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Your ref: MCF1-001/LF
Our ref: Latchmore

24 January 2014

Dear Sirs

LATCHMORE BROOK RESTORATION PROJECT

Thank you for your letter dated 20 December 2013 on behalf of your client, Friends of Latchmore (FoL). Your letter raises numerous matters and this response deals with each in turn.

We welcome your acknowledgement that overall procedural matters are moving in the right direction in respect to our preparing a scheme for the restoration of the Latchmore Brook. As you appreciate we have provided FoL with an indicative schedule of activity towards the preparation of such a scheme and are due to meet with them, and our appointed planning consultants, later in February as part of the environmental scope preparation stage. As this meeting has not yet taken place; the scoping process being barely underway; and the view of the local planning authority not yet being known it seems extremely premature for FoL to be considering asking for a scoping opinion from the Secretary of State or judicial review of the process. However, without prejudice to the scoping process, it is also our view that a "do nothing" option should form part of the Assessment.

The second substantive issue raised in your letter paragraphs 1 to 7 concerns the nature of baseline data to be gathered or used in the environmental assessment; specifically that relating to hydrology. We note the concerns of FoL in this respect but ahead of the scoping process do not feel it appropriate to specify that hydrological observations and pre-operational monitoring data will be used to form the baseline. However our consultants will be considering these issues as they draft and develop the scope and confirm associated assessment methodologies and your client is welcome to discuss this with them when we meet. We have already confirmed to John Shepherd of FoL, in my letter dated 7 January 2014, that the EIA and methodologies will follow best practise which should give further assurance to your clients.

Finally in relation to your opening paragraphs, please can we correct a misunderstanding in paragraph 3. The Forestry Commission does not consider there to be problems with the 'Latchmore Brook Restoration Options Appraisal Final Report June 2013'. We have however, as you note, additionally commissioned JBA to extend

the scope of their work to encompass the Latchment catchment as a whole. Their work will therefore be compatible with the intended extent of our planning application and provide additional data to inform our options evaluation. JBA Consulting are using nationally recognised methodologies and datasets to inform their modelling.

Unpublished environmental information

During the meeting with Friends of Latchmore on 13 November, and in my letter to John Shepherd dated 7 January, we have outlined the nature of the Environmental Impact Assessment process the Forestry Commission intends to undertake and the stages of public engagement during the preparation of the associated Environmental Statement. We consider our approach to contain all the normal steps for the development of a properly constituted Environmental Statement. My letter further explains why we consider FoL's request, for all component aspects of supporting information to be published on a rolling basis, to be disproportionate and unhelpful. Clearly, we would need to consider any requests for information on their merits and in accordance with open information legislation at the time they are received. Overall, potential conflict with EIA requirements or Aarhus should not therefore occur.

In your letter, paragraph 9, you request copies of a number of reports or data summaries referred to in HLS Board meeting minutes. Our response about each item, in turn, is:

1. HLS (FC) Lessons Learnt Report. We understand your request to relate to items within HLS Board Minutes of 1 August 2012 and 3 October 2012. There were no supporting papers or reports associated with these discussions or subsequently produced. This means that the information is exempt from disclosure under Regulation 12(4)(a), information not held.
2. Long Term Monitoring Programme. The development of this monitoring programme is work in progress. This means that the information is exempt from disclosure under Regulation 12(4)(d), the request relates to material which is in the course of completion, to unfinished documents or to incomplete data.
3. Julie Stubbs – Baseline Survey Report. We enclose a pdf copy of the Baseline Survey Report prepared by the Land Advice Survey (2012).
4. Species Monitoring Programme/Plan. We attach as an annex to this letter a list of Species Monitoring surveys planned to be carried out on a New Forest wide basis during the life of the HLS Scheme.
5. Open Forest sub-compartment database. This database is not yet complete. The work is an analysis of broad open forest vegetation types, derived from Lidar data, which will be used to populate FC's sub-compartment database (which is a GIS based management system which divides the public forest estate into micro-management units). The sub-compartment database for the entire public forest estate is available to download through the Forestry Commission's data download service. This is updated annually in April.
6. D Westerhoff – Ditchend restoration report. Thank you for clarifying that this request relates to matters discussed in the Verderers Court. We do not hold a copy of Mrs Westerhoff's report. This means that the information is exempt from disclosure under Regulation 12(4)(a), information not held.
7. Latest spreadsheet of the 10 year HLS Restoration Programme. The attached spreadsheet list sets out the current position for the Forestry Commission HLS Restoration Programme for the remainder of the Scheme.
8. Eyeworth Weir restoration project plans. We enclose the Annex from a HLS Board paper of 5 December 2012 that outlines the work required on the weir. As your client will appreciate from the minutes of the HLS Board, the restoration of Eyeworth Weir is not being funded under the HLS Scheme but rather forms part of the developing New Forest Landscape Partnership with

support of Heritage Lottery Fund, the lead organisation for which is the National Park Authority.

9. Bird species surveys known to have been carried out recently. Ian Barker at the National Park Authority is the lead officer for bird species surveys being undertaken on behalf of the HLS Board. The survey recently completed is for Nightjar and the final results report has not yet been delivered. This means that the information is exempt from disclosure under Regulation 12(4)(d), the request relates to material which is in the course of completion, to unfinished documents or to incomplete data.
10. 2004/5 Latchmore Southern Damselfly (SDF) survey data. This data is presented in the form of a report ("Assessment of Favourable Condition for SDF on the New Forest candidate Special Area of Conservation") which contains a large number of colour images. We have posted hard copy direct to John Shepherd.
11. Wildlife Trust SDF survey data funded by NE in 2013. This is a New Forest wide survey that forms part of the Species Monitoring Programme (point 4 above). The report is not yet available; we expect it to be delivered by the consultant by the end of the financial year. This means that the information is exempt from disclosure under Regulation 12(4)(d), the request relates to material which is in the course of completion, to unfinished documents or to incomplete data.

Please note that the supply of this information does not provide an automatic right to re-use the documents in a way that would infringe copyright or intellectual property rights, for example, by making multiple copies, publishing and issuing copies to the public. If you do wish to reuse information supplied please contact me.

We have tried to deal with your request as fully as possible. However, should you wish to complain about the way your request has been handled please contact:

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First Contact Team
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
E-mail: casework@ico.org.uk

Other outstanding points

We were made aware of Michael Mayes SDF surveys by FoL during our meeting on 13 November and note that his data has been passed to British Dragonfly Society. We will make our planning consultants aware so that they can consider this information and data, and that from the Wildlife Trust survey, once the scope of the Environmental Statement is confirmed.

We note that FoL intend to commission an electro-fishing survey of the Latchmore Brook and that a consent decision from Natural England is awaited. It would be normal for people intending to carry out surveys of this nature on third party land to also seek the agreement of the landowner. We note that such a request has not yet been made to ourselves.

Outstanding queries

We note your comment that FoL are content to raise other concerns they have through the formal consultation on the EIA Scoping Report. We do not know what these concerns may be and it would be helpful to have early knowledge of these so that they can be properly considered.

Habitats Directive Appropriate Assessment

Your correspondence of December 2012 / January 2013 about Appropriate Assessment was addressed to both the New Forest National Park Authority and Natural England. It is therefore for those bodies to make a response to your correspondence. In this case, we also do not believe it to be the place of the Forestry Commission to determine whether an Appropriate Assessment is or is not required.

Conclusion and timing for response

The Forestry Commission aims to respond to all correspondence in as timely a manner as reasonable and possible taking account of the complexity of the issues being raised with us. We note that the specific example of the delayed reply that your letter refers to relates to correspondence with another organisation.

Yours faithfully



Michael Seddon
Deputy Surveyor

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ANNEX TO FC LETTER TO RICHARD BUXTON DATED DRAFT JANUARY 2014**VERDERERS HLS SPECIES MONITORING PROGRAMME**

| Financial Year | Item | Lead Organisation |
|-----------------------|---|--------------------------|
| 13/14 | Nightjar survey | NFNPA |
| 13/14 | Southern Damselfly | FC |
| 13/14 | New Forest Cicada | FC |
| 13/14 | New Forest Ponds | FC |
| 13/14 | Small Fleabane | FC |
| 13/14 | Fairy Shrimp | FC |
| 14/15 | Breeding waders, Woodlark & Dartford Warbler | NFNPA |
| 14/15 | New Forest Invertebrate data analysis | FC |
| 14/15 | Adder hibernacula | FC |
| 14/15 | Slender cotton grass | FC |
| 14/15 | Stag beetle | FC |
| 15/16 | Bryophytes | FC |
| 15/16 | Lichens | FC |
| 15/16 | Bats | FC |
| 16/17 | Honey buzzard | FC |
| 17/18 | Nightjar (repeat) | NFNPA |
| 17/18 | Southern Damselfly (repeat) | FC |
| 18/19 | Breeding waders, Woodlark & Dartford Warbler (repeat) | NFNPA |
| 18/19 | Bracken (repeat) | FC |

Note 1: Final completed reports related to surveys being completed in year 13/14 have not yet been received

Note 2: Additional site targeted survey for wetland habitat interests will also be funded during the HLS Scheme. These will cover topics such as fish, macro-invertebrates and plants.