

# RICHARD BUXTON

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Forestry Commission  
c/o Eversheds LLP  
1 Callaghan Square  
Cardiff CF10 5BT

Attn: Mark Rhys-Jones

Your ref: RHYSJOM/033727-002196

Our ref: MCF1-001/LF

26 July 2012

Dear Sirs

**R.M. Buxton**  
MA (Cantab) MES (Yale) Solicitor - Advocate

**Susan Ring**  
LLM Env (London) Solicitor - Advocate

**Paul Stookes**  
PhD MSc LLB Solicitor - Advocate

*Associate:* **Andrew Kelton**  
BA (Cantab) MA (UBC Canada)

*Associate:* **Adrienne Copithorne**  
BA (Cantab) MA (UC Berkeley) Solicitor - Advocate

## Latchmore Brook Restoration Project (High Level Stewardship ref AG0030016)

We refer to your letter of 15 June 2012 to our client's previous advisors, Anthony Harris & Co, and to our letter of 27 June 2012.

We have now sought Counsel's advice on this matter. We cannot see how the proposed works to Latchmore Brook can lawfully be carried out without planning permission. They plainly amount to development for the purposes of s 55 Town and Country Planning Act 1990, and we cannot see how they are authorised by the Town and Country Planning (General Permitted Development) Order 1995. It seems that it may be for this reason that no Environmental Impact Assessment has been undertaken.

Unit 28

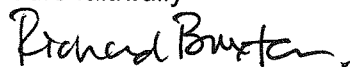
From the documentation we have seen NE has never been consulted on works to SSSI Unit 28 although the 2011 and 2012 SSSI Unit Restoration Plans propose works to raise the stream bed in this unit. Please explain.

Unit 43

Please explain (and we are separately raising this concern directly with Natural England) why these works are being proposed at all since the NE SSSI data sheet for Unit 43 confirms that as of 27 June 2012 the unit is in favourable condition (this is also confirmed on the map for the area). It would appear that the area condition has been reassessed and updated calling into question the need for the works at all in this area.

We would be grateful if you would confirm as a matter of urgency, and in any event by 3 August 2012, (i) that you agree that planning permission is required for the works; and (ii) that you will obtain such planning permission before resuming the works (we note for completeness that tree-felling - including some outside the licensed area, and ordnance survey for clearing the site of war-time training bombs has already commenced).

Yours faithfully



Richard Buxton

cc. New Forest National Park Authority (Attn: Julie Mutlow)  
Environment Agency (Attn: Christopher Hayball)  
Natural England (Attn: Julie Hunt)  
Verderers of the New Forest (Attn: Dominic May)