

NEW FOREST NOTES AUGUST 2019

The phone mast attack on the Forest

In New Forest Notes for June of this year I drew attention to the expected attempt by one of the mobile phone operators (EE) to erect a view-dominating phone mast on Hyde Common near Fordingbridge. At that stage the landowner, Hampshire County Council, seemed to be all that stood between the company's ambitions and the protection of the Forest. If Natural England or the planning authority had any interest in the matter they were clearly too slow or unsuccessful in putting up a fight. The County Council too was not, in the end, prepared to stand up for the Forest and a hideous structure was established on the common, complete with generator and ancillary equipment.



Because this abuse of the Forest has taken place on the Adjacent Commons, the Verderers' powers to intervene are very questionable, but at the July Court local resident Ailsa Farrand made a presentment condemning the development and its effect on the Forest. The photograph, left, supplied by Ms Farrand, shows how really dreadful the development looks. I am told that the mast is permitted by the landowner for a temporary period only, but that is not very reassuring. This looks like a foot in the door operation which will lead to the common's landscape being permanently blighted unless the authorities develop a little more backbone.

Hyde Common's troubles might have been the end of the story for the time being, but at the same Court it emerged that the company concerned with that mast seems intent on launching a wider assault on the Forest with a similar proposal for a 20 metre mast on a concrete base at Stockley between Brockenhurst and Beaulieu. The actual location is at the right-angled bend in the B 3055, 500 metres north of Stockley Cottage. The structure will comprise the mast itself, two vertical aerials, two dishes, three equipment cabinets, a generator and a security fenced compound. There will also be a further dish on a lower pole. The mast is said to be for essential emergency services, but such services operate at present and no doubt could continue to do so without damaging the Forest in this way. It seems to me more likely that the developer is seeking to break the protected status of the Forest once and for all and to open up the whole of the woods and heaths to exploitation of this type. It is no doubt buoyed up by its initial success at Hyde.

This time the company has decided to apply for planning permission. The application is accompanied by a thirty two page glossy booklet explaining that, in the applicant's view, the works will not be quite acceptable within the Forest. I am not optimistic that the planning authority will stand up

for the Forest any more than the County Council has at Hyde, but we will see. The important difference between the two plans is that the Stockley site falls squarely within the protection of the New Forest Acts, so here EE will have to beat into submission both the Forestry Commission and the Verderers. The latter at least are acutely aware of the danger of precedent. This mast is supposed to give coverage to the B 3055 road, but there are many other B roads in the Forest which are open to similar threats if the developer is successful here. As so often in such cases, I have to ask where are the amenity societies whose business it is to look after the Forest's landscape. Two and a half months of apparent silence since the original assault is not very encouraging.

Some years ago I remember the Deputy Surveyor of the time bringing to the Verderers' Court a proposal for a series of phone masts alongside the A 31 road. They were said to be essential for the safety and convenience of road users. The Court refused outright and in the years since the sky has not fallen in. Today I think the phone companies see improved opportunities for breaking the protection of valuable landscapes such as the New Forest using what they call the Electronic Communications Code under the Digital Economy Act 2017. This piece of legislation seems to be a sort of quick and relatively easy system of compelling landowners to submit to the companies' demands, but the extent to which it might be blocked by the special laws which protect the Forest may have been overlooked.

For a start the Stockley proposal is located in one of the timber inclosures (made in 1809) and the appearance and nature of the development is not dissimilar to that of an oil drilling rig which was proposed for Denny Inclosure back in 1982. Then the Forestry Commission's legal advice was that the use of the inclosures was strictly limited by law to the purposes set out in the Forest's legislation. It could not, therefore give permission for the drilling rig. We will have to see if similar protection is available at Stockley. Next, if the developer shifts his target to the Open Forest, the Acts give the Verderers specific powers to regulate telecommunications structures. I am not a lawyer, but I have yet to find anything which would allow the companies to overturn this protection.

If, just for once, the whole Forest could be induced to pull together – Forestry Commission, Verderers, Park planners, Natural England and the amenity societies – I feel that this is one battle which really could be won, but with the past record of squabbling interests the future does not look particularly bright.

The Sutton book collection

After WW2 the late Captain Cecil Sutton, a prominent figure in several Forest societies, donated to the Verderers' Court his small but impressive library of Forest books. It included many government reports and minutes of evidence recording the battles to save the New Forest in the 19th century. I imagine that very few people now will have heard of this collection. Over the years other books have been added to the library and the whole lot was crammed into a single bookcase in an overcrowded small office in which the Verderers' staff is accommodated. A certain amount of neglect inevitably resulted. The hectic activity of the Verderers' office is about the last place to expect

thoughtful and deliberate management of antiquarian books. Some of the most valuable volumes were in urgent need of repair and earlier this year it was finally agreed that something must be done about it.

The Verderers decided that the collection would be better looked after and more readily available to the public if housed, on a permanent loan basis, in the Christopher Tower Library in Lyndhurst. The library is within five minutes' walk of Queen's House so the books could remain accessible if needed for court purposes. There too arrangements could be made for the required repairs and these are to be financed, at least in part, by the sale of some of the more modern and less valuable volumes. It can cost £100 or more to provide a suitable binding for a single book. Accordingly the collection was last month moved to the library and more than half a century late Captain Sutton's donation will receive the protection and public availability which the giver presumably intended.

Decaying road fences

Three main roads across the New Forest have been fenced over the last fifty years in order to bring to an end (on them at least) to the appalling slaughter of Forest ponies and cattle. They are the A 31, the A 35 and the A 337. On these roads the lives of many hundreds of Forest animals have been saved by the fences, to say nothing of the protection afforded to motorists. The works were spectacularly successful, with the daily killing on all three roads reduced to a mere handful of accidents over the years. For those who, understandably, want to know why this sensible solution cannot be adopted on today's principal killing routes (B 3078 Fordingbridge road and B 3054 from Dibden Purlieu at Lymington) the answer is simple. There is no statutory power to fence them, even if the money and political will to do so existed. Unless there is an appalling tragedy involving numerous human deaths, I don't expect this to change.

Behind the calm and apparently satisfactory state of affairs on the fenced roads there is now a good deal of simmering conflict and that relates to fence maintenance. The A 31 is a trunk road and under the control of national government. In recent years it has had its share of fence maintenance problems, but these seem to have lessened recently. It is a very different story on the A 35 and A 337. On these two roads the County Council is responsible for maintenance (as it is also on the A 326 Hythe Bypass) and after years of underinvestment in maintenance the fences are in an advanced state of deterioration over long stretches. The Verderers were told at the July Court that Hampshire is desperately short of money, so that when defects are reported it often happens that the bare minimum is done. A wire is re-strained here and a few staples added there, whereas a comprehensive programme of maintenance and renewal is what is needed.

Modern fencing materials are much more short-lived than those in use a few years ago due, it is said, to the banning of suitable preservative chemical treatment for the posts. Back in the spring I looked at some of the A 35 fencing adjoining Dames Slough Inclosure and at first sight it appeared sound. On closer inspection it was clear that the big heavy straining posts and struts were mostly

rotted off where they meet the ground and many of the intermediate posts were similarly affected. The whole fence structure was simply suspended from its own wires. This was all that stood between traffic doing 70 or 80 mph and the grazing livestock.

The consequences of stock escaping onto these roads, where motorists are not expecting animals, could be appalling. I have great sympathy for the County Council's financial plight (not least as a council taxpayer), but we surely should not risk the lives of road users and animals for the lack of a very obvious and essential programme of maintenance.

Anthony Pasmore