

NEW FOREST NOTES SEPTEMBER 2016

More guidance for Forest property owners

Following on from last month's issue by the Forestry Commission of information on boundary fences within the New Forest, the Commission has now produced two further leaflets. The first deals with building works undertaken by Forest frontagers and the second concerns accesses across Forest land.

The building work leaflet is really just common sense, although new residents often show a remarkable lack of this quality when it comes to their relationship with the Forest. The common land outside their houses is not, as some seem to suppose, simply a convenient place for dumping materials and parking builders' trucks. All materials and equipment must be kept strictly within the grounds of the property being renovated. However, the Commission acknowledges that there are cases where strict adherence to this rule would effectively prevent all building work from being done. An example would be a mid-terrace house fronting directly onto the Forest with no garden in which to accommodate builders' goods. In such a case the Forestry Commission may grant a licence for the Forest to be used, but not for parking vehicles.

The second leaflet is not so straightforward in that it deals with the often vexed subject of access across the Forest land to adjoining properties. Here the leaflet says you will need a licence from the Forestry Commission, without being clear as to the circumstances in which that licence is necessary. New accesses may be granted by the Forestry Commission without the consent of the Verderers, although as a result of recent disagreements the Court is now consulted about the granting of such licences. The Commission, of course, extracts a heavy fee from the licensee, often running into thousands of pounds and typically for a period of sixty years only. The leaflet goes on to specify the materials which may and may not be used in forming and maintaining the access. Access tracks may not be used for parking since parking requires the consent of the Verderers under the New Forest Acts.

Where I question the correctness of the leaflet is in the wording of its preamble: "If you access your property over Crown (Forest) land, you will require a New Forest access licence". This is far too sweeping a claim because there are many hundreds of existing "ancient accesses" which pre-date the Forestry Commission and all New Forest legislation. Many are probably as old as the Forest itself and require no paid-for or other permit. Many of these routes are to fields and have been used for taking agricultural equipment and stock in and out over hundreds of years. Others are to ancient houses, so that whether the Commission likes it or not, no payment is due. On the other hand, statutory conservation designations may limit the materials used for surfacing in order to protect the Forest. For example, limestone scalplings are not normally acceptable, while local hoggin gravel is the preferred and traditional material. Before the advent of modern lorry transport, the Crown used to sell gravel from hundreds of small pits dotted about the Forest.

A final and knotty question is as to exactly what constitutes Forest land. Until the 19th century, almost every lane and roadway within the perambulation was regarded as Crown property. Some village roads such as those of Beaulieu and Minstead were always regarded as being outside Crown ownership and control, but in places like Burley the so-called "waste" included everything that was not private enclosed land. Burley tried and failed to establish a claim that the manor boundaries extended far out into the Forest. Today I don't think the Forestry Commission necessarily seeks to exert authority over all roadside verges, perhaps ignoring accesses in built-up areas where the verges are insignificant. No register of such jurisdiction seems to be readily available, so developers would probably do best to consult the Commission before opening-up new gates anywhere within the perambulation (boundary) of the Forest.

Crown Keepers of the New Forest

Enforced idleness recovering from a minor operation has recently given me a rare opportunity to sit in the garden and read some of the latest Forest books, or at least those of them which are not the usual poorly researched tourist-oriented nonsense telling of the "ancient mediaeval Court of Verderers", hideous punishments for defying the Forest Law, "Wild West" agisters galloping about the place and William Rufus burning down innumerable villages. Outstanding among those books which *are* worth reading is "Crown Keepers of the New Forest" by Sally Fear.

Not only is Crown Keepers filled with Sally's superb photography, but it contains a sensible down-to-earth text which avoids the usual sugar-coated view of the Forest. Death of Forest animals, fly-tipping and vandalism all find a place, as they must inevitably do in a book describing the day-to-day work of the keepers. After all, much of their work involves killing in one way or another. They control deer populations and fight an always unwinnable battle against grey squirrels.

There is one subject the author avoids and she has very wisely sub-contracted a history of the Forest keepers to local historian Richard Reeves. Six pages are devoted to this fascinating and complex subject which is made more difficult by the fact that the names, duties and tenures of Forest officers were constantly changing over time. This section of the book contains some fine old black and white photographs of New Forest staff during the 20th century and these will bring back many memories to older members of the Forest community.

Box gates

A recent serious road accident has drawn attention to the use of box gates on the fenced main roads of the Forest, at crossing places for riders. It appears that a Forest animal gained access to the fenced A 35 near Holmsley and a collision with a car followed. I am not familiar with that particular gate and do not know the details of what happened, but the use of box gates has a long and successful history in the Forest. I think that credit for their invention must go to Mr. Maldwin Drummond about fifty years ago. I can remember the evening in the 1960s when he tested his design on the A326 Hythe bypass opposite Netley View estate. He presented a rather incongruous figure, armed with a pram, demonstrating how families from the estate would not be deprived of access to

the Forest, while at the same time not allowing the escape of stock through open gates. Since that time the use of such gates has more commonly been used to facilitate access on horses.

For those who have not encountered a box gate, it comprises a small square enclosure equipped with two wicket gates at right angles to each other. The rider enters through one gate and cannot open the second gate before closing the first. This means that unless the system is deliberately sabotaged or is badly maintained, it should be impossible for grazing stock to pass through because at least one gate is always closed. In my part of the Forest they have been used successfully in excluding very persistent ponies from getting into the Inclosures. So long as maintenance is good, there should be no need for springs or other security devices. Springs are very dangerous on gates used by ridden horses, as are the spring-loaded bolts now so widely used by the Forestry Commission, despite the original assurances that they would be used only on disabled access gates. Theoretically box gates should be far safer than the large field gates beside every cattle grid, whether onto a fenced road or across the Forest boundary. These have to be provided to allow the passage of horse-drawn vehicles and driven animals, although it would nowadays be difficult to imagine anyone foolhardy enough to take such a vehicle onto either the A35 or A31, whatever their legal rights.

Latchmore's ancient history in peril

Among the objections to the Forestry Commission's proposed engineering works at Latchmore Brook is one from the New Forest History and Archaeology Group. Along with other comments, it can be seen on the National Park's website, <http://publicaccess.newforestnpa.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal= NFNP DCAPR 167159>

and it makes very depressing reading. The planning application is supported by what is called an Environmental Impact Assessment and part of this is supposed to record the historic and archaeological landscapes affected by the intended work. This it attempts to do over twenty eight pages, at the end of which it concludes that there is really no problem and that the works can go ahead.

The Assessment is as inaccurate and incomplete as so many of the archaeological reports prepared for the Forestry Commission over recent years. Of the 283 historic features supposed to exist near to the works, about 135 or 45% are wrongly recorded. In other words, they are shown in the wrong place, seriously misinterpreted, duplicated or are sites which do not exist in fact. Only 78 sites are correctly recorded, the balance being features of no consequence like gravel pits, or else are site records needing further research. It also seems likely that close to one hundred sites have been omitted altogether, although this cannot be checked until the bracken disappears in the late winter. These are really distressing statistics in an assessment of a place such as the New Forest which is supposed to be valued for its historic environment.

One might have supposed that in preparing an assessment of this importance to the Forest, a careful field examination of each feature would have been regarded as essential, but it is clear that this has not been done in the majority of cases. Whole classes of earthwork which are key to the Forest's history have been overlooked, including the numerous charcoal pits in the area, the great silvicultural inclosures and widespread evidence of early agriculture – probably of Saxon or Mediaeval origin, although much is also prehistoric. Even the sites for which the Forest is best known – its Roman pottery industry – are very badly recorded or omitted. No doubt official ranks will, as usual, close in support of the developer and, unless the application is called in by central government, the fate of this most historically important part of the Forest will be determined by the Park as planning authority. One of the leading opponents of the Latchmore stream-filling, Professor John Shepherd, has pointed out that the Park has a serious conflict of interests in being one of the “partners” in the HLS scheme which would be financing the developer while at the same time sitting in judgement on the work it is itself to pay for! If there was sufficient justification for the Denny oil drilling application to be called in, the Latchmore development must surely have an even better claim to such consideration.

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