

Friends of Latchmore

friendsoflatchmore.org

Postbox Cottage,
Blissford,
Fordingbridge,
Hampshire, SP62HY.

To: Mr K. Penfold, Acting Deputy Surveyor, Forestry Commission

14 May 2012

Dear Kevin

Latchmore stream restoration project: public concerns

Your letter of 10 May is extremely disappointing since you continue to fail to provide any of the information for which we have asked in adequate detail. I am afraid that merely repeating vague generalisations does not make them any more satisfactory, and we shall not be satisfied until we have received adequate answers to these requests. In the interests of comprehensibility (especially for copy recipients) I repeat our requests (in boldface) and the main points of your replies (in italics) below, followed by our additional comments on these:

1) The evidence that supports the overall assessment that the ecological status of the stream is unfavourable.

“As you are aware this is a matter for Natural England, and I understand that you have raised the matter with them”

This is correct, and we have, but NE state that the data is now missing (lost or destroyed). In the absence of this information on what is wrong with the ecology of the stream, we cannot understand how you can plan to remedy any deficiencies. We consider that either you or NE must undertake a full pre-operational ecological survey as a necessary basis for any remedial work.

2) The evidence that its status will not continue to improve by natural processes

“I am not aware of any evidence that supports your view that Latchmore Brook is currently improving”

It is your Q&A document that claims that the stream “*will not fully recover without intervention*”. We are merely requesting the evidence to support this assertion. However, do you really wish to dispute that streams recover after disturbance? The paper by Tuckfield that you regularly cite provides clear evidence of such recovery, although it can take ten years or more. The most recent interventions on the Latchmore were more than 50 years ago.

“The erosion to the mire, loss of material from the system, and site observation (etc etc)”

Which mire, and how was the erosion measured? How was loss of material determined? What site observations are these, and may we see the report thereof, please?

3) The precise ecological objectives of the works to be undertaken

“...the objectives are to restore the natural hydrological processes and associated wetland habitats (etc etc)”

These are overall general aims, not precise and operationally achievable objectives. We wish to know what hydrological deficiencies (and where), and which wetland habitats (and where) you aim to restore, and to what state (since the none of the former nor the truly natural states are known).

Without such a clear statement of objectives we cannot understand how you can design the programme of remedial work.

4) The evidence that the planned works will actually achieve these objectives

“Please refer to the list of sites restored. As previously offered we would be happy to arrange a visit to a number of previous sites to view past restoration”

This does not provide the information requested, since it does not refer to any evidence in relation to the work planned for the Latchmore. Moreover, as we have already told you in our comments on your Q&A document, we have visited 9 of the sites listed but “we do not agree that the visual evidence of “success” of these restorations is convincing (see report & photos on the FoL website at friendsoflatchmore.org)”

5) The nature and content of any planned monitoring of the status of the stream, that could demonstrate whether or not the objectives have been achieved

“A number of species specific surveys, including fisheries interests, have been undertaken. These will be repeated post restoration.”

We have repeatedly asked for any information from such surveys, but we have received nothing. We shall not be satisfied until we have been able to review what has been done and the results of the surveys. Please provide this information rather than simply telling us that it exists.

“We can discuss wider scheme monitoring at the site meeting”

We shall be pleased to do so, but it would make such a discussion much easier and more productive if you would first simply send us the details of what is currently planned so that we can consider this beforehand.

6) The precise legal basis for the assertion that no Environmental Impact Assessment is required

“As previously stated there is no legislation that requires an Environmental Impact Assessment for the restoration works”

This merely repeats the assertion. We wish to know why the provisions of (inter alia) the [Wildlife and Countryside Act 1981](#), the [Conservation \(Natural habitats, &c.\) Regulations 1994](#) in relation to the EU [Habitats Directive](#), and the [Countryside and Rights of Way Act 2000](#), in relation to SSIs, SPAs and SACs do not apply. In addition why does the DEFRA code of guidance “Sites of Special Scientific Interest: Encouraging positive partnerships” not apply ?

7) A copy of the reports of the site-specific studies that you state have been undertaken

“Our site specific information is best covered at the site meeting as there are sensitivities relating to the release of environmental data and rare species and sites”

This is not an adequate response, as detailed survey data cannot be covered in conversation. There must also be site-specific information that is not sensitive and we see no reason why this should not be provided. We have previously offered to arrange for qualified people to be shown sensitive information under a formal confidentiality agreement but this has been ignored.

8) A copy of any analysis of the balance between the damage that will be caused and the benefits that may be obtained

“The consenting and our planning process identify any constraints to minimise any adverse impact to species and sensitive sites (etc, etc)”

It would be helpful if you would provide whatever documentary evidence of this analysis is available. However this would anyway not adequately address the request, which is for the results of the overall comparative analysis of damage and benefits (not restricted to rare species and

sensitive sites) which must underly any decision as to what level of intervention is necessary and desirable to achieve the stated objectives of the project. If this does not exist then we do not understand how the intervention can be justified.

You have not yet responded to our questions in relation to conformity with accepted DEFRA standards of good and best practice, which were explicitly recognised in the preparation of the generic EIA of 2006. We can see no reason why such standards should not apply equally at the site-specific level.

We note that we have also not yet received any response to our detailed and critical analysis of the Q&A document that you sent to us as a response to our initial statement of concerns and questions. We are also still waiting for answers to that original list of questions, of which 20 out of the 25 have not yet received any response at all.

I have already responded positively by email to your suggestion of a site meeting with Professor Sear, and I hope that we shall be able to find a mutually feasible date for that as soon as possible. The issues that we shall wish to discuss then are as follows:

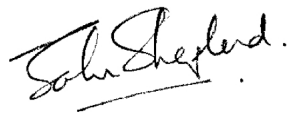
- a) Where and what are the actual and specific hydrological, geomorphological and ecological problems that the works are intended to remediate ?
- b) In particular where is excessive stream depth and/or bank height preventing interaction with the flood plain, and where is excessive straightness and velocity causing erosion ?
- c) What are the options for remediation, ranging from doing nothing to infill and relocation of the stream, together with any intermediate and less intrusive interventions that may be feasible ?
- d) What are the most effective and least damaging options for each of the problems identified ?
- e) What are the benefits to be gained from relocating the stream to alternative courses, and do they justify the damage and costs associated with relocation.

To assist us in understanding these issues, it would be helpful if you would provide us beforehand with

- i. large-scale maps and plans (preferably at 1:2500 scale) showing which problems have been identified, and where, and what intervention work is proposed.
- ii. High-resolution topography as determined by the LIDAR surveys, showing the interpretation in terms of former courses followed by the stream, and the dates when these were occupied wherever these have been determined

Finally, I should be grateful if you would let me know as soon as possible who you expect to attend this site visit, so that we may decide appropriate representation from among our members.

Yours sincerely,



Professor John Shepherd CBE FRS (Chair: the Friends of Latchmore)

See next page for list of copy recipients

Cc Mr. Dominic May, Official Verderer
Simon Hodgson, Chief Executive, Forest Enterprise England
Miss Alison Barnes, Chief Executive, New Forest National Park Authority
Dr Helen Phillips, Chief Executive, Natural England
Dr Graham Ferris, Chairman, New Forest Commoners Defence Association
Baroness Sharples
Rt. Hon. D Swayne, TD MP
Parish Clerk, Hyde Parish Council