

ITEM 7

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RIGHTS OF WAY SUB-COMMITTEE

12TH JANUARY 1978

HAZELEY HEATH AND BROXHEAD COMMON - PROPOSED FENCING

Report of the County Recreation Officer

At the last meeting of the Sub-Committee I was asked to investigate the environmental and scientific implications of fencing in parts of the above commons.

The enclosed reports by Jim White, the Conservation Officer in my Department, indicate that in both cases the natural history interests of these commons would be considerably damaged. He points out that although both Broxhead Common and Hazeley Heath are pleasant enough places for walking and to some extent are already used as unofficial open spaces, the scientific interest they contain is unusually high, being fine examples of lowland heath which in national terms is becoming extremely rare. Although the owners will naturally want to make the best and most profitable use of their land, any reclamation for agricultural purposes would be extremely damaging to this scientific interest.

Therefore it is recommended that the Committee should authorise the officers to discuss with the owners how the scientific and landscape values of these areas can be safeguarded and enhanced, whilst permitting the appropriate degree of public access. One possibility could be through Management Agreements similar to the one which has operated satisfactorily for some years at Tidpit Common near Martin. Alternatively the possibility of purchasing both freeholds could be explored. In any event there seems to be no evidence to show that fencing of either common would be in the public interest.

1. Background

Broxhead Common has been registered as common land and over the M.O.D. land west of the B3004 road a number of rights have been confirmed. East of the B3004 the common is owned by Mr. Whitfield, and here the rights of two commoners were confirmed. Mr. Whitfield appealed against this decision and the rights of one commoner to graze three cattle or goats and to dig sand were upheld. An appeal against the rights of this commoner has been lodged by the owner, pending negotiations over the use and future of this part of the common. (For the purposes of this report, Broxhead Common refers to this 198 acres, east of the B3004). Some 80 acres of Broxhead Common were enclosed with fences and reclaimed for agriculture in 1963/4 by a previous owner. That fencing was, and still is, unauthorised. The action was contested by Broxhead Commoners Association under Section 194 of the Law of Property Act 1925, and is still in dispute pending negotiations with the owner.

Mr. Whitfield has made a request to Hampshire County Council to consider his suggestion to seek the Minister's Consent to fence a further part of Broxhead Common in his ownership. The proposal is vague and no definite plan or indication of precise area exists. However, the area of remaining open common suitable for reclamation, from the landowner's viewpoint, is fairly limited. It appears that part of the heathland was prepared for reclamation at an earlier date, by removal of trees, and it is this open, largely level, heather heathland which is thought to be in the owner's mind. An approximate area of 20 acres has been suggested as Mr. Whitfield's requirement.

Mr. Whitfield has offered to make the southernmost $5\frac{1}{2}$ acres available as playing field for the local community. This will not interfere with areas of the greatest natural history value, and may go some way to satisfying the need to show "benefit to the neighbourhood".

All parties wish to avoid further expensive litigation, perhaps most of all the single commoner. The very limited common rights are in any case of doubtful value in curtailing the owner's agricultural aspirations. Rights of way are few and there is in theory no other public access. The Hampshire County Council's role in preventing further loss of Broxhead Common would appear to be limited to the matter of authorisation of existing and proposed fencing.

2. Landscape Considerations

Topography Broxhead Common lies wholly on a sand outcrop, giving rise to a gently rolling land form, more particularly on its northern and eastern sides. There are some level surfaces above 300' which are the highest areas, and these are in the southern part of the common. In the north-west of the common a shallow escarpment facing mostly westwards forms the most abrupt slope.

Vegetation The semi-natural vegetation is heathland or, depending on management (or lack of it), various stages in the succession to oak woodland. From the B3004 and C102 roads there is an impression of reasonably extensive woodland or open heathland - the reclaimed agricultural land is not visible, although the wooded fringes are in fact mostly narrow.

Views The open heathland provides the most extensive views, over heather and gorse-dominated landscape, with tree clumps and

Present Use 80 acres of common were reclaimed in 1963/4. The land is fenced and is under grassland or arable (winter wheat). Grassland on the higher land is particularly poor, with a high proportion of Chickweed and Shepherd's Purse present. On the lower grassland a more reasonable rye grass turf exists.

Several steeper slopes included in reclamation appear to have been subsequently abandoned and now carry rank grass and weeds. There are clearly severe limitations on agricultural activity, the value of the land cannot be high and it is not very productive.

Further Options Further land fringing the present reclamation could be taken on the north, west and south sides, but it is only on the more extensive southern heath that the land is level enough and sufficiently clear of trees and scrub for this to be an attractive proposition for the landowner. It is indeed from this area that scrub was cleared, presumably at the time of the earlier reclamation.

A sizeable coombe intrudes into the level open heath, and this carries valuable heathland habitat. It is unlikely that the steep-sided coombe would be reclaimed, but the resulting isolated heathland fragment, like the fragmentary fringing heathland, will have lost habitat continuity and thus natural history value.

5. Minerals

High quality sand extends beneath the whole common and there is an active mineral working in the northern part of the common at Trotsford Farm. There are existing consents here to last another seven years. The land was formerly in agricultural use.

There are numerous deposits of sand locally, but much is unavailable, being in M.O.D. hands. However, there are still large areas with current permissions in Hampshire and Surrey.

Constraints on further extraction largely depend on current use of land. There is, however, no plan to allocate further permissions on Broxhead Common.

6. Natural History Considerations

Just less than half of Broxhead Common has been reclaimed and is now grazing and arable land. The rest of the common is under semi-natural heathland vegetation.

This is of several types :-

- (1) Heather and heather/gorse areas. Principally between the B3004 and the reclaimed land. In places is invaded by scrub and probably only 40-50 acres of this prime habitat remain.
- (2) Bracken. Relatively small pockets of bracken-dominated heath occur. May be local soil differences and also history of fires.
- (3) Birch scrub. Usually together with gorse, oak and a little pine. Invading both open heathland types.
- (4) Oak woodland. Peripheral around most of heath and spreading in, especially north and south-east edges. A mature block occurs on the western heath.

(5) /....

The registered common rights are minimal and are in any case likely to be further contested. The County Council's case for involvement appears to be limited to the matter of supporting or opposing any further fencing: the reclamation in itself is not a matter in which Hampshire County Council can intervene.

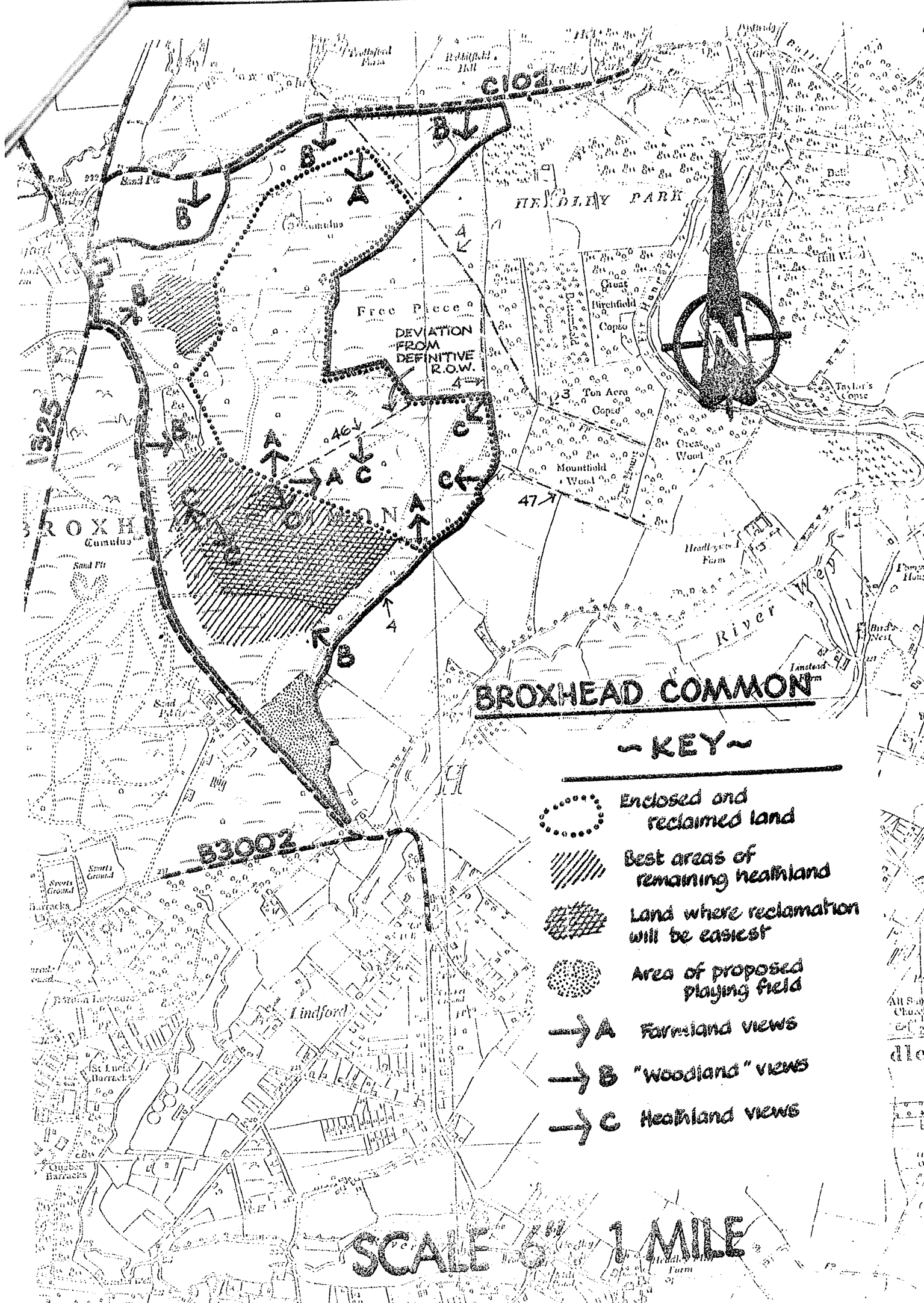
Mr. Whitfield claims that reclamation (and with it fencing) will benefit the neighbourhood by preventing illicit access and camping, minimising fire risk and improving the appearance of the area. The proposed playing field area would similarly add to this benefit.

Broxhead Common has considerable natural history value. It has several rare heathland species and is an example of a rapidly disappearing habitat. It is at present worthy of S.S.S.I. status, if no further losses occur. The richest area coincides almost exactly with that most likely to be reclaimed. Although fringes and a pocket of heathland may remain, these fragmented areas will be isolated by farmland and will be very much reduced in their capacity to support viable populations of heathland organisms.

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BROXHEAD COMMON

~ KEY ~

-  Enclosed and reclaimed land
-  Best areas of remaining heathland
-  Land where reclamation will be easiest
-  Area of proposed playing field
-  A Farmland views
-  B "Woodland" views
-  C Heathland views

SCALE 1 MILE