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To care about a place, you must know its story.

Nicholas Crane

Keith S. Howe

## Contesting the Commons: Economics and Politics in the New Forest National Park of Southern England

**Abstract:** The paper is a case study of a unique area of southern England, the New Forest, designated a national park as recently as 2005. Its inspiration was awareness of the environmental importance of national parks in Poland, and especially knowledge of current conflicts about timber exploitation in Białowieża that have attracted international concern. Both the New Forest and Białowieża have long histories as areas recognised for their special environmental importance. They are homes to fragile ecosystems that have endured over centuries and are now considered under threat. The New Forest has a rich and long history of conflicts over uses for its natural resources, and of institutions that evolved in response to changing economic needs and political priorities. People's economic needs have always led to conflicts over perceptions about the best use of scarce resources. Sometimes arguments about the national interest is the driver; at the opposite extreme, local problems and priorities are the issue. Irrespective of scale, there need to be institutional frameworks suited to resolution of conflicts of interest and amenable to decision making aimed at their avoidance. Potentially, the New Forest experience contains lessons for other locations, including Poland. So, the paper outlines New Forest geography and history with specific reference to the interrelationship of economic pressures and institutional change, all set against the backdrop of present circumstances and future expectations in the light of current policy directions. It is concluded that international research collaboration potentially can offer new insights and understandings conducive to sustaining any such unique, precious and irreplaceable national park environments for the long term.

**Keywords:** national parks, natural capital, rights of common, conflicts of interest, New Forest National Park, England.

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## 1. Introduction

From 1998 to 2008 the Polish Academy of Sciences and the British Academy funded collaboration between Professor Marek Kłodziński and the author on policy-oriented research in rural development. Visits to Biebrza and Białowieża National Parks, especially the latter, made a lasting impression on the author. In recent years, Białowieża has attracted international interest not only for its unique ecology but for the conflicts of interest regarding timber felling versus conservation (euronews 2016; The Guardian 2017; The Economist 2017). Coincidentally, the author increasingly has turned his attention to problems in England's New Forest National Park. Despite the different country locations of Białowieża and the New Forest, both have long histories as repositories of what, in current parlance, is termed natural capital. Moreover, both areas are characterised by constant change and, especially, conflicts of interest arising from different interest groups holding different interpretations of their purposes. Investigating the economics and politics of the New Forest may contain lessons for institutional structures designed to resolve conflicts about resource use in any such unique, fragile and precious areas, including Białowieża.

In contradiction of its name, the New Forest in central southern England, designated a National Park in 2005, is almost one thousand years old. Established as a royal hunting forest by King William I soon after the Norman conquest of 1066, the area is what remains of a more extensive lowland heath largely lost to increasing human encroachment over subsequent years, none more so than in the later nineteenth and twentieth centuries. Today, the New Forest is claimed to account for the most extensive area of heathland in Europe. To be more precise, it is the "largest single tract of near continuous heathland, mire, lawn and acid grassland, linked by intervening stands of pasture woodland, plantation and carr" (Spencer, Haworth 2005). This amounts to 37% of the entire physical extent of the Forest as it is defined in the New Forest Act 1964, known formally as the area within the forest perambulation. Population growth, the ongoing transformation of agriculture and industry, and people's increasing geographical mobility especially after the Second World War, continues to encourage settlement and urbanisation of the region broadly corresponding to that shown in Figure 1.

## 2. The Urban Periphery

The main urban centres close to the New Forest are Poole and Bournemouth to the south west, Southampton to the north east and, across the deep water inlet of Southampton Water, Portsmouth in the south east. Such has been the post-war attraction of these and neighbouring places for incomers, both people and industry,

that the author recalls a Times newspaper article published for the 1964 UK general election entitled 'A little California on the south coast.'

Reasons for the attraction are several. Southampton (population 250 thousand) and Portsmouth (population 210 thousand) have become transformed far beyond their centuries' long status as maritime ports. Southampton is still the UK's largest passenger and second largest cargo port, and Portsmouth a preeminent military naval base. The Bournemouth and Poole conurbation (population 350 thousand), is the result of rapid urban expansion mainly beginning in the late nineteenth and early twentieth centuries in response to improved communications infrastructure, notably railways and roads. Most recent economic growth has been in the services sector (e.g. today, with 4000 staff JP Morgan bank is Bournemouth's largest private sector employer). Not least, local climate and easy access to London (2 hours by train) and beyond makes the central south coast an attractive retirement destination. In the National Census 2011, the town of Christchurch (population 7,600) that merges with Bournemouth to its east achieved the status of 'the oldest town in England and Wales'; thirty per cent of its population was revealed as over 65 years old<sup>1</sup>.

The urban 'retirement belt' spreads eastwards along the southern margin of the New Forest to coastal Lymington. Thereafter, the rural New Forest extends south as far as the sea, and east to the entrance of Southampton Water, Calshot and Fawley. Fawley is home to the largest oil refinery in the UK, accounting for 20 per cent of total national capacity. The narrow corridor along the western edge of Southampton Water continues to urbanise with implications for the adjacent New Forest. At the time of writing, a large new housing development is proposed for derelict industrial land at Fawley.

In summary, the picture above is one of the ancient rural area of the New Forest squeezed between highly populated and still growing urban areas. Moreover, the Forest is only 150 kilometres by motorway and 1.5 hours by train from London. Therein lies a major current problem for the New Forest, its easy accessibility to a large human population.

### **3. New Forest Geography**

The characteristics of the New Forest itself are in sharp contrast to the urban localities close to it. For anyone unacquainted with the Forest, it helps to outline its geology as a prelude to describing the visual landscape, flora and fauna.

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<sup>1</sup> <https://www.theguardian.com/uk/2012/jul/16/christchurch-dorset-oldest-town-census> [accessed: 02.2018].



**Figure 1.** Main features, villages and urban areas in and near the New Forest National Park

Source: Author-modified downloaded web map.

### 3.1. Geology and Topography

The Forest's main geological and topographical features are aptly summarised on the National Park website<sup>2</sup>. A detailed account is given in Tubbs' seminal text (Chapter 2, 2001). The following description draws on both sources.

The Forest's central core extends across a slightly elevated plateau, sloping gently from north to south towards the coast. Rivers and streams cutting through the plateau have formed gently sloping valleys between low flat-topped hills or eroded terraces and created much of the rolling landscape towards the centre of the Forest. The terraces are highest in the north and the valleys deeper, while near the coast the land is flatter and more open. The whole area is contained within a downfold of the surrounding chalk, forming part of the Hampshire Basin. Gravel, sand and clay predominate, dating from the time when the entire New

<sup>2</sup> [http://www.newforestnpa.gov.uk/info/20087/beautiful\\_landscapes/183/geology](http://www.newforestnpa.gov.uk/info/20087/beautiful_landscapes/183/geology) [accessed: 01.2018].



Forest area was a shallow sea or large river estuary. The landscape is punctuated by a number of sand and gravel pits, both disused and active.



**Figure 2.** A typical New Forest watercourse

Source: The author.

On the land surface, the New Forest National Park is a mixture of poor soils in flat, gravelly areas, richer and well-drained clay and loam, and water-logged marshy bogs or mires. Figure 2 is typical of the many shallow streams that cross the forest. The bed of clay a metre or less below the surface is a hard impervious layer, and creates the saturated, spongy earth characteristic of large parts of the National Park. Forest soils are generally derived from soft clays and sands, overlain in many areas by deposits of flint, gravels and windblown brickearth.

### 3.2. Landscape, Flora and Fauna

The Forest geology gives rise to distinctive vegetation: pine, birch, heather, gorse and grasses on the open heathland; beech, oak, yew and holly in the woodland

areas; and bracken, moss, cotton grass and willow on the boggy ground. The area of Brockenhurst village, for example, is only 16 metres above sea level. During winters the land in such areas typically is perpetually wet, partly relieved on exceptionally cold days when the ground surface freezes. Even then, centigrade temperatures reach only a few degrees below zero. A distinctive feature of the open Forest is a tendency for shallow rain water pools to form, of varying size and some almost permanent.



**Figure 3.** Woodland showing animals' browsing line under holly trees

Source: The author.

Of the unenclosed Forest, nearly 3700 hectares is mainly oak, beech and holly trees (Figure 3). According to Tubbs (2001, p. 18), much of it is on sites which can probably claim an unbroken history of woodland cover for at least 5000 years. The relatively flat surfaces of the terraces previously mentioned are mostly heathland, and the hollows and valleys between them are a mosaic of woodland, heath, grassland and mire. The relatively flat topography means the Forest is not valued primarily for views of uplands, although a glimpse of the Isle of Wight's distant chalk hills to the near south may deceive strangers unaware that the Solent sea channel separates the island hills from the mainland. More typical of the Forest landscape is extensive views across wide-open spaces under big skies in which

gorse, bracken and heather dominate in varying proportions, interspersed with grass areas (lawns) favoured by cattle and the indigenous New Forest ponies for their grazing, all set against the backdrop of inclosures of commercial pine and deciduous trees (Figure 4).



**Figure 4.** Cattle graze a lawn, conifer plantation inclosure in the background

Source: The author.

In terms of special qualities, the most distinctive are frequently the least visible. Five deer species abound – red, sika, fallow, roe, muntjac – of which only red and roe are native, and usually seek refuge among the trees until dusk falls. New Forest ponies justifiably are regarded as iconic, and a tourist attraction (Figure 5). All have individual brands that identify their commoner owners (Pasmore 1996). Those collected on ‘drifts’ have their tails cut in specific patterns to help the Agisters’ management, including identification of ponies that may have strayed from their usual location or ‘haunt’ where they roam freely.

Yet the most exceptional qualities of the New Forest are to be found in its small details. Chatters (2009) and Newton (2010) provide ample evidence for why that is so. In addition to the most conspicuous animals and vegetation, there are birds, reptiles and amphibians, dragonflies and damselflies, formicidae, saproxylic beetles, butterflies and moths, flowers, ferns, lichens, fungi, and bryophytes. Many of these populations are considered under threat (Newton 2010, Table 58). Of the insects,



the unique New Forest cicada (*Cicadetta montana*) may be extinct. Commercial picking of fungi is illegal, but in 2017 it was necessary to launch a public awareness campaign to reinforce the message. People are required to limit themselves to small quantities taken strictly for personal consumption. Trends highlight that a growing scarcity of its most rare and precious natural assets is a major problem for the New Forest today. Wise (1895, Appendices II, III and IV) lists species present at the end of the nineteenth century which can be compared with twentieth century data for bird, flowering plant, butterfly and moth populations.



**Figure 5.** Indigenous free living New Forest ponies in their natural habitat

Source: The author.

#### 4. New Forest History

In present-day terms, the New Forest is a collection of natural capital assets, free gifts from nature that have been shaped and used by human action, in this instance over a long historical period (Helm 2016). In contrast to modern-day usage, afforestation did not mean planting land with trees, but subjecting lands and inhabitants to a legal code, namely forest law, designed to protect the beasts of the forest. 'Of paramount importance, the afforested land, at least in theory, could no longer be enclosed against the deer, making cultivation difficult or impossible' (Tubbs 2001, p. 59) The purpose was conservation of deer to hunt for their meat and hides, and protection of woodland and other natural vegetation (the vert) on which the deer depended.

Wise (1895) appraises the so-called historical evidence for alleged bad consequences for the area's inhabitants after William I ordered its afforestation in 1079, and finds it wanting<sup>3</sup>. Evidence against hardship and depopulation induced by afforestation comes from the Domesday Book, the remarkable post-conquest survey of resources and taxable values of all the boroughs and manors in England. Tubbs concurs with Stagg (1974) that in practice little may have changed in established settlement patterns since Anglo-Saxon times. Already much of the area was held by the Crown (see glossary for definition). According to Kenchington (1944) it was only because the first addition to the Saxon list of royal hunting grounds was the one for the Forest in Ytene (an Old English word meaning Jutes) for the forest in southern Hampshire that, under the new regime, it was named the New Forest.

#### 4.1. Resources, Forest Law and Property Rights

Nield (2005) provides a clear, succinct account of the nature and scope of forest law, the 'distinct body of rules and regulations which applied only within the confines of designated royal hunting preserves' (p. 4). The confines are defined as the perambulation, the legal boundary to the forest. Figure 1 shows the perambulation of the New Forest as it is currently under the terms of the New Forest Act 1964, itself successor to eight previous delineations made since the thirteenth century. The earliest legal provisions included 'winter heyning' and the 'fence month', the former meaning the requirement to remove stock during the winter months when they might compete with deer for limited forage, the latter when deer were to be left undisturbed at the time of giving birth to their young.

In Norman times, severe penalties were imposed for violation of the laws, the most extreme including mutilation and death. Killing deer was prohibited, and dogs considered large enough to worry deer had to be lamed. On the other hand, in time the Forest inhabitants received compensation in the form of tax relief and, very importantly, by gaining rights to depasture stock over the unenclosed lands of the whole Forest. Such rights became enshrined in forest law, the origin of 'rights of common' that still exist today. The history is described by Tubbs (2001, Chapter 7), in considerable detail. Suffice it to say that currently there are six registered rights of common: pasture, mast, sheep, marl, turbary, and fuelwood (formerly called estovers), of which only pasture, most important, and mast are practised. Importantly, over the Forest's long history the pattern of land occupation and tenure retained one constant characteristic. Both within and around the Forest were private

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<sup>3</sup> "From Turner and Lingard down to the latest compiler, our historians have represented the act as one of the worst pieces of cruelty ever committed by an English Sovereign" (Wise 1895, p. 21).

lands, ranging in size from very large estates to extremely small holdings comprising a cottage and encroachment. All had rights of common attached, for some a means of bare subsistence, for others (estate freeholders), a source of revenue from tenants.

It is asserted that forest law and rights of common pre-date William the Conqueror's afforestation (Verderers, undated [a]). Certainly, it is reasonable to assume that a small human population relative to the area it occupied would share access to common pool resources such as the land, woods, deer and boar without cause for conflicts of interest. By contrast, afforestation by decree creates artificial scarcity of resources by limiting people's access to them for use and economic benefit. Whether there is scarcity because resources are absent (natural scarcity), or contrived by laws (induced scarcity), the effect is the same; both reduce opportunities for consumption of products that otherwise would be available to people. Moreover, in a peasant subsistence economy the consequences are potentially severe, perhaps literally a matter of life and death. Short of removing some proportion of the extant New Forest human population, it was necessary to regulate, not eliminate, access to resources now appropriated by the Crown for the inhabitants' continuing private use. Some form of compensation for afforestation was necessary, however ungenerous the terms.

#### 4.2. Revenues and Resource Rights

Over time, the purpose of forest law changed. It became more an instrument to raise Crown revenue than as means to protect a food source. Fines were imposed for breaches of forest law and fees levied for grant of permission for activities otherwise infringing the Crown's rights. Tubbs (2001, p. 78–84) leaves no doubt as to the complexity of the legal system and its structure of officials needed for administration and implementation. It must anyway have been impossible to prevent impoverished inhabitants from violating forest laws for their personal benefit, by poaching, removing timber, and appropriating the forest land by encroachment for buildings and cultivation. An 'assart' is forest cleared for cultivation, and 'purpresture' a smaller land encroachment. Punishment for these was by fines which, in effect, were a retrospective license that later became the basis for annual land rents. Although assart rents seem to have been uncollectable after the seventeenth century, a vestige of that practice was for keepers to enter assart land each year to fire a ritual gunshot, thus declaring the Crown's rights. The Wild Creatures and Forest Laws Act 1971 ended the practice, a reminder of how England's distant history resonates in much later times.

#### 4.3. Trees, the Crown, Conflicts and Commoners

From the fifteenth century, the purpose of the New Forest evolved in a radical new direction. Increasingly, it became regarded as a major source of national timber supplies. Tubbs (2001, p. 84–88) describes the complexity of the situation that unfolded up to the mid-nineteenth century. England's burgeoning international role gradually increased demand for both military and merchant ships, hence the need for oak timber suitable for their construction. How essential the Forest was in this regard is disputed by Gale Gould (personal communication, 2018), who has uncovered evidence that around the end of the eighteenth century politically influential landowners were more likely pursuing their commercial self-interest, exaggerating the need to supplement available timber supplies from New Forest sources. Though beyond the scope of this article, there is also evidence of corruption among those charged with implementing forest law. Whatever the facts, the long-term consequences of the focus on acquiring timber from New Forest resources were profound.

A major consequence was enclosure of open areas of forest, the objective being to deny access to browsing animals that would damage young growing trees. Conflicts of interest arose between the officers responsible for overseeing the traditional purpose for the Forest, namely protection of the deer (venison) and their natural environment for food and shelter (vert), and a new cohort of officials charged with efficiently managing the woods. At risk of oversimplification, it seems that by the end of the eighteenth century most Forest customs had lapsed, including winter heyning and the fence month. Also, only about 200 deer were being killed annually, far too few to be of sufficient economic benefit to offset the cost of damage to trees caused by deer. Even those went to Forest officers or as compensation to neighbouring landowners for damage to their property. Allied to the conclusion that the Forest was burdened with maladministration, the situation appeared ripe to claim that the Forest was better used to grow trees for timber than preserved for deer.

But there was a problem. The Crown had to find ways to reduce the economic value of rights held by some 1,000 freeholders and commoners. These could not be expected to relinquish their rights without adequate compensation, if indeed they could be persuaded to do so at all. The Crown could try to achieve its objective by justifying enclosure in terms of the need for navy timber, as compensation to the Crown for the nuisance deer caused to trees (generously not forgetting the benefit to commoners of reducing competition from deer for their own animals' forage!), and by causing inconvenience to commoners by invoking the fence month and winter heyning. Broadly, this was the confrontational picture in the years



leading up to what Tubbs has called “perhaps, the most significant single event in the Forest’s history since its afforestation – the passage of the New Forest Deer Removal Act 1851.” (Tubbs 2001, p. 88).

The Deer Removal Act relinquished the interest of the Crown in deer, which were to be completely removed from the Forest in three years. Provision was made for the addition of a further 4,049 hectares (10,000 acres) to that already enclosed for trees under late seventeenth and early nineteenth legislation. Stagg (1992, p. 145) maps the pattern of inclosures from before 1780 until 1870. Allowing for changes in the location of areas enclosed, the Crown undertook to fence no more than 6748 hectares (16,000 acres) at any one time. Also, a register of claims to common rights was to be compiled. The Office of Woods, now uniquely powerful, opposed claims even as the register was being compiled. It also attempted to enforce the fence month and winter heyning, neither of which had been strictly enforced in living memory (Pasmore 1977, p. 7). The deer were almost eliminated during the 1850s, inevitably with ecological impact, while the “blanket enclosure in the ancient mosaic of wood, heath, bog, and lawn, on which the earlier Inclosures had only a peripheral impact, provoked an eruption of opposition.” (Tubbs 2001, p. 89).

#### 4.4. People, Politics and Institutions

Pasmore (1977, Chapter 1) gives a vivid and detailed account of responses to the 1851 Act. Cumberbatch is a prominent and notorious name, for his ambition as an administrator was to proceed rapidly with inclosure to the Crown’s advantage. The four Verderers who, at that time, owed allegiance to the Crown, essentially washed their hands of the whole affair, and wrote to the commoners that they should “take such further steps as they deem desirable”. They did. Both large landowners and small working commoners found common cause.

Most notably, the New Forest Association was formed in 1867 and proved a formidable adversary under its secretary Esdaile. It led to a parliamentary committee in 1875 that, in Pasmore’s words, “undoubtedly conducted the most comprehensive and detailed enquiry into the Forest there had ever been.” After twenty-five years of dispute and evidence collection following the 1851 Deer Removal Act, parliament passed the New Forest Act 1877. The Verderers Court was reconstituted with six elected members plus a chairman appointed by the Crown. It was empowered to make byelaws and levy fees on commoners, and it inherited such forestal powers as survived and could be enforced. In short, the Court was made judge, jury and executive, all rolled into one.

Also, the Commoners Defence Association, still active today, dates from 1909. Yet despite the institutional changes, arguments between the Verderers and the

Office of Woods continued into the twentieth century when, in 1923, management of the New Forest passed from the Office of Woods to the newly created Forestry Commission. Its remit was to expand commercial silviculture based on fast-growing conifers by converting broadleaved Inclosures, exploiting pasture woods, and taking more land. Nevertheless, Tubbs concurs with Pasmore as to the long-term consequences: "If the last hundred years has demonstrated one thing above all others, it is this; when the commoners and amenity interests are strong, vigilant and even downright suspicious, no one is going to get away with very much in the New Forest." (Pasmore 1977, p. 25). It is intriguing to speculate if that remains the case in 2018, a subject to which this article returns.

## 5. Late 20<sup>th</sup> Century Transition

In the twentieth century, the years since 1945 are of most interest. Further New Forest Acts were passed in 1949, 1964 and 1970. In 1949 the number of Verderers was increased to ten and their powers widened. The Forestry Commission, in consultation with the Verderers, became responsible for maintaining the physical fabric of the Forest, e.g. drains, bridges, looking after the condition of grazing land. Also, the Commission was charged with the task of modernising claims to common rights by preparing large scale map plans showing what rights are attached to specific areas of land. After the 1964 Act the 'Atlas of Claims to New Forest Rights' occupied fifteen volumes. Importantly, rights of common belong to the land, not persons, a provision of considerable practical significance. Pasmore (1996) is an excellent introduction to the Atlases. Above all, changes in the New Forest since 1945 must be viewed against the backdrop of post-war general economic development in the UK. Three aspects merit particular comment.

### 5.1. Costs to the New Forest of Economic Growth

The safety of free ranging animals became of increasingly urgent concern, indeed intolerable given the scale of animal mortality (8.2% of all depastured stock in 1963). Figure 1 highlights the main roads across the Forest which, until the 1964 Act, were unfenced. The geography of urban growth around the Forest and people's increasing use of motor transport across it made it inevitable that animals had to be kept off major roads on which, in law, they had every right to roam. Without it, the modern dual carriageway that links Southampton with Ringwood and beyond, predictably controversial and hotly contested with the Verderers up to the 1960s, could not have been constructed. Similarly, some people may regard the Verderers as an obstacle to providing a bypass for Lyndhurst, 'capital of the New

Forest', and still a major traffic bottleneck in summer months. Undeniably, such public infrastructure detracts from the natural beauty and diminishing tranquillity of the Forest, but it is difficult to see how it could have been avoided. Unfortunately, livestock accidents continue to be a problem on unfenced Forest roads despite imposition of a 64 km/hour speed limit, mainly attributable to irresponsible local drivers.

## 5.2. Agricultural Policy, Economic Growth, and Rural Change

A legacy of World War Two was a government commitment to continue active policy intervention for the farm sector. The 1947 Agriculture Act was a landmark. It committed government to maintain guaranteed minimum prices for most domestic agricultural products while free trade ensured that consumers had access to food supplies obtained as cheaply as possible from world markets. The policy and its instruments remained until UK accession to the European Union in 1973 when superseded by the Common Agricultural Policy. At the same time, creation of the National Agricultural Advisory Service (NAAS) provided a network of scientific and technical expertise available at zero or minimal financial outlay to farmers. The short-term objective was to confront a perceived threat of supply shortages, a concern that soon faded as the pace of technological change in market economy agricultural sectors soon posed the contrary problem.

The relevance to the New Forest was the impact on the practice of commoning. Small-scale dairy production based on milking a few cows, which had been a mainstay of local farming, came to an end<sup>4</sup>. A national campaign to eliminate tuberculosis from the human population by cattle testing began in the mid-1930s, and compulsory testing with slaughter of reactors in the 1950s proved successful. Such small and essentially primitive enterprises found it impossible to cope with the strict demands on animal health assurance. In any case milk, production on a modern commercial scale is unsuited to New Forest conditions, the natural environment being poorly equipped for anything but extensive beef cattle rearing and the hardy native ponies.

Cox (2013) summarises the contents of twenty-one reports published from 1851 to date on the changing face of commoning livestock enterprises. Supplemented by Tubbs (2001, p. 121–133) and Ivey (2011) together they constitute a comprehensive source of information. A feature of commoning livestock is the requirement for

<sup>4</sup> The author's grandmother was one such smallholder farmer on the forest edge. Six hand-milked dairy cows of assorted breeds, chickens, and a pig were typical enterprises around 1950. The limit of technological sophistication was purchase of a simple milk cooler. Milk was used for household consumption and sold locally.

access to back-up land, farm land used by commoners to support grazing livestock when not 'depastured' on the open unenclosed forest. Such back-up land may also be used to grow hay for winter feed or provide better quality grazing for finishing stock for sale. Much of this land has become fragmented in respect of location or lost to farming completely. The reason has been escalating prices for residential New Forest properties, especially if sufficient land is attached to a property to support recreational horse keeping. In other words, though for different reasons than historically, once again commoning appears to be under threat, echoing Pasmore's description of the circumstances surrounding the Deer Removal Act a century and a half ago.

### 5.3. Environment versus Recreation

Arguably, over the past fifty years the New Forest has been undergoing the fastest rate of change in its long history; moreover, change is accelerating with all the inevitable risks and opportunities that accompany it. For example, the 1964 Act extended the perambulation by another 1395 hectares, including adjacent commons which allowed registration of rights of pasture in the Atlas of Claims to Common Rights. The perambulation had long had a 'ragged edge' in terms of reciprocal rights and obligations of farmers either side of the invisible boundary, fascinating but too rarified for the purposes of the present discussion.

Also, the Verderers gave consent for the Forestry Commission to make campsites on the open forest, recognition of the increasing recreational use of the Forest as a tourist destination. Day visitors by car also became a problem, so that car-free zones were created, albeit in the face of opposition, not least from commoners. Car parks were created. Such was the level of concern that for the future that a New Forest Joint Steering Group was formed comprising the Forestry Commission, Verderers, Nature Conservancy and Hampshire County Council and Rural District Councils. Its outcome was a public report entitled 'Conservation of the New Forest', which, according to Tubbs who was a member of the Group, essentially an environmental impact analysis from which management conclusions were drawn. The Commission and Verderers had committed under the 1964 Act to 'have regard to the desirability of conserving flora, fauna and geological and physiographical features of special interest,' so they recognised the environmental value of the Forest and benefits to the people who came to enjoy it. Should too many arrive seeking those benefits, conflicts of interest would inevitably arise.

But the conflicts were not only of external origin, but internal to the Forest. The Minister of Agriculture had to impose a ban on broadleaved tree felling in the Forest as late as 1971 in the face of Forestry Commission plans for renewed commercial



exploitation. Something increasingly evident from study of the literature is the progressive involvement of a wider constituency in policy making for the Forest; the New Forest Consultative Panel in 1970 and the New Forest Review Group in 1986, both established at the instigation of the Commission, had wide representation. By the last decade of the century, the idea was conceived of the New Forest gaining statutory status as something akin to a National Park, but on a locally planned and managed scale. In part, the latter provision was a response to local opposition to any more ambitious arrangement.

This proposal was endorsed by the Countryside Commission, and by 1992 it was government policy. Over 220 responses to a consultation paper included parish councils, local and national conservation bodies, industrial and commercial organisations, farmer and landowner organisations, and over one hundred individuals. Three out of four respondents were in favour, on the strength of which the Verderers voted overwhelmingly in favour, too. Unfortunately, the Government went back on its own proposals. It is hard to avoid the conclusion that an element in this reversal was ideology. The all-pervading attitude of the time, not yet wholly dispensed with in 2018, was that bureaucracy is always bad, and market economics always good. This surely was also a consideration when in 1992 the Forestry Commission was separated into a Forest Authority (policy, grant schemes, felling licenses) and Forest Enterprise (management of the national forest); subsequently, the Enterprise arm was explicitly made business-oriented. Still, by contrast the rare and precious natural fauna and flora of the Forest are recognised by national (Sites of Special Scientific Interest) and international (Special Areas of Conservation; Special Protection Areas; Ramsar Sites) designations. In total, 56% of the New Forest National Park is today classified as of international value for nature conservation, including much of its coastline.

## 6. The New Forest in the 21<sup>st</sup> Century

After a year-long public enquiry, in 2002 the Minister for Rural Affairs decided that the New Forest should become a new National Park. Speaking of the decision he said, "You can't just leave an area like this as a museum of the landscape. They have to be living places and that means a national park is in the best interest of maintaining something which has been regarded as special for 1,000 years, and doing so in a way which respects the people who live and work there now."<sup>5</sup> In effect, the Minister paraphrased the Environment Act 1995, which repeats the terms

<sup>5</sup> Quoted by BBC South Today, March 2005.

of the National Parks and Access to the Countryside Act 1949 laying the foundations for all national parks in England and Wales, but with one difference.

The reaffirmed purposes are to conserve and enhance their natural beauty, wildlife and cultural heritage and promote public understanding and enjoyment of their special qualities. The 1995 Act adds that when national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within them; the 1949 foundation Act includes that in case of an irreconcilable conflict (i.e. between the two main purposes) priority is given to the first (called the Sandford Principle). Therein lies the seed of potential conflicts of interest, between needs of people engaged in everyday economic and social activity, and the long-term objective of conserving the scarce, precious and irreplaceable New Forest natural resource.

### 6.1. Consequences of National Park Status

Given the special qualities embodied in an area deemed worthy of National Park status, it is unsurprising that people able to do so choose to live there. Silcock et al. (2013) contains data for the New Forest in comparison with all other English National Parks. Key findings are as that all the National Parks have a higher proportion of self-employed people than the country as a whole (19% compared to 10%), a similar proportion of part-time workers, and a high proportion of senior, professional and skilled occupations in the workforce. For the New Forest, average gross household income in 2010 was the highest of all ten English National Parks, 4.2% above the average in an exceptionally wealthy region (Source: Silcock et al. 2013, Table 2.5).

Most spectacular of all for the Forest is that its average sale price for all types of housing was also highest of all English National Parks, and no less than 74% above its region's average. In short, the National Parks in England are occupied by relatively large numbers of wealthy residents, nowhere more so than in the New Forest. Moreover, although 32% of Forest people being classified as economically inactive is close to the national average, 22% of those were retired compared to 19% in all English National Parks and only 14% for England as a whole (Source: Silcock et al. 2013, Table A1.41).

Other pressures on the Forest stem from increasing recreational demand (New Forest National Park, 2010). For example, sportive events such as the cycle Wiggle are controversial, the latter on grounds of local disruption caused by excessively large numbers of cyclists occupying Forest roads for its duration.<sup>6</sup> The National

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<sup>6</sup> [http://www.dailyecho.co.uk/News/11735116.Cycle\\_event\\_company\\_refuses\\_to\\_support\\_voluntary\\_charter/#](http://www.dailyecho.co.uk/News/11735116.Cycle_event_company_refuses_to_support_voluntary_charter/#) [accessed: 02.2018].

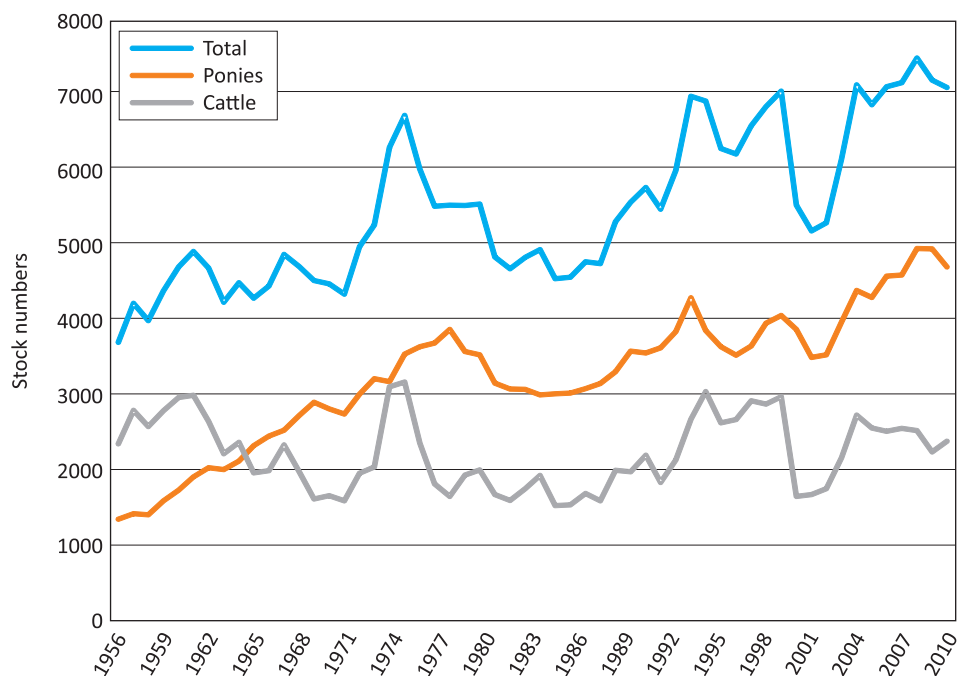
Park Authority sought a voluntary code of conduct with organisers to limit number of participants, evidently with limited result. Other forms of cycling are now actively encouraged by construction of cycle tracks through the Forest, the purpose being to support people's health by promoting opportunities for their relaxed activity. Over the past thirty years or so the Forestry Commission increasingly has become an environmental resource manager as much as an agency for commercial tree growing. A feature of Commission work is the development of Forest Design Plans, including providing grant aided support for broadleaf planting and long-term management. Also, sensitive to environmental concerns, Commission officers work closely with conservation groups, and consult widely before decisions affecting woodlands are taken.

## 6.2. Commoning

Not least noteworthy is what is happening in commoning. Since 1991, Ivey (2011) has carried out three postal surveys of active commoners, the first as a contribution to the Forestry Commission's Illingworth Report (1991). Illingworth was, in turn, provoked by the Government's response to the Report of the New Forest Review Group (1988). That Group concluded that "commoning is essential to the character of the New Forest and that it must not be allowed to die." (Paragraph 3.13). In her most recent 'census', questions were asked about the role of financial contributions to commoners from Single Farm Payments and the Verderers' Higher Level Stewardship (HLS) Scheme, both originating from the European Union's Common Agricultural Policy (CAP).

The HLS Scheme results from a formal partnership of the Verderers, Commoners, New Forest National Park Authority, the Forestry Commission and Natural England (Natural England 2010). Its purpose is to fund three areas of activity: the maintenance and restoration of internationally important habitats for wildlife; the historic practice of commoning and the Verderers, who administer the Forest's unique agricultural commoning practices which maintain the New Forest landscape; improved access to and education about the area's unique environment. The reason for the joint approach is because the Crown Lands are managed by the Forestry Commission, the Verderers have the statutory authority from Government to manage the use of the land, and the National Park Authority has overall responsibility for the management of the whole of the New Forest National Park. The scheme runs from 2010 to 2020, covering 20,000 hectares of open heathland unequalled in Europe for the complexity and range of wildlife and plant life. At £19 million (approximately €22 million), it is the largest single environmental improvement scheme in England.

The Verderers Grazing Scheme (VGS) is a key component of the Stewardship programme, providing direct financial payments to support commoners who responsibly depasture stock. In addition, finance is available to fund long-term projects to sustain commoning, including the Stallion Scheme and the Bloodlines Scheme, microchipping ponies sold from Beaulieu Road sale yard (itself modernised with HLS money), and buying reflective collars worn by ponies and cattle for their safety at night. It also supports the New Forest Land Advice Service, which helps commoners deal with CAP requirements about their Single Farm Payment claim, adherence to cross compliance regulations, and managing land located in Nitrate Vulnerable Zones.



**Figure 6.** Changing numbers of depastured stock in the New Forest 1956–2011

Source: Cox (2013).

Ivey's analysis reveals that HLS payments make a modest contribution to commoners, who are typically motivated to continue with their work mainly for reasons of maintaining a traditional way of life, enjoyment from keeping animals, sense of community, and maintenance of a cultural heritage. It cannot be emphasised too strongly that commoners usually must have another source of income; commoning is not possible for the majority without.



Set against Ivey's evidence, the trends in Figure 6 are intriguing. Farm animal populations always vary over time in response to factors such as market prices, production costs, and the consequences of disease outbreaks. These can account for variations in cattle numbers in the New Forest, where in Ivey's survey only about one-fifth of commoners turned out cattle and, of those, one-fifth accounted for half of the total. In brief, cattle production on the Forest looks similar to that in England's upland Less Favoured Areas, an extensive, low profit system.

Ponies are different. Ivey's 2011 data show that 60% of commoners had fewer than 10 ponies, accounting for 40% of the total number turned out. But only 5% of commoners turning out kept 32% of the total. Also, "in 2006 alone 74 new commoners started turning out and, by 2009 there were a total of 649. There are presently more than double the number of commoners turning out in 1965." (Ivey 2011, p. 37). Putting together the evidence accumulated about changes in the Forest over recent decades – the general effects of economic growth, revealed consequences of National Park status, changing social structure and wealth of residents, non-economic motives for commoning – suggests that small-scale 'hobby commoning' may explain the clear upward trend in depastured ponies. A question is to what extent this development is compatible with sustaining other special characteristics of the New Forest, notably its ecology.

## 7. The Future

In February 2018 the New Forest Association (Friends of the New Forest) held a public meeting to consider the future of the New Forest in the context of the UK Government's recently published 25 year plan for the environment (HM Government 2018). The meeting showed the Association continuing its 150 year role as watchdog for the New Forest, its activities ebbing and flowing over time according to issues arising (New Forest Association 2011; Roberts 2016). Discussion encompassed issues raised in this article, including the impact of recreational pressures and the role of commoning. Reported in the local press as a 'Heated Debate on the Forest's Future', discussion followed a time-honoured tradition of heartfelt exchanges about how best to assure the Forest's well-being (Figure 7). In that regard, it demonstrated the Association's contribution to good governance.

Also critical to good governance is the role of the Verderers, whose explicit role is to safeguard commoning for the protection and conservation of the Forest environment, and to do so alongside the National Park Authority. But as the evidence set out above shows, valid questions must be asked about the extent to which population trends in depastured ponies are competitive, not complementary, with the health of the Forest's ecology. A key conclusion of Cox (2013, Section 10.4) is

that Illingworth's 1991 recommendation "that English Nature monitor the effect of grazing on the ecosystem of the New Forest on an on-going basis" "remains an urgent and currently unfulfilled requirement" needs to be addressed. The effects of both recreational disturbance and climate change are additional factors that need to be better understood. From the recent evidence, it appears that the New Forest is potentially a classic case of 'the tragedy of the commons' (Hardin 1968).

Management of the New Forest's fragile resources will require a combination of conventional market and non-market economic incentives and, where these are not possible, regulation.



**Figure 7.** 'Heated Debate on Forest's Future' February 2018 (left to right) Lord Manners (Official Verderer), Merrick Denton-Thompson (President, Landscape Society), Oliver Cook (Chairman, Young Commoners' Association), the author

Source: courtesy of New Milton Advertiser and Lymington Times.

The Government's 25 year plan is an outcome of work by the government-appointed Natural Capital Committee, its chairman Professor Dieter Helm. Claimed to be the first such committee in the world, its ambitions and recommendations embody the concept of 'natural capital' (Kareiva et al. 2011; Helm 2016). Without question, the concept is important when considering policy options for the future of the New Forest and other National Parks. Regarding the obligation to foster

the economic and social well-being of local communities in the National Park, it is essential to end the delusion that economic benefit is synonymous with commercial activity. It is not. Not everything people value has a market price. Natural capital requires that non-market values are taken into account, and devising techniques for estimating monetary values for sources of benefit without prices in the everyday sense is a challenge for environmental economists. However, as Bateman et al. (2013) convincingly show, unless non-market goods and services (e.g. tranquillity, a beautiful view, preservation of habitats for rare flora and fauna, cultural value<sup>7</sup> of commoning) are similarly valued in monetary units, the natural environment *always* loses.

## 8. Conclusions

Reflection on the natural environment, history, policy challenges, and institutional structures conducive to achieving desired (and unwanted!) outcomes in the New Forest of southern England potentially contains lessons for comparable places in other countries, not least Poland. The literature on the management of common use resources has burgeoned since Hardin's seminal work (1968). Ostrom (1990, 2012), Wall (2014), and Rodgers et al. (2011) have addressed questions of how to construct institutions conducive to the sustainability of the commons. This is much more than an economic problem seen through the lens of intervention to correct market failure; to borrow Wall's words (2014, p. 44), it is also a matter of culture, people's beliefs and practices relating to the management and meaning of the commons, that are crucial. These aspects normally are deeply rooted in history. Though anecdotal, it is notable how much New Forest people today sense a deep connection with the Forest's past in all respects, and a strong desire to protect its legacy. But as this article has shown, that outlook is less an obstacle to change than a source of tension between competing interests reinforced by the presence of a population in constant transition.

Above all else, the long-term sustainability of any such unique, precious and irreplaceable natural environment depends on people sharing a sense of the exceptional value obtained from it, trusting in the fairness of institutions designed to protect and foster it, being prepared to confront major problems without prejudice or narrow self-interest, and to compromise when the situation demands. Given that the stimulus for this paper was an introduction to Białowieża National Park, and

<sup>7</sup> Relates the value of ecosystem services from natural capital in biophysical terms to sources of people's attachment to them which derives from their sense of heritage, place, spiritual dimensions, etc. See Chan et al. (2011).

recognition that similar problems in resource use decisions are encountered in other locations, here the New Forest in southern England, there are strong grounds for suggesting that comparative studies should be pursued. International research collaboration has the potential to improve our understanding of how the natural capital embodied in national parks can be sustained, preferably enhanced, as the result of designing institutions more conducive to resolution of competing interests in the process of decision-making.

## Glossary of Terms

Agister	Employee of the Verderers who oversees the health and general well-being of ponies and other livestock (mainly cattle), and who collect the 'marking fee' commoners pay annually per head of animal turned out on the forest ('depastured'). Currently there are five Agisters, each responsible for a given area of the Forest. [ <a href="http://www.verderers.org.uk/Agisters.pdf">http://www.verderers.org.uk/Agisters.pdf</a> ]
Anglo-Saxon period	Lasted over 600 years in England, from 410 to 1066.
Borough	A town or district that is an administrative unit.
Carr	A low and marshy or frequently flooded area of woodland or scrub, typically dominated by alder or willow trees.
Countryside Commission	A forerunner of Natural England, ceased 1991
The Crown	The term used to describe the legal embodiment of the state, which largely has owned the New Forest ever since its designation as a royal hunting forest. Nowadays, title is vested in the Secretary of State for the Environment, Food and Rural Affairs under Section 4(5) Forestry Act 1945.
Demesne	A piece of land attached to a manor and retained by the owner for their own use.
Drifts	Autumn roundups on horseback by Agisters and commoners of the free ranging ponies, especially mares with foals, for health checks, worming, tail clipping, and microchipping. Foals are branded and 'turned back out', and sometimes sold.



Fence month	Period over which domestic stock were required to be removed from the forest because deer were giving birth; originally supposed to be 15 days either side of midsummer day.
Freeholder	Someone who holds permanent and absolute tenure of land or property with freedom to dispose of it at will.
Inclosure	Term still used in the New Forest for previously unused, 'common' or 'waste' land enclosed in England by Acts of Parliament (Inclosure Acts)
Keeper	Today, for a specific area of the Forest (a 'beat'), a Forestry Commission employee responsible for supervising the wild animals and condition of fences, gates, drains and ditches, and dealing with poaching and vandalism. Often the job was handed down from father to son, thus ensuring that knowledge about the Forest was passed from generation to generation.
Manor	A landed estate or territorial unit, originally of the nature of a feudal lordship, consisting of a lord's demesne and of lands within which he has the right to exercise certain privileges, exact certain fees, etc.
Natural capital	Renewable and non-renewable resources (assets) provided free by nature and used by people to produce flows of goods and services for their benefit.
Natural England	Government's statutory adviser for the natural environment in England, helping to protect England's nature and landscapes for people to enjoy and for the services they provide. It aims to create conditions in which nature and the economy can thrive together. Provides practical advice on the environment to decision-makers and customers, underpinned by evidence, technical expertise and local knowledge. Key role in helping farmers with their environmental activities undertaken for CAP payments.
Rights of common	1. Pasture, permits turning out ponies, cattle, donkeys and mules onto common grazing; 2. Mast, permits

pigs to be turned out for a minimum of 60 days in autumn for the pannage season (to eat oak acorns poisonous to grazing animals); 3. Sheep, rarely exercised nowadays, allows turning out on to the forest; 4. Marl, the right to dig for this type of clay used for farm land improvement and building construction (not now exercised); 5. Turbary, right to cut peat for fuel (not now exercised); 6. Estovers (or fuelwood), the right to gather wood for fuel. Nowadays, the Forestry Commission is obliged to supply around 100 properties.

#### Verderers

The Court of Verderers today comprises 10 members, 5 elected and 5 appointed, who are to a) protect and administer the New Forest's unique agricultural commoning practices, b) conserve its traditional landscape, wildlife and aesthetic character, including its flora and fauna, peacefulness, natural beauty and cultural heritage, and c) safeguard a viable future for commoning upon which the foregoing depends.

#### Winter heyning

Period when least forage was available, from the end of November until the start of May.

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## Przeciwko dobru publicznemu. Wpływ ekonomii i polityki na Park Narodowy New Forest w południowej Anglii

**Streszczenie:** Artykuł jest studium przypadku unikalnego pod względem przyrodniczym obszaru w południowej Anglii, zwanego New Forest, przekształconego w park narodowy dopiero w 2005 r. Inspiracją do jego napisania była świadomość znaczenia parków narodowych dla ochrony środowiska w Polsce oraz przyciągające uwagę całego świata doniesienia o toczącym się konflikcie o wycinkę drzew w Puszczy Białowieskiej. Zarówno Park Narodowy New Forest, jak i Puszcza Białowieska to od lat obszary szczególnie ważne ze względu na ich szczególne walory przyrodnicze. Są miejscem rozwoju istniejących od

stuleci wrażliwych ekosystemów, których dalsze przetrwanie jest obecnie zagrożone. Obszar New Forest jest od długiego czasu przedmiotem sporów dotyczących wykorzystania jego zasobów naturalnych, jak również uzasadnieniem dla powstawania wielu instytucji, których działalność ewoluowała w odpowiedzi na zmieniające się potrzeby gospodarcze i priorytety polityczne. Potrzeby ekonomiczne społeczeństwa zawsze prowadziły do konfliktów o postrzeganie tego, co stanowi możliwie najlepsze wykorzystanie ograniczonych zasobów. Czasami konflikt ten mogą wywołać argumenty dotyczące interesu narodowego; z kolei na drugiej szali kładzie się lokalne problemy i priorytety. Bez względu na skalę konfliktów interesów, muszą istnieć ramy instytucjonalne do ich rozwiązywania, jednocześnie nakierowane na ugodowe rozważenie decyzji mających na celu na ich ominięcie. Z historii Parku Narodowego New Forest mogą czerpać wnioski zarządzający innymi obszarami tego typu, także w Polsce. Artykuł przedstawia krótki rys historyczny i charakterystykę geograficzną obszaru New Forest, ze szczególnym uwzględnieniem opisu przeplatających się ze sobą nacisków ekonomicznych i zmian instytucjonalnych, sytuację dzisiejszą oraz przyszłe oczekiwania w świetle bieżących kierunków polityki. Autor konkluduje, że długofalowa międzynarodowa współpraca naukowa może dostarczyć nowej wiedzy, która przyczyni się do pielęgnowania tych unikalnych, cennych i niemożliwych do zastąpienia obszarów środowiska naturalnego.

**Słowa kluczowe:** parki narodowe, kapitał naturalny, konflikty interesów, Park Narodowy New Forest, Anglia.