

# RICHARD BUXTON

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Attn. Steve Avery (copy by email)  
Copy to Alison Barnes (by email)

Our ref: FRR1-001/LF  
Email: lfoster@richardbuxton.co.uk

19 August 2014

Dear Sirs

## **New Forest engineering works: Latchmore Brook North Slufters application 14/00394**

We appreciate that you were away on holiday until 11 August and so have not raised this with you until now. Your letter dated 20 May 2014 attached to your email sent 25 July was not received by me on that date and the first we had sight of it was on 25 July when we received your email. We have double-checked our emails and there is nothing from you on 20 May. Can you please confirm, with a copy of your sent emails, that you did in fact send it as possibly you did not and that would explain why we only received it on 25 July.

In any event, we are presently considering the Authority's reasons given for withholding the documentation we sought. However, it strikes us that what we are asking for is scientific-based reasoning as to why the drainage/engineering works are necessary for the management of the site. That is not "legal reasoning" and not the type of documentation that qualifies for a legal exemption. Also, it is unclear why disclosure would have an adverse effect on someone (your second reason for not disclosing the information.) Without further information and explanation the generic exemption cannot be sensibly relied on.

You are therefore asked to reconsider the NFNPA's position in an effort to avoid our clients making an application to the Information Commission to seek disclosure, which we are considering doing as we also do not agree with your answers in your letter of 4 June.

### Ditchend and North Slufters works

We are not sure if you have personally seen the works at Ditchend and North Slufters but our clients have grave concerns for the damage being done in these areas as a result of the so-called wetland restoration works and so feel that the NPNFA must intervene to stop more damage occurring.

We understand that if the NFNPA deem that the scale of any proposed works could constitute a form of "engineering ground works" under Section 55 of the Town & Country Planning Act then they will request a formal Planning Application. In relation to Ditchend, we believe that the recent works, euphemistically referred to as "snagging", are of such a magnitude and scale that you need to assess whether they are in contravention of that legal

duty, and would appreciate your response to this by 29 August 2014 as to whether to take enforcement action for failure to obtain planning consent for the Ditchend works.

In relation to North Sluffers, it has already come to our clients' attention that there appears to be variations in the works being done from the approved scheme details, which you should be aware of.

We have copied Natural England on this letter, as well as the Forestry Commission, and our clients have separately written to Natural England raising these concerns about the works, which they have also copied to you.

#### **What you are requested to do**

We are presently seeking your agreement to meet with our clients to see first hand the damage being done under the guise of wetland restoration works. The reason a meeting is necessary is explained for Ditchend in the attached report (prepared by the Friends of Latchmore). The concerns regarding North Sluffers are best explained on-site. Our clients propose that this meeting be arranged to discuss resolution of their concerns in lieu of instructing us to write formally to you and, depending on your response, potentially bringing legal proceedings against the Authority. The parties have generally worked together and we would hope this arrangement can continue in this instance to see if urgent action can be agreed to stop the damage being done to these important EU sites in the New Forest.

#### **EIA scoping for Latchmore Brook**

We are presently reviewing this with our clients and will revert.

Yours faithfully

*Richard Buxton*

#### **RICHARD BUXTON ENVIRONMENTAL & PUBLIC LAW**

cc. Natural England Attn. Julie Lunt, copies to Andrew Wood and Andy McDonald (by email only)  
Forestry Commission Attn. Mike Seddon (by email only)  
Verderers Attn. Dominic May