

# *Friends of Latchmore*

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

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8 November 2012

To: Mr M. Seddon, Deputy Surveyor, Forestry Commission

Dear Mike

## **Latchmore Brook restoration project**

Thank you for finding the time to meet and walk the Brook with us recently. We found it a very useful and constructive afternoon, which provided an excellent opportunity for us to share our views on the previously proposed works and the prospects for a way forward.

We were very pleased to hear that you have decided to undertake the remedial work on the drainage in the inclosures upstream, before proceeding with any work on the Latchmore Brook and mires, possibly in 3 to 5 years time. As you know this is a modification that we have proposed previously, and which was supported by David Sear. It will as we discussed provide a very valuable opportunity to undertake the necessary monitoring of the stream itself and the various ecosystems, and we shall be happy to discuss what needs to be done and how it may best be achieved. As this is a very significant development we intend to notify our membership by posting an announcement and a copy of this letter on our website, but we do not plan to issue a press release at the moment. We expect that you will make a formal announcement fairly soon, but if you do not intend to do so, please let us know.

We also welcome your intention to take a whole catchment view of the issue, recognising that there are several different regimes along the Brook and within the valley that may need to be treated differently, and to consider carefully the specific objectives of restoration, and the minimum intervention that may be sufficient to achieve them. This is wholly consistent with the outcome of our recent discussions with Natural England and the NPA.

We shall look forward to hearing more about your plans for work upstream when you have worked out the details, but would suggest that it would be desirable to initiate monitoring of the stream flow out of the Alderhill Inclosure as soon as possible, so that the improvement in water retention upstream and reduction of peak flow-rates can be determined and compared with appropriate targets. We could probably contribute to this by providing volunteer labour if that would be helpful.

On a less positive note, however, there remain a number of outstanding issues on which we have had difficulty getting satisfactory responses, and that we would now like to pursue with you directly, rather than through further legal action, as we had planned. The most important of these are

- (1) Tree felling outside the licensed area,
- (2) Explosions of ordnance during bird nesting,
- (3) Protection of damselflies,
- (4) SSSI classification especially of Unit 43.

An explanation of these issues is attached as an Annex, and I would be grateful if you would let me know how you intend to deal with these. A response by 30 November would be appreciated please, to avoid the need to pursue them through our solicitors.

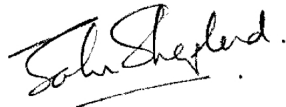
In addition we have other outstanding concerns that we consider will need to be resolved in support of the EIA for your planning application. These include:

- Chemical & biological contamination by imported gravel & clay
- Use of up to 15% log infill
- Proposed methods for protection and movement of fish and invertebrates
- Preservation of Kingfisher nests
- Preservation of the semi-naturalised Pumilio bog
- Operational activity during the nesting season
- Reconstruction of stock and deer crossing-points
- Adequacy of environmental and operational maps & plans
- Accuracy of levelling and stream course identification
- Characterisation & monitoring of the hydrological environment
- Engineering proposals for drainage from Latchmore Mires to enter the stream
- Evidence of success/failure of previous projects
- Accurate surveying & preservation of archaeological features

We appreciate that you will not wish to deal with all of these yourself, but we would be grateful if you would nominate someone with whom we can discuss them further, to avoid the need for them to emerge later as objections to the planning application.

We shall look forward to hearing from you, and to continuing useful dialogue on these issues in the future.

Yours sincerely,



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

Cc Mr. Dominic May, Official Verderer  
Mr. S. Avery, New Forest National Park Authority  
Mr. A. Wood, Natural England  
Baroness Sharples  
Rt. Hon. D Swayne, TD MP  
Councillors & Parish Clerk, Hyde Parish Council  
Ms. L. Foster, Richard Buxton Solicitors

## **Annex: Latchmore Brook: Major Outstanding Issues (October 2012)**

### **1) Tree-felling outside the licensed area**

This has been a very emotive issue locally, and was the first real indication of the scale of the works planned at Latchmore Brook. A significant number of trees were felled during 2011 which eventually led to the formation of the Friends of Latchmore. However, it was not until receipt of copies of the tree-felling licences and the associated map in June 2012, as part of the release of information from the Forestry Commission on 15 June, that it was realised that a significant number of mature trees had been felled outside the provisions of the licences. Consequently, Richard Buxton wrote to Kevin Penfold on 9 August, and received a response dated 23 August.

I attach a number of documents, including a photomap, clearly showing that the permissions did not include the very significant section of 200 metres between SU 19051265 to SU 19231268 (approximately), which is outside the tree felling licence areas. All trees, including mature trees, were felled, completely laying bare this section of the stream. There is overwhelming evidence that these trees were not compliant with the Felling Licence Exemptions relating to volume and diameter, as was suggested in Kevin Penfold's response. We are aware of the stringent regulations which apply to us all in the New Forest area and the very severe penalties that can be imposed for non-compliance with these legal requirements. Would you please consider how this can be resolved in a meaningful way ?

### **2) Explosions of ordnance during bird nesting**

There has been similar correspondence regarding the explosion which took place during the ordnance survey in 2012, for which we have not yet received a satisfactory response. This includes an FOI request sent by one of our members to Sarah Oakley on 27 August 2012, to which she has not yet received a reply.

The explosion occurred in May 2012, at the height of the bird nesting season, and resulted in many birds being severely disturbed, including nesting wheatears, which did not return. We understand that a bomb was also found during the 2011 survey. This was removed from the site and detonated at sea.

Unless and until we are provided with a detailed explanation of the reasons for the difference in the actions taken, we consider that this is evidence of continuing insensitivity of those working on the HLS restoration programme to the environment in which they are operating. Why was the ordnance survey scheduled to take place during the bird-nesting season, what plans were made to deal with the possible need to explode a "device" in the vicinity, and what provision can be made to ensure that similar inappropriate (and potentially illegal) actions are not taken in future ?

Similar considerations will of course apply to any future operational activity (eg. disturbance of birds, fish, invertebrates by work on the project) and need to be addressed in the proposed application for planning permission.

### **3) Protection of Damselflies**

Information was received as part of the Forestry Commission response to Anthony Harris on 15 June 2012, which included partially redacted e-mails addressed to Sarah Oakley during 2009 regarding the concerns of the impact of the works on the rare Southern Damselfly and Scarce Blue-tailed Damselfly. This included reference to the Pumilio site, located behind the spoil heaps – which we pointed out during our meeting – where the opinion was expressed that these should NOT be removed.

FOI requests during 2012 requesting further information identified the use of local and national experts regarding site visits. Further information was requested of the site visit data and conclusions, but has been refused on the grounds that the “experts” may not wish to be identified – indicating that they have presumably not even been asked. It is our view, and that of our legal advisors, that it is unacceptable for expert opinion to be kept anonymous, since the credentials of the experts involved cannot be verified.

Another source indicates that the proposed works will have a significant and detrimental effect on this SAC species (Southern damselfly), the very scarce species (Scarce blue-tail), and other damselfly species. We have previously stated that we would if necessary be prepared to sign a non-disclosure agreement concerning the locations of the site visits and the source of the conclusions, in order that this issue can be properly explored. Please can this issue be looked at again?

#### **4) SSSI Classification – especially of Unit 43**

We mentioned our difficulty in understanding the reasons for SSSI Unit 43 being upgraded from Unfavourable Recovering in 2008 to Favourable status in June 2012, when there is no visible change to this unit in that period.

An assessment for Unit 28, was made at the same time as that for Unit 43. This consisted of three discrete assessments, i.e.

H4010 – northern atlantic wet heaths with Erica tetralix

H6410 – molinia meadows on calcareous, peat of clay-silt soil

H7150 – depressions on peat substrates of the rhynchosporion

The Unit 43 assessment sheets made on 2 May 2012 are simply for “Wet heath including fen, marsh and swamp – lowland”. The variables assessed show no entries in the line for “Presence of all Heather growth phases”, with Target Pass/Fail set at N/A. In fact, 80% of Unit 43 is made up of heather, and only 20% is mire. We consider the quality and completeness of the assessments of the SSSI units to be generally unsatisfactory, to an extent that undermines their credibility as evidence.

In particular, what is the justification for the upgrade of Unit 43 to Favourable and why was 80% of the Unit not assessed? Why was there no assessment made of Unit 28, 29 and 44 at the same time, when Unit 43 and 48 were assessed?

As part of the policy of completing the restoration of the upstream areas first, will this form of assessment be used to assess units 49, 51, 60, 61, 66, 540 and 541 (the upstream Inclosures) – currently assessed as unfavourable recovering, requiring signs of changing to favourable, before any action is taken on Latchmore?