

## **NEW FOREST NOTES NOVEMBER 2002**

### **Realising Lyndhurst's dream of an outer bypass**

There seems to be a growing hope (confidence in some people) that if the New Forest is made into a national park, Lyndhurst will finally achieve its dream of an outer bypass deep in the Forest. The thinking behind this confidence arises from the fact that the construction of such a road has long been a cherished desire of many county, district and parish councillors. Since they will comprise most of any national park authority, that authority is highly likely to further the wishes of its parent councils. Indeed, any councillor and park authority member who did not argue strongly for such a road at the park committee would receive short shrift from the electors of Lyndhurst. Lyndhurst's reasoning therefore seems to me to be perfectly sound. The residents' road lobby, which has for so long been in the wilderness, at last seems to have a very real chance of victory over the Forest. The prospect is a depressing one for anyone who values the Forest, but it is no good hiding one's head in the sand: it exists and has to be faced. Where the argument of some in the village is much weaker is in its apparent assumptions as to the speed and ease with which victory can be achieved. The Forest might be fatally weakened, but it will not be finished.

The first difficulty Lyndhurst would face is that a national park is not a bypass building authority. It might campaign for such a road and, if the application were not called in, it might grant planning permission for it, but it could not send in the bulldozers. That would remain a matter for one of its parent councils, Hampshire County. Next, although a national park authority would be able to nullify the Verderers powers to block recreational development, the Court will, theoretically, retain its ability to stop road construction. The park's best line of approach in overcoming this power would be political pressure and in that it is likely to be far more effective than the councils have been in the past. On every occasion when an outer bypass has been promoted, the Forest has stood united against the developer and under the leadership of the Verderers. Next time it could be different. The councils, Lyndhurst residents' road lobby and the "statutory guardians of the New Forest" – the national park committee would oppose a weakened Court and the Forest societies. Such a powerful coalition backing the bypass might well lead to the Verderers being judged "unreasonable" in trying to protect the Forest. How, it will be claimed, could they be acting reasonably if the national park supports the road? In that event, could the Court's powers be overruled under the New Forest Act of 1949's arbitration provisions?

The next obstacle to be overcome would require the most careful handling by the park and its allies. The theoretical duty of the authority would be to protect the park – not to back road construction across it. In passing, it is worth noting that Lyndhurst itself would be a portion of the park, thus easing the burden of justifying development of another part of the park, in the shape of the woods and heaths, in order to protect the village. In Lyndhurst's famous words, "people before ponies and trees". How the decision is justified would thus be all important, but that is really little more than a matter of wording. It would have to be

presented as an important conservation measure designed for the good of the park as a whole including Lyndhurst and its adjacent villages and the road network of the district. It would be discovered that there are great environmental benefits in clearing traffic jams and that by building the bypass all sorts of pressures would be deflected from vulnerable areas. Great stress would be laid upon the secondary park objective or providing for economic and social well-being. The park would determine (as the County Council's expert conservation and landscape witnesses have so often done in the past) that damage to the small areas of Forest absorbed by the road, while regrettable, would be minimal in extent and could be so far mitigated by screening, land exchange etc, that they would really be of little consequence. Taking the "whole park" view, therefore, the case for an outer bypass would be, in the park's view, unanswerable.

It does not matter that these claims are largely spurious. The mere fact that such arguments can be made, apparently in all seriousness, by sober and respected "experts" would be enough to get the park off the hook of failing to consider its legal duties. After all, even the much vaunted "Silkin Test" which provides that major development should be kept out of national parks, except where there is no possibility of accommodating it elsewhere, is met by a Lyndhurst bypass. There is only one place you can build it and that is around the village.

There remain two further problems for the road promoters. The first is English Nature and the national conservation designations it administers. English Nature has, in the past, opposed an outer bypass for Lyndhurst, but might be much less willing to do so in opposition to the combined forces of a national park and other local authorities, backed by a vociferous local road lobby. Indeed, it has demonstrated in several recent Forest issues that it is reluctant to stand firm against a significant weight of public opposition. The other conservation obstacle to the road is European habitats legislation. That could just prove the joker in the pack so far as Lyndhurst is concerned. European law is likely to be much less susceptible to local pressures, even from a national park, than home-grown policies. However, as I understand it, even Europe does not necessarily prohibit the development of protected sites – it simply makes that development much more difficult.

To sum all this up, the establishment of a national park would not of itself guarantee Lyndhurst its outer bypass, but it might well stack the cards heavily in favour of the road builders. The construction of such a road, unthinkable only two years ago, now seems a real possibility. I am personally inclined to think that if a park is imposed on the Forest, its authority will be extremely cautious to start with and would avoid a direct conflict with the Verderers over a bypass, recreation or anything else until it was confident of a quick clean kill. I would not, therefore, expect any overt challenge in the initial park plan, but by the time of the first five year review things could be very different. Lyndhurst may need a little more patience, but its ultimate triumph over the Forest is now a real possibility. Many of us in the Forest will continue to fight at every opportunity, but from now on it may be an uphill struggle.

### **Wartime Forest photos**

Anyone who failed to secure an original copy of “Ashley Walk” , the New Forest Research and Publication Trust’s history of the Forest’s own bombing range, which was quickly sold out, will now have another opportunity to do so. The Trust has just produced a second edition, in which the author – Norman Parker – has come up with additional and previously unknown photographs of the events which took place between Fritham and Godshill. One of these is a low level aerial photograph of the vast “Grand Slam” crater just outside Pitts Wood. This crater was formed on 13<sup>th</sup> March 1945 by the largest Second World War bomb ever to be dropped on this country. Not only is it of interest for the crater itself, but in the background can be seen the “Submarine Pens”, buried after the war, but still dominating Hampton Ridge to this day. This is the only clear photo of the pens (copies of the German constructions on the French coast) which is known to survive. Even the superficial bomb damage to the roof can be seen, testifying to the failure of the RAF to destroy the target throughout many attempts.

Another, sequence of photos, comprises frames from a filmed test of the “Highball” anti-ship bouncing bomb which was dropped against an armoured target on Leaden Hall. This bomb was delivered by a Mosquito and the series shows the aeroplane approaching the target, with the Alderton Gravel Pits observation tower in the background, the release of the bomb and finally its striking the target above Black Gutter.

The text of “Ashley Walk” has also been expanded and the landscape section is brought up to date so as to include all the recent changes in forestry policy affecting the great Inclosures of the Walk. Copies can be obtained from the registered charity at 4, Clarence Road, Lyndhurst, SO43 7AL at a price of £5 including postage.

### **Two Deputy Surveyors**

In all of England there are only two Deputy Surveyors – one for the new Forest and one for the Forest of Dean – and both were present at the October Verderers’ Court. It might be added in passing that there are only two Verderers’ Courts, again for the same two Forests, but that those in the Forest of Dean have few powers and their role is largely ceremonial.

The Deputy Surveyors are the chief officers of their Forests, despite their apparently subordinate title which is a survival from the time when there was a government official known as the Surveyor General. That office died out about two centuries ago, but the Deputy Surveyors survived.

The purpose of this visit by the Dean’s chief officer was not explained. It may well have been no more than an social or business event, but it gave rise to the inevitable rumours that he was looking over the New Forest with a view to succeeding Mr.Donald Thompson who is nearing retirement. Whatever the purpose, Mr.Rob Guest attended the Open Court and then sat in on the subsequent committee during which he made an admirable display of appearing interested, despite some of the inevitably dull and strictly local business being

transacted. One hardly comes half way across the country to hear a protracted discussion of the activities of a particular commoner's pigs.

At lunchtime he gave the Verderers an account of some of the problems he encounters in the Forest of Dean where the existence of common rights is not formally acknowledged, but the presence of sheep is tolerated at least, by long tradition. Unlike the New Forest which escaped foot and mouth disease, he told the Verderers that the Dean had been much less fortunate and that the entire herd had been destroyed. It demonstrated just how close we came to disaster.

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