

BURLEY PARISH COUNCIL strongly OBJECTS to this application for the reasons listed below

NB Burley Parish Council ('BPC') can be seen to be in a relatively unique position to be able to comment on these new proposals because of the close monitoring we were able to undertake of last summer's WR project at Harvestslade Bottom (PA No. 14/00611), just to the north of Burley village. (Moreover, we are currently observing the Wootton Riverine project, the initial tributaries of which river arise in Burley Parish).

The concerns arising from the Harvestslade project are still the subject of Freedom of Information Act / Environmental Information Regulation Enquiries of the Forestry Commission ('FC'). The relevant correspondence may be viewed on the BPC website i.e. burleyparishcouncil.gov.uk. From this will be understood the unsatisfactory nature of responses received to date and the many questions yet to be fully answered in order to clarify the way the Harvestslade 'Stream Engineering Works' were managed compared with the specifications contained in the planning application.

- a) **The Latchmore Brook application envisages Wetland Restoration ('WR') on a massive scale** i.e. Stream Engineering works about 20 times bigger than Harvestslade that would involve many kilometres of water - course and the introduction of 96,000 tonnes of hoggin, gravel, stone rejects & clay etc. from outside sources. The project is intended to change a popular New Forest ('NF') beauty spot on a scale never seen since WWII.

The application must surely, therefore, require especially careful scrutiny & consideration to ensure the results of the planned changes would be fully justified and actually achieved.

- b) **Policy CP1: Nature Conservation Sites of International Importance**

Major deficiencies in the health or diversity of species and their habitats are **not** noted within the relevant Sites of Special Scientific interest ('SSSI') unit assessments, which have only been recorded in very generalised terms. Nonetheless, the over-riding assumption is always made that historic stream straightening is sufficient reason for the label of "*unfavourable*" condition; so justifying the dramatic and extensive re-engineering of a watercourse that remains well established since drainage improvement works were undertaken.

We would submit that the counterview can just as easily be taken that this watercourse actually exhibits the healthy evolutionary characteristics to be expected of this type of naturally fluid feature.

Either way, it should be observed that the applicants have NOT established - as Policy CP1 demands - that: -

"There is no alternative solution (in part or in whole) to works specified in the application."

- ***"There are imperative reasons of overriding public interest for the development."***

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- c) Moreover, the proposed plans do not show (typically, it seems) any proven link with the historical line of the watercourse. Instead, the works are to follow a line only partly indicated by the apparent remains of original meanders.

There cannot yet be, therefore, a clear plan of the works to be undertaken since this will be guided by what the contractors find as they progress on site i.e. on the basis established within previous similar projects [As confirmed in letter from Land Use Consultants (LUC) to the NPA's Planning Officer dated 8th October 2014 in respect of the Harvestslade Bottom project]

This cannot, therefore, be regarded as a fully reliable & appropriately rigorous scientific basis on which to undertake "restoration" works in such an ecologically valuable & fragile environment.

Thus, the criteria for meeting the bases of Policy CP1 have not been met by the application papers.

- d) **Policy CP2: The Natural Environment** seeks to protect, maintain and enhance important sites and features etc. ***"Development that will harm the notified features of a SSSI will normally be refused."*** ***"In addition, opportunities to enhance ecological and geological assets should be maximised, particularly in line with the Biodiversity Action Plan priorities"***.

The applicants have not demonstrated that the massive damage caused by industrial scale earth movement and attendant destruction of existing habitats & species will be adequately justified.

Nor has it been established that these acts will be recompensed by sufficient improvement in the environmental conditions of the site in properly measurable terms. Observation of works so far undertaken on recent WR developments indicates the scale of damage that has been caused but only the regrowth of common vegetation is so far to be seen with little in the way of the substantial improvements promised. Subsequent scientifically-based study has not yet been undertaken in order to demonstrate successful outcomes in quantitative terms. **Site inspections of recently completed WR projects reveal only what can be regarded simply as superficial landscaping changes.**

- e) **This Planning Application is made by the FC on behalf of the NF Higher Level Stewardship Scheme ('HLSS') whose partners are the FC, the Verderers of the New Forest and the NF National Park Authority ('NPA') – the latter also being the Local Planning Authority.** The reasons for these proposals appear to be based primarily on the contents of routine Common Standards Monitoring (CSM) Assessments of the associated SSSI units as reported by a Natural England ('NE') officer. These make cursory observations on the perceived health of these habitats & particular species found there. **Significantly, each SSSI assessment concludes that the condition of the units remain "unfavourable recovering" due to the (historic) altered water course. This would indicate a pre-disposition towards accepting a legal need for works to be undertaken to restore these areas to "favourable" condition – regardless of the actual state of the habitats & species concerned.**
- f) **From observation of earlier WR projects it is apparent that the scale of the planned works and the means of access will require very costly & extensive land engineering operations.** As witnessed last summer at Harvestslade Bottom, there will also be initial habitat destruction and disruption on a very wide scale that will take a great deal of time to recover, regardless of the intentions for the new line of the watercourse and infilling of the old.. It should be apparent to the Planning Authority that the Biodiversity of the overall environment extant is already remarkably rich but very fragile. But no practical measures seem to have ever been enforced by the NPA to ensure that a project such as at Latchmore will actually be carried out as planned i.e. truly & safely result in a substantial net addition to biodiversity and be in the overall best interests of this site and the New Forest in its wider context. **Our FoI/EIR enquiries have been unable to establish that either Natural England or the Forestry Commission undertake monitoring of the results achieved in the form of carefully measured analysis against a clearly established data base on set timescales. Surely, the management of Sites of Special Scientific Interest must demand that?**
- g) It has been clearly observed that some previous Wetland Restoration projects have gone seriously wrong resulting in the frequent drying-up of altered stream beds and substantial washing out of new deposits that required repeated major remedial works **In 2014, the FC commissioned Jonathan Cox Associates to comment upon the current state of the sites of 8 projects undertaken since 2003. On close reading, these reports only seem to confirm the predominantly inadequate results achieved to date, despite the passage of time and the selective choice of sites. None of these 2015 reports include sites well known to have gone wrong and needing substantial, successive repairs.**
- h) More specifically, it is impossible to understand how the WR programme's promoters (HLSS) could claim success for the previous **Harvestslade** scheme in Burley 6 months after its much delayed completion due to adverse weather conditions. There are major concerns about the inadequate care given to fish in the period immediately prior to works commencing (as witnessed at both Harvestslade Bottom & Wootton Riverine). And even more so when the fish ultimately return to their customary habitats to find those habitats have been comprehensively destroyed by the works themselves. The "successful" fish spawning episode reputedly occurring naturally at Harvestslade in November 2015 is particularly misleading in view of the inevitable excessively hostile conditions those fish would have encountered at that stage and from which they should have been protected. **The post-project completion HLSS films so far shown of Harvestslade give no proper**

indication of the current condition of the land involved in the project or the remedial works that will be required to get the stream back to being the environmentally beneficial watercourse that it was previously. Such misleading publicity must further undermine confidence in the credibility and integrity of what is now proposed

- i) Moreover, despite the use of experienced contractors and in-house staff, effective site management and project monitoring has been clearly lacking in the case of the Harvestslade project. This has resulted in a “massive” overrun of costs (see *HLSS minutes*), extensive damage to the surrounding land & forest tracks by contractors’ vehicles and very poor management of the pre-works fish stocks (as noted by a leading independent fish expert and confirmed by FoI enquiries of the Environment Agency) together with the introduction of vast quantities of foreign material of apparently uncertified or tested quality.

If the planned results of projects such as Harvestslade have not been demonstrated to be achieved in scientifically rigorous terms then there can surely be no real likelihood that the Authority’s planning policies and objectives will be fulfilled at Latchmore Brook. This must be in contravention of international environmental legislation

- j) **For Latchmore Brook, the NPA has again appeared to be content to be reliant on the views and advice expressed in the application papers by the applicant’s own consultants whilst having very little appropriate in-house expertise of its own.**

This is of particular concern in respect of the Environmental Impact Assessment (‘EIA’) prepared by the FC’s consultants, LUC.

What should be a truly independent, high quality benchmark analysis of the pre-work condition of the site and the results to be expected from the planned works appears to be simply self-serving of the project promoters’ over-riding objectives. Thus, there is no evidence to date that the NPA has sought substantive independent reassurance in this respect. And yet it has, prima facie, a conflict of interest i.e. it is the Planning Authority for the projects in which the NPA has a contractual financial interest as one of 3 stakeholders in the HLSS promoting the WR projects.

Leading ecologists maintain that the NPA should be seeking pre-work advice from experts, properly detached from local authorities and government departments.

- k) NE’s SSSI site unit assessments provide the fundamental assumptions on which the case for the proposed works is predicated. On reading these assessments, however, it must be clearly apparent they provide only cursory observations & are totally inadequate as a scientific basis of judgement. Nor can it be said that the form and content of the Environmental Impact Assessment undertaken by the FC’s agents/advisors provides an appropriately accurate & independent data base of pre-works conditions for the SSSI works proposed by this application

Moreover, Natural England has a fundamental departmental role within DEFRA to manage the EU CAP grants which provide the funding for the HLSS’s Wetland Restoration programme (as detailed in the legal management contract that exists between NE and the HLSS partners). This presumably reflects in the FC’s apparent legal duty to undertake WR projects such as this.

- l) **In this regard Natural England surely cannot be regarded as sufficiently “independent” since it does, of course, have a role in the allocation and distribution of EU CAP support payments (although it is not clear to us whether these WR works fall under the heading of Pillar 1 or 2 for such grants since the New Forest is categorised as a ‘farm’ for this purpose).**

- m) To emphasise our points we would ask whether the applicants and the NPA are aware that the **British Ecological Society propose five criteria for measuring success of River Restoration projects**, with emphasis on ecological perspective, viz: -

A).The design of an ecological river restoration project should be based on a specified guiding image of a more dynamic, healthy river that could exist at the site

B).The river’s ecological condition must be measurably improved.

C).The river system must be more self-sustaining and resilient to external perturbations so that only minimal follow-up maintenance is needed.

D) During the construction phase, no lasting harm should be inflicted on the ecosystem.

E) Both pre- and post-assessment must be completed and data made publicly available.

The above guidelines must serve to reinforce our point that the Wetland Restoration projects completed in the New Forest to date appear to lack proper scientific assessment of the pre-works site conditions and a correspondingly disciplined post completion appraisal of the results effected.

- n) BPC has, of course, been directly involved with the previous Planning Applications for WR projects at Harvestslade Bottom and Wootton Riverine. In that time, [and quite apart from the EIA issues raised in j) above] the NPA in its capacity as Local Planning Authority has been seen to be content to accept the submissions contained within the documentation of the applications without challenging the underlying principles or the many aspects of specialist detail involved. Moreover, it has not engaged in close discussion or questioning of the many points of concern raised by earlier objectors. Nor has it been seen to take advice from experts independent of the project and its promoters on those issues.

This must place in grave doubt the suitability of the Authority to decide upon this particular application which has major ecological implications in national terms as well as the expected profound impact upon a very significant area of the New Forest.

- o) Not all the points made above may be acknowledged to cover matters of NPA Planning Policy on which a Planning Application would normally be focused. However, it must be recognised by the Authority that these are points of essential public interest in this particularly unusual class of development. So they should not be disregarded by the NPA in fulfilling its legal responsibilities whilst jointly involved in the project with other government bodies, which are also beyond immediate democratic influence.

We submit that the NPA's function of serving its public duty will not be fulfilled by ignoring the wider points at issue.

Nor should it rely on the apparent functions of government departments that may be seen to have ulterior motives beyond the long term interests of the watercourses & wetlands of the New Forest.

On the basis of the information before us, together with actually observed execution of recent projects, we do not believe the case for the FC/HLSS's proposed works on this major site has yet been established in essential ecological terms.

Consequently, Burley Parish Council strongly Objects to this application at this stage.

Signed.....*R G C Clarke*.....Dated... *16th September 2016*.....