



Official Verderer
Oliver Crosthwaite Eyre

Verderers of the New Forest

The Queen's House
Lyndhurst
Hampshire
SO43 7NH

Telephone: 023 8028 2052
Fax: 023 8028 3101

PRESENTMENT BY THE FORESTRY COMMISSION MADE TO THE VERDERERS ON 17TH NOVEMBER 2004

RE: HOLLANDS WOOD AND ROUNDHILL CAMPSITES

Decision

The Deputy Surveyor made a Presentment to the Verderers on November 17th requesting their consent under Section 23(2) of the Countryside Act 1968, and Section 1 of the New Forest Act 1970 to the development of new and some additional facilities at the Hollands Wood and Roundhill campsites.

Our policy in respect of recreation and development is as follows:-

“To support recreational use or development that does not conflict with the ecological or other scientific qualities of the Forest, or its natural beauty and traditional character, including its peacefulness, unique cultural heritage and agricultural/Commoning practises.”

We also have a policy to support the Declaration of Intent which was signed by the Forestry Commission, English Nature and the Verderers in 1995 and which states that all three signatories recognise that ***“the prime objective of Forest management will be the conservation of the traditional character of the Forest.”*** The declaration also recognised the Verderers' responsibility for ***“protecting the Forest against intrusive development and conserving its aesthetic qualities, flora and fauna”***.

After considering the Presentment with great care, and having taken in to account the presentments made to us in writing and in public session this morning, we have decided not to give our consent for the reasons given below:-

1. Wildlife & Countryside Act 1981

The Verderers are under a statutory duty under Section 28G of the Wildlife & Countryside Act to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of an SSSI.

Since the areas covered by the campsites at both Hollands Wood and Roundhill are SSSI we are advised by English Nature that the developments proposed in this Presentment will have a significant effect on the area in question, and may be incompatible with furthering the conservation and enhancement of the SSSI and may adversely effect the integrity of those sites.

2. Conservation (Natural Habitats) Regulations 1994

The New Forest SSSI forms a component part of the New Forest SPA and Ramsar site as well as being a candidate SAC. We are advised by English Nature that the proposed new and additional facilities are likely to have a significant effect on these sites, and it has yet to be established whether these proposals will not adversely effect their integrity. In the circumstances, and acting in our capacity as a competent authority in considering whether or not to permit these developments, we believe it would be unreasonable, in the exercise of our function under section 1. of the New Forest Act 1970, to give our consent.

3. Section 15 of the New Forest Act 1964

The advice given by English Nature makes it clear that these proposals may well have a detrimental effect upon conservation and enhancement of the flora and fauna of these sites. Under Section 15 of the New Forest Act 1964 the Verderers are required, in the performance of their functions, to have regard to the desirability of conserving flora and fauna. In the light of English Nature's advice we believe it would be undesirable to permit the developments proposed on these sites.

4. Section 23 of the New Forest Act 1877

Under Section 23 of the New Forest Act 1877 the Verderers are allowed to perform such acts and exercise such jurisdiction as they are by custom empowered to exercise or perform. It is customary for the Verderers to manage, administer and protect the lawful exercise of common rights in the New Forest, as well as guarding its traditional landscape and cultural heritage. We regard this duty as being of paramount importance, and one which has been exercised since the enactment of the first New Forest Act in 1877. In the exercise of this customary duty we believe that the development proposed on these sites is undesirable in that it is incompatible with the traditional character and use of the area.

5. Section 8 of the New Forest Act 1877

Under Section 8 of the New Forest Act 1877 an overriding statutory requirement is set out stating that the ancient ornamental woods and trees in the Forest shall be preserved and that the Forest should be kept open. This fundamental statutory requirement binds all those who hold and exercise duties and powers within and over the Forest, including the Verderers. Having considered section 8's unequivocal requirement, we believe that these proposals are incompatible with the long-term preservation of the ancient ornamental woods and trees and the open nature and character of the Forest at these sites.

6. Section 11A(2) of the National Parks and Access to the Countryside Act 1949

Section 11A(2) of the National Parks and Access to the Countryside Act 1949 places a statutory duty on the Verderers to have regard to National Park purposes when exercising or performing their functions in relation to land in the New Forest National Park. We believe that, since the Statutory Instrument will imminently be in place in respect of the formal establishment of the National Park and its Authority, it is entirely appropriate to include this statutory duty when making our decision in this matter. Having considered these proposals, and in the light of the above, we believe that the new and additional facilities proposed are not likely to be compatible with the National Park purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the New Forest. We are informed that the developments will damage the setting of many archaeological features, and accordingly we believe it would be undesirable to permit the proposed developments. At the same time the Verderers are aware that these proposals may well fulfil the other main National Park purpose, namely the promoting of opportunities for the understanding and enjoyment of the special qualities of the Park by the public. Since therefore there would appear to be a conflict between these two main purposes, we are obliged to attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the Park. Accordingly, in

having regard to national Park purposes, and taking the conflict between those purposes in to account, we believe that the proposed developments would be contrary to the Park's purposes.

7. Minister's Mandate

In arriving at their decision on the presentment, the Verderers have had regard to the "Minister's Mandate" of July 1999, in which the conservation of the natural and cultural heritage of the Forest is stated as the principal object of management. While the mandate is binding on the Forestry Commission and not the Verderers' Court, it has commanded wide public support and the Verderers endorse the three objectives of management and their stated order of priority. The Court believes that the proposed developments conflict with the primary objective.

8. Future Camping Strategy

We also firmly believe that the consideration of any recreational development of this type in the Forest is premature and should be delayed until a thorough review has taken place and an overall strategic plan for recreation as a whole has been created and agreed.

Conclusion:

Accordingly, and for all the reasons set out above, we have decided that it would be contrary to our policy on recreation and development, and our policy in respect of the Declaration of Intent, to consent to the development proposals set out in the Forestry Commission's formal Presentment, and we decline to give our agreement as sought under section 23(2) of the Countryside Act 1968 and section 1. of the New Forest Act 1970.

Oliver Crosthwaite Eyre
Official Verderer

24th January 2005