

NEW FOREST NOTES MARCH 2023

A lesson to the Forest from the Wild West

In January of this year, news reports were filled with accounts of a row on Dartmoor over a claimed right to “wild camp” on common land there. The case of Alexander and Diana Darwall against the Dartmoor National Park Authority, was portrayed as a conflict between the family of a rich (and impliedly selfish) hedge fund manager and the poor “common man” seeking to erect his unobtrusive tent for a harmless night or two’s camping on land to which the public has a legal right of access. This was, of course, a gross distortion of the facts. No doubt the Darwalls are wealthy, but that does not mean they are greedy or unreasonable. Similarly, the common man is not always the innocent harmless nature-lover suggested, his activities including leaving litter, disturbing livestock, lighting fires and (perhaps worst of all) widespread fouling of the common land with human waste.

All of this might be seen here in Hampshire as a far-away conflict with which we need not concern ourselves, but if the Darwalls had not succeeded in their attempt to protect their land and farming, there could have been serious consequences for the New Forest, if only a small part of it. Although the bulk of our common land here has nominal protection provided by byelaws (which in fact neither Forestry England nor the National Trust has the stomach to enforce), there are areas of privately-owned common land here which have a very similar status to the Dartmoor commons and which consequently have been at risk from uncontrolled and damaging wild camping – threatened but not actual as yet.

The first thing that needs to be appreciated is that all common land has an owner and most is farmed. It is not vacant land on which anyone may do as he pleases. In the New Forest, most of it is owned by the government or the National Trust, but there are many small commons owned by private individuals, although nothing on the scale of the Darwall family’s holding at Stall Moor near Ivybridge. At various times over the years, parliament has given the public a right of access to bits of common land – usually known as the “right to roam”. In the New Forest this was said to have occurred in 1925 under the Law of Property Act, although the validity of such claims is uncertain. On Dartmoor the right of access came much later under an Act of 1985.

It was the nature and extent of this right to roam (now consolidated across the country in the Countryside Act 2000) which was at issue on Dartmoor in December.

In the New Forest the pressure of wild camping had already become intolerable by the end of the Second World War. In 1946, there were 17,000 “overnight stays”, theoretically overseen by the Forest keepers. By 1959, this figure had risen to 107,000 overnight stays and things were near to breaking point. In May 1961 the Deputy Surveyor came to the Verderers’ Court asking for powers to build a controlled camp site on 29 acres at the old Holmsley aerodrome. He told the court of ever-growing complaints by villagers in the Forest of the damage caused by wild camping, raids by campers to get drinking water, disturbance of livestock and the filthy conditions in bushes around villages as campers used them as latrines. He was strongly supported by the various farming,

resident and amenity groups of the district. The Verderers agreed to the Forestry Commission plans, but this was only the first step on a long road. Despite the new Holmsley camp, by 1968 the number of overnight stays had risen to 400,000 and things were again out of control. This time damaging over-use was finally controlled in 1970-1971 as all camping was confined to organized sites with proper facilities. A huge weight had been lifted from the Forest and for a few years recreational use of all kinds was well managed and controlled.



Holmsley camp site in 1986, upgraded with buildings for visitors

Dartmoor followed a very different path. There was, apart from in a few small areas, no public right of access, although in practice nobody objected to well-behaved walkers. The Dartmoor Commons Act of 1985 granted a right to roam but, Plymouth excepted, there was nothing like South Hampshire's conurbations to affect the tranquillity of the Moor. I spent days wandering about Dartmoor most autumns from the mid-1980s until 2008 and compared to the worn and over-used state of the New Forest, it seemed a paradise of cleanliness and tranquillity. In the Forest, all the good work of 1970 had been eroded by the floods of visitors, the establishment of the national park and the total disregard of the rules by trespassing bikers, fire lighters, litter leavers and anyone else who could see a way of evading the byelaws. Then, in both the Forest and Dartmoor, things became much worse as neighbouring populations poured in, exercising their permitted exercise rights under covid lockdown rules. Although that pressure has now lessened a very little, there has been no return to the pre-existing levels of use and abuse. That no doubt led to the Darwall case.

Anyone interested in the detail of the case can read the judgement at [Darwall and Darwall -v- Dartmoor National Park Authority - Courts and Tribunals Judiciary](#) , and a remarkably lucid and sensible judgement it seems to be. In essence the Dartmoor National Park Authority sought to establish that there exists on Dartmoor commons a right to wild camp, while the Darwalls maintained that there is no such right. The parties and the judge explored all sorts of obscure legal pathways, but the court's conclusion was that there is no such right as that claimed, either by custom or statute. The public's right is to air and exercise and nothing more. If they wish to camp, they should obtain the consent of the landowner.

It is perhaps to be expected that the Dartmoor National Park authority would support claims for expanded recreation, in disregard of the fact that it has an overriding duty to promote conservation. This reversal of priorities has happened here in the Forest often enough, but what is most unexpected is that the Dartmoor Preservation Association, equivalent to our NFA, should adopt the same line as the park on the camping issue. Dartmoor may be in some ways better provided with regulations (on the exercise of common rights) than is the New Forest, but it has evidently failed to learn from the Forest's experience of fifty years ago and its troubles in subsequent years in relation to camping.

Meanwhile, those farmers who own small patches of unprotected common land here in the Forest can breathe easily again – at least for a time and pending the outcome of a threatened appeal by the Dartmoor National Park Authority.

Rhododendron

One of the greatest non-human threats to the Forest over recent years has been the spread of rhododendron. Forestry England's initial control measures have been very effective in places, particularly on the Ornamental Drive between Knightwood and Rhinefield, but control is not just a single battle, but rather a protracted war. Vast numbers of seeds are spread by every flower and further spread occurs within dense infestations, by means of layering. Even after the ground has been cleared of the invader, a poisoned layer of leaf litter remains, so that it is difficult for native plants to re-establish themselves.



Clearing the rhododendron jungle – Hale Purlieu 1990

On the crown lands of the Forest, follow-up treatment after initial clearance is usually where problems arise and probably due to a lack of vigilance. In the beautiful area of ancient woodland between Ashurst and Lyndhurst, widespread infestation is still quite limited. Sometime after 2012, the Forestry Commission attacked most of the larger clumps, successfully destroying them. Now, after the manner of the broomstick in the Sorcerer's Apprentice, for every clump that was cleared, a dozen seedlings have sprung up and are rapidly developing into sturdy bushes. Unless dealt with urgently, they will more than replace the original clumps within a few more years.

If the crown lands are a problem, it is the private property around the Forest which takes the prize for the densest and most widespread contamination. The great estates which were sold up a century ago had planted rhododendron as pheasant cover and succeeding owners have allowed it to run wild. The RSPB's Franchises Wood nature reserve, which abuts on the Forest's commons, includes several hundred acres which are overrun to a greater or lesser extent. Starting a couple of years ago and utilizing a grant of £200,000 from National Grid's Landscape Enhancement scheme, about 80 acres of this was roughly cleared by machine. The land is not open to the public, but much of it can be seen from a network of public rights of way. Most of the clearance work is being lost to very widespread regrowth and this is not something easily dealt with by herbicide sprays. The waxy leaves are particularly resistant to such treatment.

In my own village, the National Trust was successful in clearing a massive infestation in 1990 and then, for several years afterwards, undertook a careful programme of digging out every reappearing bush. Only now that interest in the Trust's commons has been largely abandoned by management is the menace returning.

I think the lesson of all this is not to take on vast programmes, but rather to make slow steady advances followed, probably for many years, by scrupulous removal of all regeneration. I have seen this working in private woodland on a small scale and this is a lesson the large landowners like Forestry England would do well to learn.

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