

# *Friends of Latchmore*

## **Latchmore Brook stream restoration project**

**Notes<sup>1</sup> of meeting/site visit with Natural England & National Park Authority (10 April 2012)**

### **Present**

**Friends of Latchmore (FoL):** John Shepherd, Fiona Macdonald, Michael Mayes, Ailsa Farrand

**New Forest National Park Authority (NPA):** Alison Barnes

**Natural England (NE):** Andy McDonald, Rachel Bailey, Jennifer Thomas

### **FoL Aims**

- a) To inform the NPA and NE that there is serious local opposition to the project, and that no “general consensus” in favour of the project exists (as was reported to the HLS Board in November).
- b) To explain that there will certainly be a major public outcry if it is not stopped, which is likely to cause serious damage to the reputations of the HLS Scheme and all the partner organisations.
- c) To demonstrate that there has already been and will be further serious damage to the landscape and recreational amenity value of the valley as well as serious ecological damage.
- d) To explore and understand the dual role of NE as guardian of the natural environment, and a non-voting member of the HLS partnership (with a possible conflict of interest) [Note: this was not actually discussed]
- e) To discuss the NPA’s special and pivotal role (with responsibility for landscape, amenity, ecology and economic activity)
- f) To obtain further information on the nature and extent of the scientific evidence on which the justification for the project is based.
- g) To report that face-to-face consultation by FoL with visitors over the Easter holiday weekend had demonstrated overwhelming opposition to the project (although this may have been influenced by the tone of the FoL presentation of the issue)
- h) To explain why FoL considers that appropriate and site-specific EIAs and comparative risk/benefit studies are essential for this project (and all such significant works within SSSIs<sup>2</sup>) even if these are classified as restoration schemes.

### **Principal matters discussed and actions agreed**

FoL provided NE (A McDonald) and NPA representatives with copies of an FoL “flyer” about the scheme that was being distributed locally and to visitors, the briefing note prepared for Desmond Swayne MP, and a short illustrated report of FoL site visits to other restoration projects recommended as examples of successful intervention by the Forestry Commission (FC).

- 1) FoL stated that they regarded the public consultation conducted by the FC as wholly inadequate, since it consisted almost entirely of the FC talking, and very little listening to the views of members of the public. There appear to be no formal records of the consultation meetings, and the reported statement that there is a “general consensus” in favour of the project is false. Natural England consider that the Forestry Commission have adhered to the approved consultation protocol.
- 2) FoL had requested the objective evidence (original survey records) on which the "unfavourable" status of the Brook (SSSI Unit 48) is based. This appears to be missing or incomplete (possibly lost or destroyed) so the assessment cannot now be substantiated. NE staff do make occasional site

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<sup>1</sup> Notes prepared by J Shepherd for FoL, and checked for accuracy by Natural England

<sup>2</sup> For brevity the abbreviation SSSI is used and should be understood to include SPA, SAC, RAMSAR site (etc) wherever appropriate

visits but do not necessarily retain records or make written reports on these. FoL noted that many of the measurable indicators of favourable status (damselflies, fish, birds & plants, including protected species) are already present. NE guidelines for 'Objectives and Definition of Favourable Condition' would not support major intervention in such cases. **NE agreed to investigate whether further survey records are available from the FC or elsewhere, and if so to make them available**

- 3) FoL requested a clear statement of the precise aims and objectives of the project, and how the achievement of these will these be scientifically measured and monitored. FoL considers that general statements such as “restoration to its natural course and/or state” are hopelessly ambiguous, whose achievement cannot be assessed. The natural state is not known, and restoration to any former state (e.g. that of 1870 or 1950) would be an arbitrary choice that would need to be justified. **NE explained that responsibility for all ecological & environmental survey work and analysis was delegated to the FC**, and was not checked or verified by NE. NE explained that it had been given approval as part of the SSSI PSA/remedies programme and the New Forest HLS scheme and is carried out under a “DEFRA family<sup>3</sup>” arrangement. **FoL expressed the view that this is seriously unsatisfactory** and potentially in conflict with NE responsibilities under UK implementations of EU legislation
- 4) FoL requested evidence that the work proposed will actually improve the environmental status of the Brook, given that it is recovering naturally and has already self-remediated substantially in the past 50 years. In addition FoL requested evidence that there would be any significant benefit of relocating the stream to a different (similar and closely adjacent) course, whether or not this represents a former course, rather than minimal intervention (where this could be shown to be likely to be beneficial) to encourage further natural remediation in its existing course. **NE stated that these assessments were also the responsibility of the FC.**
- 5) FoL stated that general assurances that the NE, FC and others had fifteen years of experience of carrying out successful restoration projects were anecdotal and wholly inadequate as evidence, given that no significant monitoring of the effects had been undertaken, and that visual inspections by FoL members of other projects indicated that these were not at all satisfactory in many cases <sup>4</sup> Natural England agreed that it would be beneficial to have the results of all of the research and monitoring that has taken place as part of the previous 15 years restoration projects in one place.
- 6) FoL requested evidence that there are really any feasible & effective ways of mitigating damage to protected species such as damselflies and sea trout? **NE stated that the FC should have consulted with experts on such matters, and agreed to establish whether there were any records and reports of such consultations, and if so to make them available.**
- 7) FoL pointed out that above the Shade the stream closely follows the course shown on the OS 1:2500 map of 1870, and so must have done so for more than 140 years. The course to which it is now proposed to move it in this area must therefore be even earlier and there is no firm evidence that this will be a stable route. The benefits of moving it after such a long time are doubtful and have not been quantified. NE agreed to ask the Forestry Commission what techniques/maps had been used along the stretch in order to choose the line into which to relocate the meanders.
- 8) FoL queried the legal basis for asserting that no EIA was required for such extensive works in an SSSI, which appears to rest on their classification as “restoration”, which is ambiguous and can be challenged. In any case undertaking such work without adequate pre-operational surveys and post-

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<sup>3</sup> A non-statutory management arrangement whereby public bodies in the “DEFRA family” (which includes the FC, NE, and the NPA) do not interfere in each others’ activities.

<sup>4</sup> Sites visited include Ditchend Bottom, Dames Slough, Markway, Buckhard Bottom, Linford Bottom, Pinnick Wood, Milkham, Amberslade Bottom & Fletcher’s Thorns

operational monitoring is certainly not acceptable as good practice. It is NE's opinion that an EIA is not required for these works but **NE did agree that such studies would be scientifically desirable**, even if they cost a significant fraction (10 % or more) of total project costs, and **FoL agreed to cooperate with NE and others to develop a protocol for such studies**. NE would consider what would be appropriate for the interest features present at each site, which might require several years study either side of the works in some cases.

- 9) FoL questioned the desirability of working on the Latchmore Brook and floodplain without first undertaking remedial work on the heavily drained upper catchment area (e.g. in the Alderhill Inclosure). NE stated that the FC would probably undertake such work later on, but it was noted that this could negate any benefits of earlier work downstream. **It was agreed that work upstream should be undertaken first. - Natural England agreed to find out why FC had chosen to do the bottom end of the catchment first and look into when the top end might be done** At present the Inclosure is outside the HLS-funded area, but it could fall within it if it were thrown open, which is likely sometime in the foreseeable future.
- 10) FoL agreed to meet with FC and NE on site again in May to discuss the outcomes of the actions/investigations above.

### **Additional matters discussed**

- 11) FoL commented that the project appears to have expanded considerably from what was originally proposed in 2008/9, but no justification for this appears to exist.
- 12) The existing stream is slightly acidic, but the proposed 10,000 tons of imported gravel and hoggin from the Avon Valley will contain alkaline and silicate materials which are likely to have an adverse effect on aquatic organisms both locally and downstream (including invertebrates and protected fish species such as Sea Trout, Brook Lampreys and Bullheads) Large quantities of silicates suspended in the water can have a very damaging effect on gill-breathing creatures, (amphibians as well as fish) and these effects can continue for long distances downstream.
- 13) There does not seem to be a documented biosecurity plan for the introduction of such large quantities of material, addressing the risks of introducing disease or alien species.
- 14) Major engineering works such as those proposed will inevitably have a serious effect on rare stream-dwelling species present, and reported proposals for removing and reintroducing fish larvae and damselflies do not appear to be practicable.
- 15) FoL considers that detailed studies are also required of...
  - a. the effects downstream including possible contamination of the Avon and insufficient water supply to paddocks between Ogdens and South Gorley.
  - b. The effects on the grass track along which it is proposed to move 10,000 tonnes of material - which has a 'Favourable' SSSI status and should thus be protected
  - c. The effects on the bog at the Alderhill boundary through which it is planned to move large quantities of material using heavy vehicles
- 16) FoL considers that the practice of changing the status of SSSI units as soon as a management plan is in place is unsatisfactory and potentially highly misleading, and that it should be discontinued.

Note: Document amended and finalised with NE corrections & amendments 2 May 2012 (JGS)