

Verderers Court 18 February 2015

Planning Application number 15/00046/FULL

Pondhead, Nr Lyndhurst, New Forest

Wetland restoration comprising the replacement of 290m of artificial drain with 388m of restored meander; bed level raising for a total length of 874m; replacement of 175m of side drain with a shallow channel; the creation of a gravel stock crossing and the relocation of an existing bridge across the restored watercourse.

1 INTRODUCTION

- 1.1 I live in Matley Cottage adjacent to Pondhead Farm and the site for the above proposal. Our house is within 7m of the watercourse and I walk the proposal site every day.
- 1.2 I support the wider New Forest Higher Level Stewardship (HLS) objectives, and can see benefit to wetland restoration on sites like North Sluffers and Heatherslade. However, this site is inappropriate being much flatter, adjacent to upstream property and of high historical significance to the New Forest.
- 1.3 This is not an in principle objection, but as submitted the application does not adequately define or assess the historical significance, the ecology and vitality, the flood risk issues. As it stands its environmental costs outweigh its advantages and it has the potential to cause severe flooding on a vital watercourse and unplanned inundation of grazing land.
- 1.4 I am aware that the Verderers have already written to the NPA supporting the application, but would like you to consider the following and ideally request the further detail required for us all to be able to assess this application properly.

2 HISTORICAL SIGNIFICANCE OF SITE AREA

- 2.1 **This site is an historical core of the New Forest.** The Inner Park Pale still runs along and through the proposal site delineating the Old Lyndhurst Royal deer park from 1100s. This is where royalty hunted. It might have been heathland, but was unlikely to have been unmanaged “wetland” given its significant role.
- 2.2 There is existing visual and documented evidence that this site and its watercourses have been “managed” for 1000 years, not just the 150 which the application implies:

Parkhill Lawn Drain –

- 2.3 The 1288 published Cartulary of Christchurch Priory uses the stream running through Parkhill Lawn as part of its parish boundary (albeit in latin and using old place names).
- 2.4 In the 1850s therefore what was some sort of small stream through heathland was dug out to create lawn for the Commoners as part of the grazing land quid pro quo when the trains came to the forest in 1847.
- 2.5 The existing is therefore most likely to be the natural historical line of the stream, which is therefore likely to already be at the lowest point of the lawn –

both easily checked via an auger bore hole and topographical survey; simple exercises that the Forestry Commission has failed to carry out.

Beaulieu River tributary upstream from Matley Bog Inclosure –

- 2.6 1387 & 1428 Patent Rolls describe the “stank” (anglo French for a cofferdam) located at Lime Wood gates. It trapped the fish coming up the stream to spawn, they then kept them there for a fresh fish supply. These were likely to be sea/brown trout and lampreys (both of which are still present).
- 2.7 For historical reasons this river should not be modified unless there is overwhelming benefit.

3 ECOLOGY

- 3.1 Three site visits in June and July 2014 informed this application’s ecological reports!
- 3.2 The SSSI Units 386 and 387 the application seeks to improve have both been in “Recovering” status (after previous works) since 2006 and 2009 respectively – long before this proposal was conceived. Has the benefit of their further artificial modification been balanced against the inevitable risks?
- 3.3 The application reports do not define the overall ecological benefits (or indeed costs) or propose the best way of achieving their aims. They are confused, contradictory, and full of assertions as opposed to science.
- 3.4 I have supplied our ecologist’s assessment of the application to you. But for example:
 - 3.4.1 **Parkhill Lawn Drain and the “western drain” from Pondhead Farm** (SSSI Unit 386 “Recovering” - since 2006)
 - i The ecology report recognizes that the existing mires (Parkhill Lawn and the western drains) contain the most desirable botanical ecology on the site, they state that the overall objective is to restore the mires, yet by infilling them they will be destroyed.
 - ii They want to **slow** the water flow, but by narrowing the channel (albeit meandered) and linking the western drain flows directly into the primary “eastern drain”, they are **increasing** the flows.
 - iii These proposals reduce the ecological quality of what is already there, what it needs is delicate maintenance, it receives none.
 - 3.4.2 **Matley Bog Inclosure** (SSSI Unit 387 “Recovering” – since 2009)
 - i The main objective seems to be to improve the W7B habitat (the riverine alder woodland by the sides of the watercourse). These habitats have arisen because of and depend on seepage and groundwater NOT inundation. Indeed the W5A habitat (the strip of marsh/bog above the riverine woodland to the north) also exists because of seepage and groundwater. **It is therefore more effective to allow the marsh above to seep down to the riverine woodland than flood it from below.** The proposal is trying to improve this SSSI upside down! A far more effective

method would be to cut down the pines at the top of the hill to increase the top down seepage and ground water.

- ii Their proposal does not achieve their goal.

3.4.3 Individual species

- i The application documentation mentions the presence of EU Habitat Directive Annex 1 species (**kingfishers**) but does not seem concerned that they may move away in spite of their recorded presence at this site for over 30 years.
- ii The application documentation does it mention fish beyond saying that they will move them carefully if found. These watercourses contain (among other things) **brook lampreys** (protected under Annex II of the EU Habitats Directive). They spawn here and their larvae live for 5 years in the river bed before becoming fish. Digging up the river beds potentially loses 5 generations of lampreys. The applicant says that the Environment Agency will supply this detail in their consultation feedback in spite of having surveyed the site last July. Why does this information not form part of the ecological survey?
- iii EU case law says that smaller elements of larger projects like HLS should be looked at individually. The Latchmore Brook proposal is now being looked at in more detail by an Environmental Impact Assessment (EIA). The Pondhead site is even more sensitive. This application should also require an EIA.
- iv This application currently risks protected species.

3.4.4 Beaulieu River SSSI Unit 562 “favourable”

- i This stretch of the Beaulieu River (Matley Bog Inclosure and “the eastern drain”) is also a SSSI Unit 562 in “favourable” status in its own right. The ecologist make no comment upon the impact of works proposed to reduce its bed width and infill it to improve marginally (at best) its neighbouring SSSIs.

4 FLOOD RISK

- 4.1 The watercourse in our garden floods regularly. Even after the small rainfall this Monday the water level rose from 20cms to 70cms. Neither we, nor our neighbours, especially Pondhead Farm and Lime Wood’s gate lodges can afford any increased flooding.
- 4.2 For both Parkhill Lawn drain (388m long) and 480m of watercourse into Matley Bog Inclosure the proposal is to infill the river bed from an existing depth of 1-1.5m to 20-75cms to the bank level.
- 4.3 The application proposal is to completely infill the “western side drain” (coming out of Pondhead Farm) but do no works to what they call the “eastern side drain”, but which is actually the Beaulieu River SSSI Unit 562.
- 4.4 The application documentation states that

*“Ideally, from a wetland restoration perspective, both side drains would be infilled. **However, due to the drainage requirements of the properties to the north of the site, it was agreed to retain the eastern side drain in its current state.**” (Added emphasis) (SSSI Restoration Plan)*

- 4.5 The “eastern side drain” which then flows into Matley Bog Inclosure rises in Bank and travels around and through Lyndhurst before running parallel to the Beaulieu Road, turning south into the proposal site. It drains a large amount of urban handstanding from Lyndhurst (as well as forest).
- 4.6 The recent planning application at Lime Wood’s gate lodges included a flood risk report which calculated storm flows at **three times** those which this application’s Flood Risk Assessment (FRA) estimates them. The application seems completely oblivious of the significance of the “eastern drain” to the wider drainage regime.
- 4.7 By raising the river bed level of both Parkhill Lawn and the Beaulieu River going into Matley Bog Inclosure the proposal effectively creates a dam at its confluence. The primary flow from Lyndhurst will create a pond, and in storm flows potentially a lake! This is not wetland restoration, this is unplanned inundation putting upstream property and grazing at risk.
- 4.8 We requested clarification / confirmation from the NPA that no works were proposed to the “eastern side drain”. The applicants’ agent LUC confirmed (to the NPA, Lyndhurst PC and ourselves) on 10 February 2015 that no works were proposed to the “eastern side drain”. On 12 February 2015 they then stated that they were mistaken and that regrading work will be done for a “short distance” along the “eastern side drain” (the Beaulieu River).
- 4.9 It is an absurd proposition to claim work is only necessary for a “*short distance*”. This land is extremely flat. Water will have to flow down the “eastern drain” to the raised level at the confluence of the Parkhill Lawn stream and the works to the Beaulieu River from the confluence through Matley Bog Inclosure. Even if the confluence is only raised by 500mm it will be necessary to regrade the bed of the river for over 200m – i.e. to the point where the proposed western drain diversion joins it, and well above the site of the kingfisher nests. It will require the removal of many trees which were not to be felled because of, inter alia, impact on the kingfishers.
- 4.10 This is not what the proposal described nor what anyone has been consulted upon.
- 4.11 The application also requires Hampshire County Council “Ordinary Watercourse Land Drainage Consent”. This has not yet been applied for but usually runs in parallel with planning applications. The consent requires the production of “*plans and drawings, drawn by a competent engineer or surveyor and showing Ordnance Datum Newlyn*” . (HCC Guidance OWC1)
- 4.12 This along with flood modelling is precisely the information we all need in order to assess this application properly. Allowing it to proceed without could be disastrous.

5 Summary

- 5.1 This is a unique environment and any plans to alter it must have benefits which truly enhance it.
- 5.2 It is unsafe to determine this application on the poor quality and detail that has been supplied. The application requires an Environmental Assessment, of which a topographical survey and a detailed flood risk assessment which includes flood modelling are essential components.
- 5.3 We request that the Verderers (like the Parish Council) review their feedback to the NPA and insist that more accurate, detailed analysis is supplied before this application be determined.
- 5.4 Our home is at risk and we will be obliged to take this application to immediate Judicial Review if it is given planning permission on the basis of the scant information which accompanied it.
- 5.5 Thank you for listening.
- 5.6 We would be happy to discuss any of the above with any of you. If you wish to do so please contact us on 02380 28 33 00.

Sally Hayward

18 February 2015