be a source of constant reference for the Forestry Commission's Deputy Surveyor as he goes about his daily business, but I rather doubt it. Its forced imposition will be a serious and much resented intrusion into existing management.

A third clause will give the Committee power to spend money "encouraging commoning". This is a fashionable and politically correct line to pursue, although how far it will buy off opposition from the Commoners Defence is quite another matter. In 1973 they chose to pay increased marking fees rather than submit to the County Council.

The bill will go on to deal with the Heritage Area Boundary, its establishment and review. How far it will authorise the Committee to restrain the activities of farmers in the fringe is uncertain. Probably the favourite national park tool of "management agreements" will be preferred to outright compulsion.

If all this seems strangely familiar, that is probably because it is a summary of many principal functions of an old style national park authority. English Nature has wisely advised the Committee to avoid using those dangerous words - national park !

### **FOREST DESIGN PLANS**

The Forestry Commission has recently set up a committee to decide the future of the New Forest's Inclosures (timber plantations). Enthusiastic reports of its deliberations suggest that the Commission is now ready to return to the Open Forest, from which they were taken, at least 25% (5,000 acres) of the Inclosures. Where the returned land is under modern conifer woods it will be cleared and allowed to revert to heathland. Where it is old hardwood plantation, it will be left to merge gently into the Ancient Ornamental Woods . If these reports are true (I am inclined to believe in Christmas only when it actually arrives), the new policy will represent the most important step in preserving the New Forest since the car free zones were made in the 1970s. The Forestry Commission will deserve our unreserved congratulation.

The way in which the committee has been set up is rather less satisfactory. All sorts of councils, tourist interests, the New Forest Committee and so on have been asked to send representatives. Most of these people, knowledgeable as I am sure they are in their own fields, would hardly claim to be authorities on the Forest's woodlands. Perhaps that does not matter, but the really extraordinary aspect of the committee's constitution is that the Commission never informed the Verderers or asked them to send a representative. As a consequence, one of the two major management organisations of the Forest has been deliberately excluded . The snub is the more remarkable when it is remembered that among the longer serving members of the Court there is a wealth of historical, legal and topographical knowledge of the Inclosures. For example, my colleague David Stagg has written what is probably the definitive history of the Inclosures. He and I (together with John Lavender) were involved in the most detailed landscape survey of the entire 20,000 acres every undertaken, when members of the New Forest Association and Hampshire Field Club examined every compartment in 1970. It is true that one or two Verderers do sit on the committee in an entirely personal capacity - one, for example, has specialist knowledge of the timber trade, but that does not let the Commission off the hook. When the Countryside Commission's Verderer complained of the Court's exclusion in April, he received no satisfactory explanation whatever.

### **EUROPE'S FOREST INVESTIGATION**

Not for the first time, the European Union is delving deeply into the affairs of the New Forest. A recent peculiar questionnaire from the Council of Europe, Congress of Local and Regional Authorities of Europe, arrived on the desk of the County Council's solicitor. He, after a very creditable attempt at an answer, consulted the Clerk to the Verderers because the questionnaire concerned "local law". Presumably the same enquiries have been sent to

Dartmoor and other similar areas. No explanation is given, but the implication (especially from the wording of the questions) is that local law is an irritating anachronism in the eyes of Mr. Rinaldo Locatelli, Head of the Congress Secretariat. There must be a great deal of surplus money and time available in Strasbourg to allow for such investigation of the minutiae of English rural life.

At the end of this month, Europe's interest in the Forest will be further demonstrated when Commissioner Bjerregaard and a bevy of other ministers and VIPs will descend on Stoney Cross in six military helicopters as part of a whistle-stop tour of Southern England. Lesser officials will follow in buses. Their purpose is to view the "Life Fund" expenditure and it is clear that Europe, acting like the Lord High Executioner, has the New Forest firmly on its little list.