

New Forest Notes – November 1992

Controlling Forest Pony Numbers

ONE of the most controversial issues in the Forest is the control of the numbers of ponies and cattle which the commoners turn out to graze in the heaths and wood. This has, until now, been a matter which lay entirely within the powers of the Verderers Court, but with the advent of the quasi-national park there are plans that this should change and that outsiders should have a voice in the control. Not surprisingly, fierce resentment at these proposals has been expressed by the commoners.

Under the Forest law, the number of animals a commoner could turn out was dictated by an obscure doctrine called levancy and couchancy. In effect this meant that the commoner could depasture as many stock as his enclosed land, together with its stored summer produce, could feed during the winter months. There is in fact not much evidence that this was enforced to any great extent and after the Verderers Court was reconstituted in 1877, it was certainly never applied. Then, in 1949, the Verderers were given power to make a byelaw limiting the number of animals which any commoner could depasture. At the time the Verderers saw no reason to make such a byelaw and this has remained the case ever since. Indeed, fears about falling numbers of stock have at times been a far more important consideration for the Court. When new rules were applied to common land throughout the country in 1965, the New Forest was specifically excluded from their operation. This means that while, for example on Dartmoor the rights are for a fixed number of stock, in the New Forest there is no statutory control.

In 1991 the Illingworth Committee on New Forest grazing decided that the "desirable" number of grazing stock should be regulated by the stick and carrot mechanism of marking fees (payments by the commoners to the Verderers) and the premium (payments of government money by the Verderers to the commoners). For example, the present pony marking fee and premium are effectively the same so that there is no net outlay for the commoner. If it is decided that a drastic reduction in the number of ponies is desirable, the premium could be halved and the marking fee doubled. As a mere theoretical control measure the commoners raised only little objection to this or to the limits being determined by the Verdures, the Forestry Commission and English Nature who provided the premium money. Where they did object strongly was to the New Forest Committee being consulted annually on the stocking rates. This was seen as allowing the local councils to meddle in the affairs of the Verdures and of New Forest farming in general. However, representations to this effect were rejected by the government who now see the national park as playing a significant part in fixing the number of livestock on the Forest.

This is a serious matter for the commoners who can, if sufficiently disgusted with the Verderers, eject their elected representatives every few years, but who would have no control and virtually no voice in the workings of the national park (alias New Forest Committee). This year the Verderers, who do not at all like the national park proposals as set out in the governments consultation document, have chosen to ignore the Illingworth committee recommendations and to fix a marking fee and anticipated premium level without reference to the Committee. This, at present, they are perfectly entitled to do. It remains to be seen whether legislative action will be taken to curb

the courts future freedom of action in this field if the National park bill eventually sees the light of day. The marking fees now determined should, by tradition be announced to the commoners in the Verderers court on Monday, November 16th.

The Official Verderer

The Verderers are to have a new chairmen from February 13th in the shape of Mr. R. Burry. Mr. Burry is well known for his New Forest Show connections, but has otherwise not figures prominently in Forest affairs.

The appointment breaks a long tradition of choosing titled people as official Verderer and depending on ones views of titles will mark either a subtle downgrading of the Verderers in preparation for the national park or a vigorous drive for no-nonsense efficiency as the Verderers approach the 21st century. In the departing Official Verderer, of course, the Court has had the best of both worlds with a solicitor and a peer in one person. Over the last ten years or so the Verderers have benefited from both the technical knowledge and the influence which Lord Manners has brought to tackling the Forests problems. He hands over the position at a crucial moment when both commoners and members of the Court feel that their way of life is in real danger of eclipse.

The position of the Official Verderer is of fairly recent origin having been established by the New Forest Act of 1877. The appointment is often sad to be the one power remaining to the crown in the New Forest, although I doubt if her majesty really has very much say or interest in the matter. Holders of the office have interpreted their duties in widely differing ways with some never learning or understanding much about the Forest and others dedicated to its protection and prepared to take on government departments or local authorities which threaten its survival. The Fallow Rut

October has, as usual, seen the fallow rut (mating) in the New Forest. I always feel that the bucks are their own worst enemies at this time since by announcing their presence by groaning they draw trippers from far and wide with the inevitable disturbance to the deer which that causes. The deer are, of course, exceptionally preoccupied at this time and I have seen little groups of quiet watchers positioned behind trees on the edge of a rutting stand with the deer taking little notice. However, there are limits, blatantly exceeded by the woman I saw last week striding into the area of a rutting stand with two large dogs running loose.

It would be fascinating to know how far back the used of some of these traditional rutting stands can be traced. Perhaps the keepers' records could throw some light on the subject. In my part of the Forest I know of one stand which has certainly been in constant use for the last thirty years and it would not surprise me to find that the same piece of ground is used for centuries if not obstructed by man or made intolerable by visitors. With ponies and cattle we know of some "shades" (places where the animals congregate on hot summer days) which have been in use since the late eighteenth century and there seems every likelihood that the deer pass on traditional uses in exactly the same way.

Special General Meeting of Commoners

Last month I mentioned the governments consultation document on its proposals for the future of the New Forest. At that time it had only just been published and the Forest community as a whole had not had time to digest its detail and, more importantly, the implied dangers which lie behind

the openly expressed threats . Since then the "green book" has been doing the rounds of many interested organisations. One of the first committees to get to grips with it is that of the New Forest Commoner Defence Association, the largest and most powerful of the Forest societies. In twenty five years on that committee, I have never seen its members so anxious about the future of the Forest as during consideration of the proposals. In assessing the consultation document, the Commoners Defence has looked beyond the bare proposals which it contains to how the national park structure is likely to develop to the detriment or advantage of the Forest in the future. The outcome of these discussions has been a resolution from the committee which, in effect calls for the abandonment of the national park proposals leaving the New Forest Committee as it is at present. This is to be put to a general meeting of members on November 23rd at Lyndhurst.

The alternative and perhaps somewhat pessimistic view heard in some quarters is that the national park proposals comprise a juggernaut which cannot be stopped and that the commoners had better knuckle down and try to salvage a few crumbs by tinkering with the constitution of the national park committee and objecting its proposed rights of "interference" with the Verderers jurisdiction. This, I suspect is a policy unlikely to appeal to the membership of the Commoners Defence Association which has a traditional dislike of woolly compromises.

Anthony Pasmore