



Official Verderer
Lord Manners

Verderers of the New Forest

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13th March 2019

Dear Sirs

New Forest National Park Submission Draft Local Plan 2016–2036: Additional Site allocation – Ashurst Hospital

This letter is written in response to the consultation on the proposed additional site allocation – Ashurst Hospital.

The role of the Verderers of the New Forest is to:

- protect and administer the New Forest's unique agricultural commoning practices;
- conserve its traditional landscape, wildlife and aesthetic character, including its flora and fauna, peacefulness, natural beauty and cultural heritage;
- safeguard a viable future for commoning upon which the foregoing depends.

The Verderers derive their offices, powers and responsibilities from the New Forest Act 1877 and subsequent Acts.

The legal position

1. The site was formerly part of the New Forest and in Crown ownership prior to its enclosure and subsequent development.
2. The land was granted to the Guardians of the Poor of the New Forest Union in two tranches in 1836 and 1848. The purpose of the grants was respectively for building a work house and agricultural training.
3. The land subject to those grants was subject to common rights. Those rights have never been extinguished. Accordingly, it is the Verderers' primary contention that, as a matter of law, the land which is not being retained by the National Health Service for healthcare provision should now be returned to the open Forest. In the event that those retained areas cease to be used for healthcare purposes, they too should be returned to the Open Forest at that time.

Planning

4. The representations set out below are therefore made without prejudice to the Verderers' primary legal contention as set out above.
5. The Verderers do not object to the site being used for C2 purposes. This is subject to the conditions that are referred to below.
6. The Verderers strongly object to any non C2 use of the site or any part thereof on the grounds such use or uses would damage the adjacent protected habitats as envisaged by paragraph 4 of the proposed allocation policy.
7. Any C2 use should be subject to the mitigation measures set out in paragraph 5 of the proposed allocation policy. Those measures should be enshrined in a legal structure which binds the land and is enforceable by the local planning authority in perpetuity.

Yours faithfully

Lord Manners
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