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26 January 2018

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**New Forest Freshwater and River Restoration Strategy: WORKSHOP
Additional Feedback from Friends of Latchmore**

Dear Chris,

1. Thank you for your request for additional feedback in relation to the New Forest Freshwater and River Restoration Strategy Workshop.
2. You have now received comments from John Shepherd which I support, including the overall approach that you have taken so far.
3. However I wish to add to his comments with more detailed evidence and experiences that Friends of Latchmore (FoL) have built up over the past 6 years. A significant amount of information has been collected illustrating the deficiencies of the New Forest HLS Wetland Restoration processes - legal, environmental and management, which are still practiced by the Forestry Commission (FC), Verderers, NFNPA, and Natural England and require addressing in the proposed Strategy and Plan.
4. As discussed in our recent exchange of e-mails about the FoL Photonotes, I am sending to you with this letter by Royal Mail **a USB stick** which contains a significant number of files which I believe should be extremely useful in achieving a better understanding of what has been happening during recent New Forest works.
5. I have also attached with this letter a list of the 86 files on the USB stick consisting of :
 - a number of key documents (items 1, 1A, 2A, 2B, 3, 3A, 3B, 4A, 4B, 4C);
 - the Photonotes (items 5 – 74) which provide a visual commentary on the main sites FoL have monitored over the past 4 years, together with;
 - the related Forestry Commission works plans (items 75 to 80).
- 6. The reason I have sent so many Photonotes is that I do not wish to second guess what may be useful to you, and prefer to allow you to view them and pick out any scenes and observations which you find particularly relevant as evidence.**

7. I have also provided the FoL submission which was made to the NFNPA Planning Officer on the Latchmore Planning Application – Item 1 - “1 - 16_00571 FRIENDS_OF_LATCHMORE_-_REPRESENTATIVE-583690” which is a comprehensive indicator of many of the issues which have surrounded the preparation and implementation of recent works. To recap, over 100,000 tonnes of hoggins and clay were to be imported from sources outside the New Forest to recreate an unobtainable form of "historic" drainage, which would result in the infill of the whole 7 km length of the main stream from Claypits Bottom to Latchmore Shade.

8. Many experts provided significant opposing evidence regarding the Environmental Impact Assessment (EIA) which had been supported by Natural England, and the planning application was refused on 15 November 2016. Unfortunately, other proposed works were approved with no EIA, where there had been little local action to collect evidence which would have challenged the justification for these works.

9. Today, there are still unresolved issues regarding the need for an EIA for such large developments which become more critical when the Principle that activities should first be considered on a catchment scale is accepted.

A brief account of some of the key developments in determining the need for an EIA for these works are provided here :

On 20 December 2012 the NFNPA Executive Director (Strategy and Planning) notified the FC in his Screening Opinion that for the Latchmore proposal

*".....The Authority has considered the information you supplied and is of the opinion that the proposed development **does not fall within any of the descriptions provided within Schedule 1 and Schedule 2 of the above regulations.** Consequently, the Authority is of the view that the proposed works do not constitute EIA development as they fall outside the scope of the regulations and an Environmental Statement will not be required."*

This was challenged by FoL and debated with Natural England, and eventually the Forestry Commission decided to proceed with a "Voluntary EIA" without any further clarification from the NFNPA.

Subsequently other proposed works at North Sluffers, Amberslade & Broomy, Harvestslade, Pondhead and Wootton were in turn also screened out by the NFNPA as not falling within any of the descriptions provided within Schedule 1 and 2, and the FC could proceed without an EIA. However, the Pondhead application was challenged by a local resident with a request for a Screening Direction from the Secretary of State.

This was given on 25 September 2015 when the Secretary of State decided that the proposal **fell within the description 1(b) as 'Schedule 2 development'** of the 2011 Regulations, but taking into account the selection criteria in Schedule 3, the proposal was not likely to have significant effects on the environment. The written statement accepted that *"there are limited adverse impacts identified through assessment in the planning application process and the beneficial nature of the project overall is acknowledged by the Government's own statutory advisor."* - thereby directing that the proposed development was not 'EIA development' within the meaning of the 2011 Regulations.

(Reference - item "4A - Pondhead - NPA Screening Opinion - 12 February 2014";
"4B - Pondhead - SofS_direction letter - 25 September 2015";
"4C - Pondhead_SofS written statement 250915".)

The NFNPA did not reconsider its negative Screening Opinion of 27 April 2015 at Wootton, until representation was made by Burley Parish Council in its letter of 16 May 2016, and a new NFNPA Screening Opinion was published (dated 7 June 2016) ahead of the Planning Committee Meeting on 21 June 2016. This change of opinion relied on the text from the Pondhead Written Statement (Item 4C), providing the same analysis of the wider effect, and conclusion that an EIA was not required. This again included "... *There have been limited adverse impacts identified through assessment in the planning application processes of the recent wetland restoration projects and the beneficial nature of the projects overall is acknowledged by the Government's own statutory advisor.*"

There was no acknowledgement that the Wootton proposal was

- significantly larger than Pondhead
 - 4 times longer stream altered or infilled, and
 - an estimated 19,000 tonnes of imported hoggin (65%), gravels and rejects (10%), and clay (25%) compared with an estimated 4,800 tonnes at Pondhead.
- a very complex part of the much larger Avon Water catchment which needed the highest level of assessment.

The planning application was approved, and the works began immediately, but are still only half complete in the 2 years allocated, highlighting the difficulties of the site, and the destruction which is evident in Photonotes (45 to 64). Bearing in mind the scale of the site and extent of the works, there are many significant negative effects which have not been addressed or mitigated in the course of the works, and calls into question the evidence used in the June 2016 Screening Opinion that an EIA was not required.

This very important issue has been raised to identify that clarification is needed on the circumstances under which these works will require an EIA, particularly in relation to the scale of the works and the combination of effects of different sites at the catchment level. Currently a number of small sites in the same catchment around Burley are being considered for restoration by the Forestry Commission.

10. The consequence of there being no EIA for these large sites was that they went ahead with only superficial appraisal of the potential significant negative effects, which have been exposed by the before, during, and after photos subsequently taken by FoL, providing an important illustration of the issues affecting the preparation and implementation of such recent works.

11. As part of the process of challenging the proposed developments at Latchmore, FoL not only built up an extensive knowledge of the habitat and drainage characteristics at Latchmore, but also took the opportunity to monitor the works taking place at other major sites including Ditchend, North Sluffers, Amberslade & Broomy, Harvestslade, and Wootton, which strengthened the concerns, as detailed information on the assessment, justification, approval process, and implementation took place.

12. This monitoring has built up a unique portfolio of more than 40,000 photos of the major works that have taken place from 2014 to the present day. (See attached list.) These photos have helped record all the stages of the works as an essential record which illustrate the destruction of habitat that is otherwise unrecorded and hidden once the works are complete.

13. At various stages of the works, a selection of photos at a number of locations within a site have been brought together from various dates before, during, and after the works in "Photonotes" which have provided an easy visual illustration of the changes that have taken place and raised issues which were of concern.

This portfolio of Photonotes (see list) is not attempting to be a complete view of the changes that have already taken place, but others could be created using the extensive archive together with contemporary photos now and in the future to illustrate any changes in the channel form and processes.

14. Much of the destruction of the existing drainage and habitat is caused by the use of heavy machinery which destroys the existing stream, and creates in many cases a very unnatural replacement water course (exactly one excavator bucket wide) filled with hoggin and clay. (for example pages 4 - 6 of item "67 - North Sluffers - Part 4 - Was this necessary")

Frequent monitoring at a local level provides evidence that these materials are unstable and significant erosion begins immediately but has been largely unmeasured and ignored by the Forestry Commission until major remedial works are used to refill the eroded stream with more hoggin and clay, then covered with ever larger stones. This has already taken place at Ditchend (2014) and Harvestslade (2017), which have been documented in some of the Photonotes (eg - item " 6 - Ditchend the story so far - August 2014 " ; updated as Item " 7 - Ditchend - 10 October 2016").

15. Also included in this submission is a specific example of the issues surrounding the use of imported clay which highlights the lack of the necessary management processes between Natural England, the Forestry Commission, and the Contractors who provide the materials and carry out the works.

Item "3 - FoL Note to NE - Re - NE_FC FOI_EIR response - 15 February 2017 " provides a detailed report on what was uncovered from a series of FOI/EIR, together with conclusions from FoL on the lack of the necessary management and audit trail on the use of imported clay between Natural England and the Forestry Commission.

The FoL conclusions were:

"There are significant unresolved issues between the advice provided by Natural England and the actions of the Forestry Commission.

- **The Forestry Commission has little or no understanding or control of the issues relating to the use of imported clay in the New Forest HLS Wetland Restoration (2010 - 2020).**
- **The Forestry Commission has no information on the specification of clay used by its Contractors on the individual sites, nor requested support from Natural England beyond the general specification provided in setting up the Contract.**
- **Based on the records supplied and other sources, the clay used at Claypits Bottom was not compatible with that stream and if so, is likely to have contaminated the geological record in the Studley Wood SSSI geological feature immediately downstream.**
- **Furthermore Natural England have been prepared to allow the Forestry Commission to operate at "arms length" with no indication that there is any control or support relating to the use of these imported materials which have a major potential significant effect on the SSSI.**
- **This practice is unacceptable and all works should be halted until such time as an independent review of the methods and management of Wetland Restoration in the New Forest has been undertaken. "**

The series of responses from Natural England were unsatisfactory with no acknowledgment that there was a problem, as illustrated by the exchanges of e-mails in 3A and 3B:

“3A - E-mail Ms Farrand to James Cross - CEO Natural England - 2 July 2017” and

“3B - E-mail Ms Farrand to James Cross - CEO Natural England - 20 September 2017”

16. The conclusion is that the first step in the recommended strategy and plan should be for a comprehensive assessment of the effects of the recent works, including the loss of habitat and all levels of wildlife, and the measurement of the erosion of imported materials from the new and infilled channels, to make recommendations on the necessary mitigation, before any further works are undertaken.

(Although a review of previous works took place in July 2015 - “New Forest Wetland Restoration Review” - Jonathan Cox, the shortcomings of this review were commented on by Professor John Shepherd which is included in the files at “2A - JGS Comments - Wetland Restoration Review - Cox 2015”.)

17. Finally, I would also refer you to the Friends of Latchmore website <http://friendsoflatchmore.org/> which contains a very extensive archive of information surrounding the legal, environmental, and management issues of the New Forest HLS over the past 6 years which are an important reading resource on what needs to be considered in any future Strategy and Plan.

Friends of Latchmore hope this evidence will be helpful in the development of the draft Strategy and Plan.

Please do not hesitate to contact me if you require any further information or if there is anything that is unclear.

Yours sincerely,

Ailsa Farrand

Friends of Latchmore

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