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Dear John

LATCHMORE BROOK

Thank you for your letter dated 5 February about Latchmore Brook and specifically matters relating to tree felling, removal of ordnance and damselflies.

Tree felling

My letter to you of 17 January acknowledges the felling at Latchmore, completed in 2011 and 2012, to have extended beyond the area covered by the approval we obtained and the reasons for this. The trees felled were of various species *including* willow, birch and Scots pine, but as you state may also include an oak, and for completeness willow, ash, hazel, thorn and alder. A proportion of the stems felled were coppice rather than single stem trees.

As I outlined in the 17 January letter, we do not intend any further actions in the Latchmore area at this time as later this year we will be submitting a planning application for restoration works. If this application is not granted then we would take steps, subject to any necessary agreement of the Verderers under the New Forest Acts and Natural England under environmental legislation, to allow some regeneration of trees in this area to reflect the naturally dynamic landscape character of the area.

Turning to paragraph 1.2 of your letter, separate approval from Natural England under environmental legislation is not required for tree felling carried out in pursuance of works forming part of the Higher Level Stewardship scheme. The HLS Agreement "grants permission under s28e of the Wildlife and Countryside Act 1981 to undertake agreed operations on the SSSI land", and in this instance the tree felling was a necessary part of the planned restoration works.

Ordnance removal

You clearly set out in your letter your ongoing concerns about the timing of the works to remove or make safe wartime ordnance present in the Latchmore Brook area. As we prepare planning applications for restoration works here or elsewhere we agree that this issue needs to be addressed and we will include this alongside other considerations within the application.

As previous replies from Jane Smith and I set out, the works to remove the ordnance took place in May because of the need for ground conditions to be suitable and the nature of disposal being in accordance with the advice of the professional bomb disposal services. I note that you have expressed the view that you consider this to be a serious occurrence under the Wildlife and Countryside Act to Natural England, and their response is that no offence per se appears to have been committed and that a public safety defence is also relevant (letter to Richard Buxton Solicitors dated 30 August 2012). I am afraid that we therefore disagree with your assertion that this is "evidence of continuing insensitivity" as we believe our actions to be reasonable in all the circumstances of the case.

Protection of damselflies

When we walked the Brook at the end of October you pointed out the spoil heaps and pond as an area important for Odonata and I agreed that this would need to be considered as we prepare a planning application. This remains our intent and so I disagree that looking ahead we will ignoring the environment in pursuit of other objectives (which in this area are other environmental features).

Turning to the issue of release of "expert opinions" and detailed survey information about Odonata, our stance remains one of non-disclosure. If the Friends are minded to pursue this then Kevin Penfold's letter of 5 September 2012 sets out the process to follow. However, as you note, the planning application will need to be supported by referenced data and information about Odonata. Therefore my proposal to you is that we make the Odonata data that we will be using as part of the planning application for Latchmore available to you later this year before finalising the application. In this way we can take steps to respect the way in which current information has been provided to us while also addressing your interest. I hope this is a constructive suggestion.

Finally and more generally, as we discussed on site there remain areas where we "agree to disagree". Most notably while I accept there have been certain mistakes in the past, I do not accept your view the Forestry Commission acts as though it is above the law. We have strived throughout the last two years to find solutions that work for the multiplicity of interests at Latchmore and we will continue to do so as we prepare a planning application. To this end, and repeating what I said in my letter to you of 3 December, when we get underway in preparing the detail of the planning application we will contact you to pick up the other issues you wish to discuss. No work on this has yet started, and this is unlikely in the near future, but if it is helpful we will compile a list of the environmental issues we believe will require coverage and meet with you to discuss this.

Yours sincerely



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