

NEW FOREST NOTES OCTOBER 2011

The cycle trespass menace

By common consent among many local people, the problem of uncontrolled trespass by mountain bikers and other cyclists is one of the most serious threats to tranquillity and wilderness quality that the Forest faces today. Bikers are provided with a huge network of approved tracks through the woods and heaths, they may use innumerable quiet lanes, the roads are of course open to them, cycling is legal on bridleways and there is a good network of official byways beyond the Crown land. All this does not satisfy them. There is flagrant disregard of the byelaws, usually through bloody-mindedness, but sometimes through ignorance, with constant trespass into the depths of the Forest. One of my recently retired colleagues on the Verderers Court, Peter Frost, saw to the heart of the cycle problem when he repeatedly reminded us that, even on approved routes, it is the speed with which bikers can penetrate long distances, together with their numbers, dress, and attitude of some which makes them so damaging. A walker (and there are relatively few of them who tackle long distances) might take several hours to trudge into the remoter parts of the Forest: a party of bikers crosses the area in half an hour. Physical damage to the Forest is but a small element of the problem. The disturbance to the tranquillity and wildlife is far more important.

I recently spent a week working on the heath a little to the east of Fordingbridge. The occasional walker, quiet and soberly dressed, passed by causing, so far as I could see, no disturbance and no annoyance to anyone - but walkers were rare. They were much outnumbered the lycra-clad young men hurtling across the heath and lawns at speed. Their passage is often accompanied by raucous yells which seem to be a required accompaniment of this "sport". Needless to say, they were far from approved routes. In September, the Official Verderer told his colleagues how he had observed hundreds of cycle wheel tracks around Hasley and his experience there can be matched by anyone familiar with any part of the Forest. As an elected member of the Court, I receive more complaints about this sort of abuse of the Forest and the Forestry Commission's failure to take action, than about almost any other subject.

When such miscreants are challenged, and I only once recall seeing a member of the Forestry Commission doing so, the normal response is a torrent of abuse. An alternative is to produce the well-worn fiction - "I got lost". Such people can only be dealt with by a determined application of the byelaws, but there is a second if smaller category of cyclists trespassing in genuine ignorance. They turn up at a Forest car park, having driven from Southampton with the family four wheel drive wagon loaded with mountain bikes, intent on using the Forest. They set off across the heath. Nothing in the car park tells them they should not do so - unless it is a cryptic faded plastic symbol three inches square whose meaning is at best ambiguous. The Forestry Commission's attitude to such use has always been to let it rip. The Forest pays the price.

The opportunity has now arisen of beginning to turn this unpleasant tide. The Commission has applied for huge sums of money from the HLS scheme, with which it hopes

to renew existing cycle maker posts and install additional cycle counters on its routes. The Verderers see this as a chance to correct past mistakes and to at least make a start on proper control. The idea is that in those car parks from which there are no cycle routes, a new sign should be added to the existing ladder board at the entrance and that it should read "No Forest cycling from this car park". Within the park itself, there should be a panel on the existing information pillar explaining where the nearest approved route may be found. Finally, on the barrier gates leading from the car park into the Forest, the existing confusing sign should be replaced with "Foot and horseback access only – no cycles. Keep the gateway clear". It goes without saying that additional free-standing sign boards are undesirable, which is why only existing structures will be used.

The Verderers know that the Forestry Commission dislikes the idea of controlling cyclists and will not welcome the proposed additions to their application, but HLS is designed to benefit the Forest, not to promote recreation. We may therefore have an interesting opportunity of testing the National Park's commitment, or lack of it, to the protection of the Forest, because the Park will have a deciding vote on the matter, in the allocation of HLS money. I shall be delighted if the Park finally comes down on the Forest's side, although I have to admit that I am not over confident.

Nobody is so foolish as to expect that the provision of clear well sited notices will stop the problem overnight. It is but a first step on a long road to proper control. I can remember the days when motor-cycles were driven all over the Forest at will. Then management steadily increased pressure on that abuse, so that eventually it was more or less eliminated. We get the occasional lout on a scramble bike even today, but that is rare. The same control of mountain bikers is perfectly possible. Only the will to provide protection for the Forest is lacking.

Land exchange

Land exchanges are provided for in the New Forest Acts, but the process is so rarely used by private individuals, that probably very few people will have heard of it. The last case of its type that I remember occurred many years ago and involved the Balmer Lawn Hotel's acquisition of its car park in return for some rather poor land at Ashurst Lodge.

The theory of Forest land exchanges is this. A property owner adjoining the Forest covets Crown land adjoining his house. Suppose, for example, he wants to build on a granny annexe or construct a swimming pool and needs Forest land to accommodate his development. He goes to the Forestry Commission and asks for the land, offering either cash or exchange land. If the application is successful, a complicated process takes place. The land to be taken is declared free of common rights and may be enclosed. The land the applicant surrenders is declared subject to common rights and is opened up to the Forest. If the applicant paid money to the Commission instead of land, another stage in the process is triggered. He buys enclosed land not subject to common rights from the Commission, and that land is opened up to grazing. It is a neat and convenient process for both the private landowner and the Forestry Commission, if only it could be operated without other

constraints. Both parties have the opportunity of securing financial advantage. There is, however, a formidable obstacle to such dealing and that lies in the powers of the Verderers' Court. Exchanges may not take place without the consent of the Verderers..

In years gone by, exchanges regularly took place on an area for area basis, irrespective of values. I expect a lot of money changed hands as well between the Minister and the landowner, but we were never allowed to know about that. The property owner would take say a quarter of an acre of potential development land and give a quarter of an acre of worn out pasture. The land taken might have an open market value of £20,000, while that of the land given back might be only £2000

Eventually the Court became thoroughly annoyed about such deals and laid down two conditions which must be met before it gives formal consideration to an application. Firstly the Verderers would only approve value for value exchanges – not area for area. Thus the developer in the example above would need to supply at least £20,000 worth of grazing land in order to secure his prize. Next, because the Verderers regard the whole process of exchange as likely to be controversial, they will only consider applications made by presentment in open court. They will then wait at least a month, considering presentments in support or opposition which are made at their next meeting. Not surprisingly, the number of applications declined.

This rather complicated history lesson has been prompted by an informal approach to the Verderers, made through the Forestry Commission, for an exchange of land adjoining a substantial house near Boldre. The Verderers replied to the Commission that they will give careful consideration to the application, once the first step has been taken of making a presentment in open court. That may be the last we hear of the matter, but if not, the location and details of the proposed exchange will be made public.

Security against damage to the Forest

From time to time, big civil engineering projects take place requiring the use of Forest land for access, materials storage and even for part of the works themselves. Not infrequently the contractors make a dreadful mess and then disappear, leaving complicated legal proceedings as the only way to recover the cost of remedial work. The offenders rely on inertia or the huge cost of litigation to protect themselves. The whole process is thoroughly frustrating.

For as long as I can remember, the Verderers' Court has been asking the Forestry Commission to take a bond (a deposit representing the likely cost of correcting damaged caused) from such contractors or their principals. The Commission, for reasons known only to itself, always declined to do so and then spent the next few years fighting for compensation.

There is just such a potentially damaging contract about to take place involving the repair of a railway bridge just to the east of Brockenhurst. The area is wet clay and extremely vulnerable. At the Verderers' Court on the 22nd September, the Forestry Commission's land agent announced that (for the first time within my knowledge) a substantial bond has been

required from the parties involved. This may seem a bit technical, but it marks a major step forward in Forest management. With thousands of pounds of developer's money sitting in a Forestry Commission bank account, I would be surprised if the site is not left in spotless condition on completion of the works. If it is not, the money will be there for immediate use in putting things right.

The Verderers were delighted at the news and complimented the land agent on this important advance. Of course bonds may not be appropriate for every small builder who wants to put an aggregate pile on the Forest, but they should certainly bring the larger villains to heel.

Anthony Pasmore