

**South England District Office**

Forestry Commission

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9<sup>th</sup> September 2016

Dear Robert,

**Freedom of Information Act/Environmental Information Regulations –  
Harvestslade Bottom, Burley, New Forest BH24 4DF – Stream  
Engineering Works**

Thank you for your letter of 15 August making further enquiries about the Harvestslade Bottom wetland restoration project under the open information legislation.

I am sorry if you did not appreciate the limitations of the Environmental Information Regulations which apply to your request for information. Even at this late stage I would recommend you look at the guidance issued by the Information Commission for people seeking information as this explains in more detail the limitations of the legislation and the best way of making a request. This advice can be found here: <https://ico.org.uk/for-the-public/official-information/>

After careful consideration of your latest request, in the context of the exchanges we have had since February this year, we have reluctantly concluded that we should apply the exemption to disclose under regulation 12(4)(b), “manifestly unreasonable”. This is because of the disproportionate impact of the cumulative burden and disruption your requests are placing on the Forestry

Commission. It is becoming increasingly difficult to identify additional recorded information which may fall within the scope of your ever expanding request, especially as you continue to press for answers on what appear to be matters of opinion.

Nevertheless, in the interests of openness and accountability I am willing to comment, outside the scope of the Environmental Information Regulations, on the four areas that I have concluded to be of most concern to you. These being:

1. The variations between the specification in the planning application and the outcome when the works had been concluded.

*Unlike building construction or hard engineering works that follow architect's plans soft engineering works that need to adapt and take into account features that are found during the works will necessarily need to be approached with a degree of flexibility. If there are any works, for which planning permission would be required, and consent has not been given then this would be an issue for the local planning authority. We have not been notified of any enquires by the planning authority into the work that was carried out.*

2. The source of the material that was used for the restoration work, and how it was verified that this came from the approved sources.

*It is quite reasonable for us to accept that when the company supplying the material states the origin on the delivery note we accept this in good faith. We have no reason to doubt that the material supplied was from the sources specified.*

3. The cost of the work and the value for money of the works and any alternative choices.

*The work was necessary to bring the SSSI into favourable condition. The current status is favourable recovering. The 'recovering' being recognition that plans are in place to bring it into favourable condition. These plans do of course have to be implemented in order to reach favourable status. Whether or not the cost of implementing these plans represents value for money depends on how you value the status of the SSSI. We are in the early stages of developing natural capital accounting which places value on the services provided by natural assets, more details can be found here:*

*<http://www.forestry.gov.uk/forestry/BEEH-ACJCCN>*



*We are not yet at a stage, and may never be at a stage, where we can use this to do a value for money calculation for individual projects.*

*The alternative value for money question, on whether what we are paying for the work is reasonable, is answered by the fact that the work has been put out to tender and therefore the best value had been achieved.*

4. Monitoring of impact following the completion of the work

*We continue to monitor the outcome of the works that have been carried out and the impact this is having on the area. Whilst there is an immediate impact from the works it is the longer term beneficial change that we are looking for, which will occur on a timescale which may be similar to the long-term degrading of the habitat from the past drainage works. As we have previously explained it will be down to Natural England to make the decision whether or not to revise the condition status from favourable recovering to favourable and when to undertake any assessment.*

Returning to the issues of the Environmental Information Regulations, all exemptions are subject to the public interest test which requires that in all the circumstances of the case the public interest in maintaining the exception outweighs the public interest in disclosing the information. The public interest test is inherent in the decision to consider a request for information manifestly unreasonable and on balance we have concluded that the decision to apply the exemption can be sustained.

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

Forestry Commission  
Director England  
620 Bristol Business Park  
Coldharbour Lane  
Bristol  
BS16 1EJ

Tel: 0300 067 4000

Email: [seceng@forestry.gsi.gov.uk](mailto:seceng@forestry.gsi.gov.uk)

Complaints regarding non-compliance with the requirements of the open information legislation should initially be made to the Forestry Commission itself. We aim to resolve any complaints with you directly. However, should the matter fail to be resolved, you may make an appeal to the Information Commissioner's Office.

Further information of the role of the Information Commissioner and guidance on FOI/EIR can be found on the Commissioner's web site: [www.ico.gov.uk](http://www.ico.gov.uk) or by calling the helpline: 0303 123 1113

Yours sincerely,

p.p.



Bruce Rothnie  
Deputy Surveyor