

NEW FOREST NOTES OCTOBER 2022

Byelaw chaos in the Forest

At the September Verderers' Court, I had the distinct feeling that local opinion had finally lost all patience with Forestry England's failure to get to grips with the disruptive and increasingly belligerent activities of some visitors to the Forest. FE has the responsibility of enforcing the byelaws which it has made for the proper protection of the Forest and the quiet enjoyment of local people and well-behaved visitors. This duty it has utterly failed to perform over many years and, as the intensity of use and law-breaking mushroomed over the recent periods of lockdown, its failure has become ever more apparent and distressing. All of this was expressed in a series of presentments made to the Court, led by the New Forest Association ("Friends of the New Forest"), giving the preliminary results from its recent survey of byelaw offences committed during a few weeks of the summer. Five thousand such offences were recorded, although exactly how an "offence" was defined is not entirely clear. We are promised more details in a forthcoming report. Still, if we assume that only a small fraction of actual offenders was observed by the surveyors, the total of offences over the year must run to tens of thousands. Despite the depressing findings of the survey, this year seems, with one important exception (of which more below) to have been very slightly better than 2021.

Measured against the total rate of offending, it is interesting to consider how far FE has enforced its byelaws in the last few years. I remember, about a decade ago, one youth who was prosecuted for damaging the grazing with an old tractor at Latchmore. Another was fined for damaging the Forest at Castle Hill at Burley. That appears to be the lot, unless there were others not reported to the Verderers. In other words, people are now permitted to do exactly as they please in the New Forest in defiance of the byelaws and secure in the knowledge that there will be no uncomfortable consequences. They laugh at FE, abuse or threaten any commoner or local resident brave or foolish enough to challenge them and happily treat the Forest worse than an adventure playground in a big city. Also – and this I find extremely galling for those of us on the fringes of management – there has developed a growing feeling that the Verderers have become increasingly ineffective because they meekly permit such neglect of the Forest by FE to go on without challenge. I can understand how such criticism has arisen, because the Court has not been exactly clear or forceful in setting out what it has been doing and what it expects FE to do. Perhaps a little more explanation is now needed and this relates to the exception mentioned above.

Two days before the September Court, the Verderers received an email from a walker who had been following a very narrow hillside pathway with deep heather each side on the lower slopes of Hampton Ridge. It is a path I know well – very narrow and steep in places, with overhanging vegetation. The walker was confronted by one of the now ubiquitous mountain bike trespassers. When the walker politely pointed out that the biker was not on a permitted cycle route, he was threatened by "get out of the way, or else . . ." The thug then added that he could do what he liked because it was a national park. When the walker remained on the path, the biker rode his machine at him several times resulting in a badly cut arm and leg. The biker then pushed the walker down the slope and rode off. The assault was, of course, reported to the police, but with no confidence of any successful action.

This is the first physical attack of which I have heard, but several horse riders have been badly injured when their animals have been spooked by trespassing bikers. Many are terrified of encountering such people. In one tragic case a gentleman was killed in such an incident. Foul mouthed-abuse from questioned mountain bikers is now almost routine.

By early 2020, this epidemic of mountain bike lawlessness was out of control and so it has remained. Last year the Verderers provided FE with a detailed dossier of evidence of how the fabric and tranquillity of the Forest was being abused by these people. At the same time the Court made it perfectly clear that it had no quarrel whatever with law-abiding cyclists confining their activities to the huge network of approved routes (over 100 miles of off-road routes on Forest land alone, with probably as much again on byways, bridleways and quiet lanes). This summer the NFA recorded 700 individual bike trespass offences in one month of observations.

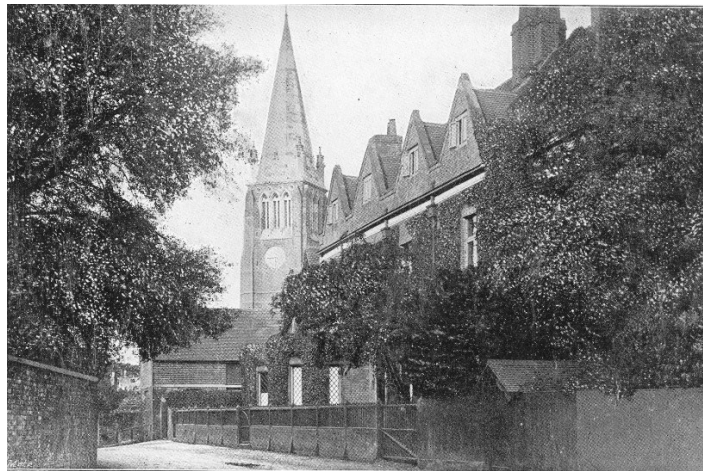
The response of FE to this state of affairs has been provided at several meetings of the Court and at a couple of specially convened conferences. We are told the subject is under careful consideration; the extent of trespass is being monitored; the whole team of full-time “rangers” (all four of them) is “engaging” with offenders; education is taking place and planning is ongoing; but resources are limited and it is a difficult problem! Pages of PowerPoint slides were produced to illustrate this valuable and decisive action by FE. One senior officer told the Verderers that that he had not seen mountain biking offenders in the Forest, while I suppose there are few occasions when ordinary commoners and residents go onto the common without seeing them.



When FE was asked to prosecute one offender who had filmed himself trespassing across eight miles of the Forest, crashing through woodland and riding through bogs and then boasting of his exploits online, it did nothing but ask him to remove the video. The photograph is from his online film. Similarly, organized gangs of offenders, who regularly proclaim of their illegal activities online, are allowed to do what they want, secure in the knowledge that the byelaws are now simply waste paper.

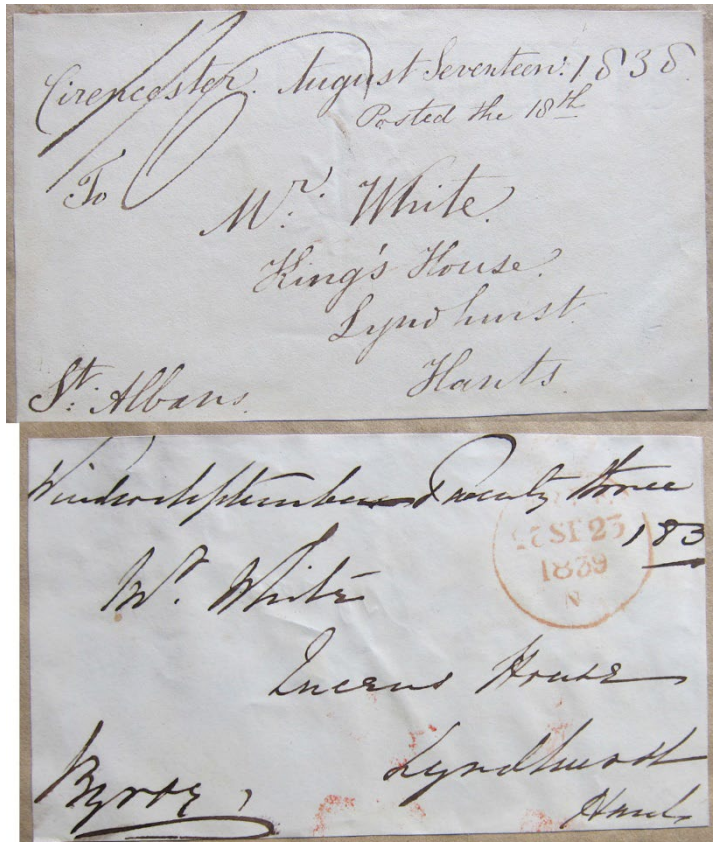
No doubt an official statement from the Court will be issued in due course, but as one individual member, I am utterly disgusted by this dereliction of duty on the part of FE and I believe that more than a few of my colleagues and many Forest residents are of the same view.

The King's House?



The accession of Charles III raises a small but significant question of tradition in the New Forest, although we long ago ceased to be a royal forest and are now merely government property. The great and ancient building at the top of Lyndhurst High Street has, at least in recent centuries, changed its name repeatedly to reflect the sex of the country's sovereign. I remember as a child being taken as part of a school party to visit the Verderers' Hall which is within the building. It was then on the cusp of changing its name from the King's House to the Queen's House at the death of George VI and therein lies the tradition. Those were the days before the courtroom was smartened-up, when the walls were still festooned with hunting trophies from the Forest – most of which later ended up on a Forestry Commission bonfire. By that time the building had long since ceased to be used as the headquarters of local management, although the Deputy Surveyor still occupied an office above the courtroom, built or rather re-built about fifty years before. The remainder of the building, including two prominent bays added to the north side as kitchens and which Deputy Surveyor Lascelles condemned as "hideous excrescencies . . . copied one would think from the early Victorian villas of Surbiton", was then, I believe, let as an old people's home. The main Forestry Commission office establishment was accommodated in Red Lodge on the opposite side of the High Street. Both our present king and Lascelles (whose families are distantly connected) evidently held strong opinions on architecture. The famous "monstrous carbuncle" speech of the former reflected Lascelles's opinion of the kitchen bays ! The excrescencies were eventually demolished about a decade later when the old building had once again become Queen's House. About the same time the Forestry Commission moved back to the Forest administration's historic home. The photo here, by G.Short, probably dates

from the early years of the last century and clearly shows the offending bays. Exactly when the name change tradition started, I do not know. There are many 17th century references to the “king’s house and stables” in Lyndhurst, but this seems simply to have been a description of the buildings’ use, rather than an established placename such as Somerley House or New Park. However, by the



early years of the 19th century the variable placename seems to have become well established. The photograph shows the covers of correspondence addressed to the Lord Warden’s Steward, Thomas White, who then occupied the house as his official residence. The first cover is probably 1835 and the second 1839 after Victoria’s accession. Thomas was a colourful local figure who presided over the dying days of the old Lord Warden’s department and who was rather close to some very shady activities in the Forest. In 1848 he is said to have provided fuel for the burning in effigy at Lyndhurst of a government investigator and acting Deputy

Surveyor, William Freeman.

Lascelles tells how the building later, after “they set to work in those mid-Victorian times to wreck the old place as far as they could”, became the office and home of the Deputy Surveyor, which he took over in 1880. He remained in charge of the New Forest until 1913 and witnessed the next name change in 1901. I do not know when the Deputy Surveyors finally relinquished the King’s House, but perhaps on the outbreak of war in 1939. The name changed again in 1952 and we will now see another change, resulting in rather a lot of scrap paper being available as stationery is reprinted. Still, it was interesting that last month I attended my first sitting of the Verderers’ Court in the King’s House.

A colleague suggested to me that the important causeway across Matley Bog known as King’s Passage might be liable to a similar transformation, but the Ordnance Survey is firmly against this. The passage was built some time after 1787 and first appears with its name in the middle of Victoria’s reign (1869) on the large-scale Ordnance maps. It has not varied since, so King’s Passage it remains.

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