



## *Friends of Latchmore*

[friendsoflatchmore.org](http://friendsoflatchmore.org)

16 May 2012

### **Latchmore stream restoration project: presentment to the Court of Verderers**

My name is John Shepherd. I am a Professorial Research Fellow in Earth System Science at the University of Southampton, where I direct an MSc programme on Marine Science, Policy and Law. I am a Fellow of the Royal Society, and I was a member of the study group that produced its report on The Future of Sites of Special Scientific Interest in 2001. I was a member of the DEFRA Science Advisory Council from 2002 to 2010, and I currently chair the Scientific Advisory Group for the Department of Energy & Climate Change. In my spare time I chair independent reviews of Environmental Impact Assessments and decommissioning plans prepared for the offshore oil industry. I am not a terrestrial ecologist, but I do have considerable experience concerning evidence-based policy and good practice in environmental protection and management.

Today I am presenting to you the views of the Friends of Latchmore, a group of well over 100 people, both residents and visitors, who object to the planned “restoration” of the Latchmore Brook as part of the New Forest HLS scheme. This involves importing about 10 000 tonnes of gravel in order to fill in much of the existing stream bed, and to relocate it in an alternative course just a few yards away. We object to this project mainly because it is not at all clear what is actually wrong with the stream at present, nor whether or not the proposed reconstruction works will actually help to fix any problems that may exist. As a scientist and as a citizen I am horrified that this could happen in such a beautiful and highly protected place. The Verderers have supported this project, based on its claimed ecological benefits. My presentment today explains that there is in fact little or no evidence to support these claims for the Latchmore Brook. Your support as Verderers has been based on unsupported assertions and misrepresented information. In particular:

- 1) The overall assessment that the ecological status of the stream (and adjacent ecosystems) is “unfavourable” is dubious and cannot now be verified, because the ecological survey records on which it was based are now apparently missing (probably lost or destroyed). No attempt has been made to re-survey the area, so there is no evidence of any problems that may exist.
- 2) The course of the stream was last modified during the 1950s and 1960s. It has therefore now been recovering naturally for at least 50 years, and it has now most probably reached a new semi-natural equilibrium. Nobody has produced any evidence that its status is deteriorating, or that it will not continue to improve by natural processes without intervention.

- 3) Nobody can say what are the precise ecological objectives of the works to be undertaken: i.e. which habitats and/or species are intended to benefit, nor where, nor to what extent.
- 4) No studies have been undertaken to provide any evidence that the planned works will actually achieve their objectives (if anyone actually knew what they were).
- 5) There is no plan to monitor the present or the future status of the stream, so it will never be possible to demonstrate whether or not the objectives have been achieved
- 6) It is asserted that there is no legal requirement for an Environmental Impact Assessment for the project, but no justification for this assertion has been provided. There is no specific exemption for “restoration” work within an SSSI. Even if there were, DEFRA guidance on good environmental practice would require one for such a substantial intervention (and this was specifically recognised when a generic assessment was produced in 2006).
- 7) It is asserted that detailed site-specific studies have been undertaken, but no-one has been able to produce any reports or other documentary evidence of the results of such studies.
- 8) No Comparative Analysis of the balance between the damage that will be caused and the benefits that may be obtained has been undertaken. There is therefore no way to know whether the benefits are greater than the damage, nor whether substantially similar benefits could be obtained by means of some less heavy-handed and damaging intervention.

We have asked repeatedly for evidence that any of these serious issues have been considered in any satisfactory way, but nobody has been able or willing to provide any of this information. We have been repeatedly told that the partners have 15 years of experience of successful restoration, but since no surveys or monitoring have been carried out there is no evidence to support this. Our own observations of previous restoration projects show that the results are in many cases highly unsatisfactory.

We consider that the planning and execution of this project are clearly in violation of the DEFRA guidelines for the management of SSSIs (2003). Moreover, DEFRA is committed at the highest levels to evidence-based policy and best practice, and the present conduct of works within the New Forest SSSI under the HLS scheme is a lamentable failure to apply these principles by the agencies involved.

In March we sent to the Verderers and all HLS partners a list of 25 questions that we consider need to be satisfactorily answered before the project could be considered to be credible. In return we have received nothing except a general Q&A document prepared by the Forestry Commission, that answers their own questions, not ours. We have responded with a detailed and critical analysis of their Q&A document, but we have not yet received any response to these comments. We have also prepared a detailed analysis of the extent to which it addresses our questions, which concludes that it answers none of them satisfactorily, and that it fails to answer 20 out of the 25 in any way at all.

We regard this situation as wholly unsatisfactory and unacceptable, and we are now referring these departures from best practice and failures to implement relevant legislation to the appropriate national and EU authorities. We have also pointed out that the HLS Board’s decision to proceed with the project was based on erroneous information about the state of public opinion about it, and we have repeatedly asked the Verderers and the Forestry Commission to suspend further work on the Latchmore project until all these issues have been properly investigated and a satisfactory outcome reached.

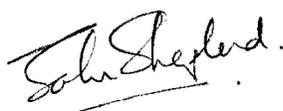
It is inevitable that any attempt to resume the works this summer will result in a major and very public dispute, that will create extremely bad publicity for the New Forest HLS scheme and for all of the partner organisations involved. This could still be avoided if the Court of Verderers and its HLS partners were to suspend the project now.

The situation can therefore be simply summarised. It is proposed to import 10 000 tons of gravel and dump it in the bed of a charming and biodiverse stream without any attempt to determine whether or not this is actually necessary, or whether or not it would be beneficial, and what damage it may do. This is not just a classic case of brute force and ignorance. It is brute force and *wilful* ignorance.

I am aware that the practice of this Court is not to reconsider matters unless there is new evidence to be considered. The new evidence I have presented to you today is that the original information on which you decided to support this scheme was seriously deficient and in one important respect erroneous. On any proper and objective analysis the evidence available is completely inadequate for intervention works of this magnitude.

My presentment today, supported by the views of over 100 like-minded people, therefore asks you to suspend this work now, until a proper environmental assessment and comparative analysis specific to the Latchmore have been carried out. We believe that such an analysis will show that the work is not necessary and that the damage caused will far outweigh any possible benefits.

The Verderers and the HLS partners still have an opportunity to avoid a storm of public opposition and criticism, that will damage their reputations and those of the organisations they represent, by suspending work on this project, and I urge you to do so now.



Professor John Shepherd CBE FRS  
Chair: the Friends of Latchmore  
Postbox Cottage,  
Blissford,  
Fordingbridge,  
Hampshire, SP62HY.

Cc Mr. Dominic May, Official Verderer  
Simon Hodgson, Chief Executive, Forest Enterprise England  
Miss Alison Barnes, Chief Executive, New Forest National Park Authority  
Mr Kevin Penfold, Forestry Commission  
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