

**Application No: 16/00571/FULL Full Application**

**Site:** Part Of The Catchment Area Of The Latchmore Brook Including Studley Wood, Islands Thorns Inclosure, Amberwood Inclosure, Alderhill Inclosure, Slodens Inclosure And Latchmore Bottom. Central Grid Reference SU 2121113830

**Proposal:** Wetland restoration comprising the restoration of meanders, bed level raising (including the main channel, tributaries and side drains), channel infill (including parts of the existing main channel, tributaries and side drains); removal of spoil banks, trees, scrub and vegetation; installation of debris dams; repair of knickpoints; installation of three culvert crossings and the construction and/or replacement of a total of three vehicle and 12 pedestrian fords on the line of the restored watercourse.

**Applicant:** Forestry Commission

**Case Officer:** Ann Braid

**Parish:** BRAMSHAW, GODSHILL, HYDE

---

**1. REASON FOR COMMITTEE CONSIDERATION**

Application made pursuant to the New Forest Higher Level Stewardship (HLS) scheme for wetland restoration (the National Park Authority is a member of the HLS scheme).

**2. DEVELOPMENT PLAN DESIGNATION**

Flood Zone  
Special Area of Conservation (SAC)  
Ramsar Site  
Special Protection Area (SPA)  
Site of Special Scientific Interest (SSSI)

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

CP1 Nature Conservation Sites of International Importance  
CP2 The Natural Environment  
CP3 Green Infrastructure  
CP4 Climate Change  
CP16 Tourism Development  
CP19 Access  
DP1 General Development Principles  
DP2 Safeguarding and Improving Water Resources  
DP4 Flooding and the Coast  
DP6 Design Principles

#### **4. SUPPLEMENTARY PLANNING GUIDANCE**

Hyde Village Design Statement

#### **5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 11 - Conserving and enhancing the natural environment

Sec 12 - Conserving and enhancing the historic environment

#### **6. MEMBER COMMENTS**

6.1 Edward Heron: Objects. The Forestry Commission should withdraw the application and consider bringing forward proposals where wider agreement can be reached. If the applicant declines to withdraw the application despite the 340+ objections, then the application should be refused. Other points raised:

- the role of the NPA is to consider the wider public interest than that considered by statutory consultees such as Natural England, including adverse impact on the landscape, ecological damage that failure of the proposed 'restoration' may incur and damage to public support for future funding of environmental and other projects.
- overwhelming view of residents is that the size, scope and magnitude of the proposed works, along with evidence that previous such schemes on a much smaller scale have in many cases been of limited success, make them ill advised.
- there are some areas where physical evidence is clear on the ground of previous historic interventions which have clearly had a detrimental impact, however there are other areas where the existing stream channel and surrounding area show little evidence of significant historic intervention and regardless currently make a positive impact on the landscape, grazing and recreational amenity of the area.
- the proposed works are far too extensive and insufficiently targeted at areas where limited 'restoration' may have wider public support.
- the New Forest has been subject to human intervention for centuries, some positive, most not, there is no great imperative to fix it all today, especially when we risk inadvertently doing more harm than good.

#### **7. PARISH COUNCIL COMMENTS**

7.1 The application site runs through three parishes; Bramshaw, Godshill and Hyde.

7.2 Bramshaw Parish Council: Object in the 'strongest possible terms':

- Impact of traffic movements.
- The work may be required but it is not urgent, and previous schemes

have failed.

- It should be clearly demonstrated that previous schemes have succeeded. Funds for Latchmore might be better used to fix, monitor and show that the schemes are effective.
- Traffic impacts upon residents would be unacceptable for residents in Fritham and Brook.
- Mitigation methods would be inadequate.
- Human costs outweigh the environmental benefits of the scheme.

7.3 Godshill Parish Council: Recommend refusal on the following grounds:

- Catastrophic impact on existing habitats, ecology and landscape which vastly outweighs the alleged benefits.
- Claims of the EIA contradict the views of other ecologists and conservationists.
- Latchmore Shade is one of the most loved and scenic areas in the New Forest. It is rich in ecology which is likely to be lost. The EIA identifies this as a residual significant effect which 'will remain significant as a result of the loss of habitat suitable for fish'.
- Up to 80 different bird species have been recorded in this area, which is also a refuge of the endangered Southern Damselfly. It has been assessed by Natural England as 'favourable' for flora and fauna. Above this area the stream has naturalised creating a valuable habitat in its banks.
- Experience of other restoration projects has been extremely disappointing with the 'restored' channels appearing as ugly scars, requiring further intervention.
- The enormous scale of this project with the importation of more than 96,000 tons of clay and hoggins has the potential for significant detrimental impact on the Forest. The 96,000 tonnes of infill will result in 5,000 truck excursions over the 4 years of the project which will cause major disruption to residents as well as damage to the road surfaces.

7.4 Hyde Parish Council: Recommend refusal.

- Acknowledge that the applicant has a legal obligation to restore the unfavourable SSSI units to favourable status, but view the current scheme as too large and not the solution.
- The proposal would not comply with Policy CP1 in that there is no baseline data, no alternative solution, limited evidence to support the recovery plan, impact on geological SSSI, mitigation for protected species is inadequate.
- The proposal would harm the SSSI and should be refused under Policy CP2.
- As previous schemes have failed, the proposal is not sustainable, and therefore fails to comply with Policy CP4.
- The proposal would cause pollution on the roads, through wheel washing and to the watercourse through the use of non-compatible materials for infilling. This would be contrary to Policy CP6.
- Archaeological surveys are deficient, and further survey work is

required. The proposal fails to comply with Policy CP7.

- Access routes are inadequate, contrary to Policy CP19.
- Loss of amenity, flawed design of the project, not a full catchment solution as it omits work to the herringbone ditches, loss of access, all contrary to Policy DP1.
- Inadequate responses regarding effect of work on water supplies downstream, likely pollution through wheel washing contrary to Policy DP2.
- Baseline flood and drought scenarios are insufficient contrary to Policy DP4.

7.5 Other Parish Councils have also commented as below:

7.6 Burley Parish Council: Object:

- The Latchmore Brook application envisages wetland restoration on a massive scale.
- The proposal does not comply with Policies CP1 and CP2
- Previous schemes indicate that the changes proposed are not superficial, and scientific study has not been undertaken to demonstrate successful outcomes.
- The application is made by the FC on behalf of the NF Higher Level Stewardship Scheme whose partners are the FC, the Verderers and the NPA – the latter also being the local planning authority – which has a conflict of interest.
- Means of monitoring is inadequate, there is a pre-disposition towards accepting the legal need for work regardless of the state of habitats and species.
- The works will involve very costly and extensive land engineering.
- The Parish has 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 database on set timescales.
- Previous schemes have failed and required remedial work.
- Inadequate care given to fish.
- Publicity relating to previous schemes is misleading.
- Over reliance 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. There has been insufficient questioning of the applicant regarding concerns.
- The proposal does not comply with the British Ecological Society's five criteria for River Restoration.

7.7 Ellingham, Harbridge & Ibsley Parish Council: Comments:

- Transport issues have largely been addressed by the EIA. The Council notes that it will be involved in the assessment of the siting and construction methods of passing places on the Ogdens route (in particular) and how the verges might be reinstated.
- Would like other schools on the access route to be factored in when determining the most appropriate times of day for delivery of materials.

- Concern is raised regarding the safety of cyclists, horse riders and livestock on the rural lanes.
- A robust traffic plan should be in place.
- Concerns relating to debris and flooding downstream of the work.

## **8. CONSULTEEES**

- 8.1 NPA Ecologist: Support subject to conditions. If the proposed work is carried out in accordance with the details set out in the Construction Environmental Management Plan, the development proposal would be in accordance with national planning policy and would deliver significant benefits for the natural environment. Proposals are also in accordance with the objectives of the adopted New Forest National Park Management Plan.
- 8.2 NPA Archaeologist: There is sufficient information for consent to be granted subject to archaeological planning conditions.
- 8.3 Environment Agency (EA): Raise no objection and fully support the proposal. The EA have worked closely with the Forestry Commission throughout the pre-planning stage.
- 8.4 Natural England (NE): No objection is raised and it is considered that the proposal enables delivery of the site's conservation objectives:
- The proposal will have beneficial impacts on the European site. Works are necessary for the management of the international site and will contribute to the achievement of the site's Conservation Objectives.
  - It is unlikely that there would be significant harm to the site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. The New Forest SSSI does not therefore represent a constraint in the determination of this application.

In respect to the geological SSSI at Studley Wood:

- The Studley Wood Geological Conservation Review (GCR) site is exposed in the modified Latchmore Brook, and provides a unique section across a geological transition which is considered to be nationally and internationally significant allowing correlation with strata of equivalent age across Europe.
- The management objective of this GCR site is to maintain access to it, in situ for re-sampling to support present and future study.
- Infilling Latchmore Brook would result in both loss of exposure and access to key features.
- A report was commissioned which recommended the partial restoration of the upper reaches of the Latchmore Brook, to reduce flow rates without obscuring critical sections. This was initiated in 2011, but monitoring showed that the approach was unsuccessful. Leaving Studley Wood area unrestored would compromise the wider catchment restoration.
- Having considered this evidence and information, Natural England advise that the proposed works at Latchmore Brook/Studley Wood may

proceed, provided measures could be put in place to mitigate possible harm to the GCR site and designated geology of the New Forest SSSI. Mitigation measures are set out in the Environmental Statement and include survey and recording, sampling, and further investigation to identify whether possible alternative sections are present.

Regarding NE's Chief Scientist's recent Assurance Report:

- Natural England, and its partners, can be assured that the restoration approaches being used in the Forest are entirely consistent with best practice.
- Evidence collected to date proves that completed restorations are beneficial in delivering positive hydrological and biodiversity outcomes.
- It is important that the design of any future restoration programme should seek to incorporate a more comprehensive approach to pre and post-restoration monitoring including a more widespread assessment of species recovery in restored areas. In this regard, Natural England has developed a strategic monitoring plan for the New Forest restorations, with partners.
- The Assurance Report does not affect NE's position stated in previous consultation responses for this application dated 18<sup>th</sup> August and 26<sup>th</sup> September. NE continues to have no objection to the scheme.

8.5 Verderers of the New Forest. Support the application on the grounds that the proposed development will:

- turn the clock back to remove previous man-made interventions;
- improve the landscape amenity of the Forest;
- encourage the re-establishment of the flood plain, depositing beneficial organic matter on the Forest rather than it being washed out to sea;
- reduce flood risk downstream; and
- improve grazing for the benefit of the depastured stock, which are after all the architects of our beautiful New Forest landscape.

8.6 NPA Landscape Officer. No objections. The Landscape and Visual Amenity assessments have been carried out to the required standard and cover all expected areas. The impact on the landscape and visual amenity of the proposed works will not harm the landscape in the long term and the benefits to both ecology and landscape will outweigh the short term disruption.

8.7 HCC Access Development Officer (Planning): No comments.

8.8 Highway Authority (HCC): The application is accompanied by a Construction Traffic Management Plan which includes a Construction Traffic Route for the HCV movements that will occur during the construction period. A number of HCC roads are affected by the proposals some of which are narrow and sensitive to vehicle movements in particular those in the vicinity of the villages of Fritham, Hyde, and Ellingham Harbridge and Ibsley. There are no "in principle" objections to the current application subject to pre and post-construction surveys of the highway for which the HCC is the Highway Authority. Assuming the Construction Traffic

Management Plan forms part of any approved documents, no specific conditions are required.

- 8.9 Highways England: No objections to the proposal.
- 8.10 New Forest District Council (Planning): The proposals will have no direct impact on this local planning authority's area. The works are designed to have a positive impact on the environmental quality of the area, raising the standard of the habitat from an unfavourable recovering condition to a favourable condition. No objection to the proposals.
- 8.11 Historic England: Recommend approval. Historic England's response includes a full assessment of the significance of the designated and undesignated heritage assets as well as the potential impacts and measures for their mitigation. It is concluded that harm to the eight designated heritage assets within the site will be "less than substantial" and temporary. Historic England recommend a condition requiring a Written Scheme of Investigation as advised by the NPA Archaeologist, and would be pleased to advise further on the draft content of such a scheme. Scheduled Ancient Monuments should be clearly marked on the ground and there should be a robust programme of induction for all consultants, contractors and sub-contractors.

## **9. REPRESENTATIONS**

### **9.1 Support**

#### **9.2 RSPB: fully support the project:**

- The practice of altering watercourses to increase drainage has been extremely damaging.
- The benefits of restoration have been clearly demonstrated, especially by the LIFE III project. Projects of this kind have been successful in the Forest.
- The organisation agrees with Natural England that without intervention the brook will not return to favourable condition and is likely to deteriorate. The legal obligation under the Wildlife and Countryside Act 1981 (as amended) to return the habitat to favourable condition is noted.
- Restoration work is not only desirable but necessary.
- Provided work is carried out in accordance with the Construction Environment Management Plan, it will result in significant benefit both to the ecology and hydrology of the Latchmore Brook.
- Aware of concerns regarding impacts on nesting kingfishers. The availability of nesting opportunities elsewhere means the benefits outweigh this potential impact. The provision of artificial sites could be conditioned if required. It should be noted that kingfishers do not use the banks every year as they did not nest there in 2016.

#### **9.3 Hampshire and Isle of Wight Wildlife Trust: Support the proposal:**

- Will deliver key objectives by restoring the SAC habitat, particularly the

mires and bogs in the wider valley, which are fundamental supporting habitat features of the brook, and return it to a favourable condition.

- Will restore the geomorphological and hydrological integrity of the brook; the lack of which is contributing to its degradation.
- Will make the brook more resilient and able to adapt to extreme weather conditions likely to result from predicted climate change.
- The scheme embraces the principle of "upstream thinking" which is important for sustainable flood risk management and improvements to water quality.
- There is an overwhelming evidence base that strongly supports the principle of this scheme and the benefits it will have for wildlife in the long term.
- The detailed benefits are consistent with national and local policies and plans.

#### 9.4 New Forest Association: Support:

- The project is worthwhile and should be approved. The project is intended to improve the habitat of the Forest.
- Confidence in stream restoration has grown as results have been seen and techniques evolved, and the Association is delighted with the results of similar completed restorations.
- The Association's ecologists agree with Natural England that the works should help restore these precious habitats to a "favourable" condition.
- The work will restore a more natural function to the river corridor which is deteriorating, and decrease the flood risk downstream making the area more resilient to climate change as well as being a more efficient sink for carbon capture.
- It is accepted that there will be some disruption in the immediate vicinity. The work complements ancient lawn maintenance and adds to biodiversity. The area will recover quickly and be a better place for wildlife and the stream will meander across the lawn as it did once before.
- Satisfied that sufficient baseline data has been recorded and monitoring is planned.
- The need for and cost of maintenance for, gravel stock crossings in questioned.
- Pressure to improve accessibility should be resisted.

#### 9.5 New Forest Access Forum:

- Recognises the need for wetland restoration schemes within the New Forest Crown Lands and are supportive of the project overall.
- It is important that opportunities for recreation are enhanced overall by the project and not diminished, whilst bringing the site into favourable condition.
- Aware that the variety of different crossing points are being replaced by pedestrian fords, and wish to be reassured that these will be useable by the public at most times,
- The success of the crossings should be monitored in a similar way to the ecological monitoring, so that access is not diminished and if



necessary crossing points can be improved

- A specific route for motor scooters should be promoted by the applicants.
- Sufficient notice should be given of car park and route closures.
- Track access from Alderhill to the east end of Latchmore Shade to be used by commoners and agisters to attend injured stock should be considered.

9.6 British Dragonfly Society: Supports the overall project, provided there is minimal disturbance to the northern bogs and runnels.

- The removal of trees and scrub, together with the reinstatement of meanders will be potentially beneficial to dragonflies, including Southern, Scarce blue-tailed and Small Red damselflies. The main runnels used by Southern damselfly are away from the proposed area of work. Disturbance to these runnels in the valley mires by human or machine traffic should be avoided.
- A second letter reinforces the concerns noted above about the dragonfly habitat to the north of Latchmore Brook. Academic study shows the population of Scarce blue-tailed damselfly located adjacent to Latchmore Brook to be the best in the UK. Ideal habitat is maintained by grazing pressure and it should be protected wherever possible. Work to remove bog myrtle on parts of Gipsies Hollies Stream would be advantageous to protected damselfly.
- The Society urges caution during the works to all the streams and runnels north of the Brook which impinge on important dragonfly areas.

9.7 Object

9.8 Rt Hon Sir Desmond Swayne MP: Objects:

- Queries whether there is a 'fundamental and insurmountable conflict of interest' for the NPA to determine an application which involves a scheme of which the authority is itself a beneficiary. Requests the Secretary of State for Communities and Local Government to "call in" the application.
- The loss of amenity and ecology at one of England's premier beauty spots is wholly disproportionate to any potential gain over the long term. The likelihood is that the 100,000 tons of 'alien' clay and hoggin will, over future years, constitute 'pollution' as it is washed out.
- Earlier wetland restorations have not been a success, require constant repair and look dreadful. Realistic prospect of transforming the current breath-taking views into a degraded landscape.
- Earlier drainage work by men with little more than spades, which straightened the watercourse in some places has nevertheless resulted in a diverse and abundant ecosystem. In many places in the catchment, nature has already restored its own courses over a properly functioning flood plain. The damage that will result from the removal of trees to accommodate large earth moving vehicles and the filling in of the current watercourse will destroy an environment that will take many years to recover, for no appreciable gain for the habitats that currently thrive.

- The evidence provided by the applicant that the works will prove successful is unpersuasive (the applicant's own deeply flawed review, Cox, Janes & Aaberg 2015, fails to provide any testable evidence). Applicant unable even to define what success looks like, in terms of the increase in numbers of species against any defined current baseline.
  - Equally, the Environmental Statement estimates beneficial effects without evidence to support these, merely citing the flawed Cox, Janes & Aaberg review. Insufficient hydrological modelling has been employed and incorrect estimates of peak flow rates have been used.
- 9.9 Rt Hon Dr Julian Lewis MP: Requests the Secretary of State for Communities and Local Government to "call in" the application to consider the NPA's conflict of interest.
- 9.10 Friends of Latchmore Brook (FoL); Object. The proposed development should be refused on the following grounds:
- There is no evidence that the works proposed would be successful in achieving the stated aims, namely restoring the brook to a more natural meandering state, reducing erosion, reducing flow rates, and preventing the drying out of the surrounding ground, specifically the mires. The herringbone drains, the main cause of flash flooding would not be touched
  - The extent of the work is disproportionate, the scale of the work and disruption it will cause is massive by comparison to the original work done decades ago.
  - The baseline information provided in the ES is inadequate as a means of assessing the effects on the site and downstream, especially height information, source data for hydrological monitoring, spot flow monitoring during flood conditions, inadequate and unreliable species surveys, inadequate and unreliable archaeological surveys. The assessment of recreation and leisure is limited to a list of uses, without obtaining user views on the impact. The ES does not state what needs to be improved, nor what success would look like, nor whether this would be achievable in the appropriate timescale. There would be an adverse impact on Studley Wood SSSI.
  - Detailed comments provided by FoL in 2015 relating to the Catchment Modelling report drawn up by JBA consultants are provided.
  - No detailed design of the development, relies on a series of small scale maps, which are too general.
  - Inadequate substantiation of impacts which makes conclusions unreliable;
  - Evidence from past local restorations, for example, Ditchend, Amberslade and Broomy and Harvestslade shows they have required significant repeated remediation.
  - The "do nothing" option has not been sufficiently considered. Monitoring has not taken place over a period of years to assess what changes are already taking place. Only after comprehensive monitoring can consideration be given to specific targeted intervention.
- 9.11 Richard Buxton - Environmental and Public Law (on behalf of the FoL):

- The Authority has failed to ask for Environmental Statements (ES) to accompany previous wetland restoration applications.
- The Authority has a direct vested interest in securing planning consent.
- Previous restoration schemes have failed causing irreparable harm.
- Key data is missing from the ES.
- Geological harm will result from the proposal.
- The Authority has failed to carry out an Appropriate Assessment.
- The Natural England (NE) tender specification 2012 contained a highly misleading and inaccurate statement.
- Following NE's publication of its Assurance Report, the Authority is legally obliged to provide a 21 day consultation before determining the application (as the report plainly falls into the category of substantive environmental information). Failure to do so could lead to JR proceedings to have the decision quashed.

9.12 New Forest History and Archaeology Group object to the proposed development:

- The field work on which the Assessment is based is so unsatisfactory that it omits more sites than it correctly records, probably less than 30% of the archaeology has been correctly recorded. The interpretation of many sites is incorrect and/or incomplete.
- The assessment claims to have mapped and identified the sites shown on the Forestry Commissions maps. Unless FC maps are incomplete, large numbers of these sites were not taken into account.
- The interpretation of lidar is inadequate.
- The documentary research undertaken for the assessment ignores most of the papers and publications which record previous archaeological research.
- The assessment fails to take into account Amberwood, Islands Thorns and Sloden as historic landscapes in their own right irrespective of earlier archaeology. Amberwood in particular is an outstanding example of a Napoleonic oak plantation complete with distinctive drainage pattern, ride layout, brick culverts and evidence of management over two centuries.
- The section of the chapter dealing with different historical and archaeological periods are so deeply flawed that they should be disregarded.
- The objection contains a detailed analysis of the assessment.

9.13 Buglife - The Invertebrate Conservation Trust:

- More time should be given to the assessment of the implications of the scheme before a decision is made.
- The scheme review has noted the lack of survey data for aquatic invertebrates (apart from dragonflies), let alone terrestrial invertebrate groups associated with both mire and flood prone dry ground.
- The review indicates the presence of high grade ecologies, and it is therefore likely that other invertebrates are likely to be equally important.

- No evaluation of in-stream invertebrates despite the intention to alter stream channels, nor an evaluation of whether the habitat and hydrological modifications would have an impact on the fauna of stream banks and other adjacent ground.
  - The application should be withdrawn. A full invertebrate survey is required and this will need to be done next year as it is now too late to implement the surveys this year.
- 9.14 New Forest Equestrian Association:
- Not convinced that benefits would outweigh the harm.
  - Concerned about the safety of ponies and horses and riders.
  - Access to safe riding will be denied during the work.
  - New crossings may fail and deny access to existing tracks.
  - Highway safety implications for riders.
  - Loss of water to downstream grazing land.
  - Conditions relating to access, track restoration, traffic management and water supply are requested.
- 9.15 CPRE
- Recommend refusal of the application; accept there may be long term benefits to the mires and other benefits from the proposed restoration works and that in the long term the effect on the landscape character may be small or beneficial. However this scheme would be a major construction project, and the degree of change would be very apparent. CPRE feels the submitted landscape assessment understates the impacts of such changes in the landscape, notably in the short term. The importance to the public of the existing landscape and visual impacts, including short term ones, need to be given extra weight in the context of the National Park purpose to conserve the natural beauty, wild life and cultural heritage of the Park, as well as in the interests of the special qualities of the existing Latchmore Brook.
- 9.16 Freshwater Habitats Trust
- In principle, the Trust supports restoration of natural processes to increase resilience to potential impacts such as climate change and lead to biodiversity benefits. The Trust also strongly supports the restoration of mire habitats. However, the Trust laments the poor baseline data available on freshwater communities in the Latchmore restoration EIA, and the lack of provision for biological monitoring of freshwater communities after the works have been completed. We would also emphasise the importance of adequately protecting the small waterbodies, including ponds in cut off meanders, during construction work.
- 9.17 430 letters of representation have been received.
- 9.18 340 letters of objection, on the following grounds (in order of number of times mentioned):
- impact on ecology/habitats

- impact on amenity and scenic beauty
- traffic safety
- cost/waste of public money
- failure of earlier schemes
- pollution (from traffic and of watercourse)
- damage to archaeology
- loss of trees
- poor science, lack of data
- work is unnecessary
- impacts on rare species
- animal welfare, including commoners animals
- flaws in Lidar, hydrological modelling etc
- impacts on Geological SSSI
- loss of access to the Forest
- impact on fish and aquatic species
- increase in flooding
- impact on tourism
- impacts on riding/walking/cycling
- loss of fossil record
- inadequate EIA
- conflict of interest in decision making process
- damage to Forest fabric by vehicles
- damage to buildings
- impacts downstream, loss of waterflow downstream
- impacts on birds
- increase potential for Alabama rot
- no consideration of alternatives
- increase in mosquitoes
- call for Committee site visit

9.19 85 letters of support, on the following grounds:

- general "support"
- ecological benefit
- success of earlier schemes
- reduction in erosion
- flood management
- restoration would undo earlier harm
- work necessary to halt degradation
- benefits outweigh disruption
- positive impact on amenity/scenery
- benefits to invertebrate species
- positive impacts for stock animals
- water retention and reduction in flood risk
- positive impacts for birds
- improved access
- compliant with Policy
- improved water quality
- mitigation for climate change

- 9.20 Five letters have been registered as neutral comments, questioning the necessity for the restoration, finding assessment of traffic impacts hard to follow, requesting the fish be removed before works commence, and requesting monitoring of the works. Also noting the disruption would be short term, and the catchment would need time to regenerate.

## **10. RELEVANT HISTORY**

- 10.1 There is no relevant history directly relating to the site itself, but there have been five previous applications for the restoration of wetland habitats at Sluffers, Amberslade and Broomy, Harvestslade, Pondhead and Wootton.

## **11. ASSESSMENT**

- 11.1 This application is for wetland restoration of the Latchmore Brook catchment and is one of a phased programme of works designed to restore and enhance the internationally important habitats of the New Forest. This application is the sixth restoration project to be the subject of a planning application to the National Park Authority. The application is accompanied by an Environmental Statement (ES) following advice from Natural England which suggested that an Environmental Impact Assessment (EIA) should be undertaken.

- 11.2 The ES includes a description of the application site, the need for the proposed development, an assessment of all the potential significant environmental effects associated with the proposal and how these might be avoided, minimised and/or mitigated. A non-technical summary is also provided.

### **11.3 Description of the catchment area**

- 11.4 Latchmore Brook is a tributary of the River Avon. It rises in Picket Corner and Crows Nest Bottom and flows broadly south west to Ogdens, where it becomes the Huckles Brook. Within the catchment area are a total of 27 Sites of Special Scientific Interest (SSSIs) and the brook flows through one geological SSSI (Studley Wood), three Forest Inclosures; Islands Thorns, Amberwood and Alderhill, before reaching the open Forest. Drains within Sloden Inclosure also feed into Latchmore Brook. The catchment area also includes the four mire catchments of Claypits Bottom, Thompsons Castle, Watergreen Bottom and Ogdens Mire. Latchmore Shade also includes wet heath and lawn habitats. For reference the SSSIs affected are:

- Studley Wood (SSSI unit 58)
- Islands Thorns Inclosure (unit 540)
- Amberwood and Alderhill Inclosures (unit 66)
- Sloden Inclosure (units 541 and 61)
- Claypits Bottom (unit 30)
- Thompson's Castle (unit 43)
- Latchmore Mire (unit 44)
- Watergreen Bottom (unit 49)
- Ogdens Mire (unit 50)
- Latchmore Shade (along the watercourse) (unit 48)

- Latchmore Shade (wet heath and lawn habitats) (unit 28)
- 11.5 Latchmore catchment includes 15 further SSSIs where no restoration work is proposed.
- 11.6 The application site
- 11.7 The site is located within the New Forest SAC, SPA, Ramsar site (Wetlands of International Importance) and SSSI. Where the site is not inclosed it is accessible to, and grazed by, commoners stock. In the northern part of the site, the brook forms the boundary between Godshill and Bramshaw Parishes and the southern part is within Hyde Parish, the boundary running to the north and east of the boundaries of Amberwood and Sloden Inclosures.
- 11.8 The brook rises in the north east of the catchment. There are two main sources, one at Picket Corner and the other at Claypits Bottom, both of which lie about 400m south of the B3078 at Telegraph Hill. The brook runs through a mire catchment before forming a very deeply incised channel through Studley Wood and the northern part of Islands Thorns Inclosure. Within the wooded section, Amberwood, Alderhill and Sloden Inclosures there are many tributaries and drains, which join the stream before it emerges onto open Forest close to the southernmost corner of Alderhill Inclosure.
- 11.9 There are many points of access to the site, well used by walkers, bird watchers, horse riders and cyclists. The most used are those at Ogdens and Abbotswell to the south west, Telegraph Hill to the north and Fritham and Eyeworth to the east. The public has the right to access all areas of the catchment, unless there are restrictions for forest management purposes. From a recreational survey carried out by the agents for the application, it was found that the most popular route through the catchment is the off road cycle route, Hampton Ridge, which runs between Frogham and Fritham, but other popular routes include the areas alongside the brook on both sides, particularly in Latchmore Shade, and Sloden Inclosure.
- 11.10 Background to the application
- 11.11 Between the 1850's and 1960's the ES explains that the area was subject to significant drainage modifications through the straightening, deepening and widening of the watercourse to improve ground conditions for forestry and grazing. In the case of Latchmore Brook, this increased the flow of water in the forested areas of the middle and upper catchment and drew water at an increased rate from the mire habitats that feed the stream, resulting in the loss of significant areas of mire habitat. The increased velocity and erosive power of the stream has led to the incising of the channel (in Studley Wood the gully is almost three metres deep in places) and a loss of connectivity between the stream and its floodplain, which is adversely affecting the natural ecology of the wetland areas. The SSSIs within the site are currently classed by Natural England as being in "unfavourable recovering condition".

- 11.12 The ES states that there is evidence to suggest that this is also having an adverse effect on the New Forest SAC, which is protected under the European Union's Habitats Directive. Legal requirements relating to its designation, protection and management are set out in the Conservation of Habitats and Species Regulations 2010. The Forestry Commission has a legal responsibility under the EU Habitats Directive and Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights Way Act 2000 and the Natural Environment and Rural Communities Act 2006) to restore and maintain SAC and SSSI designated land and features where the habitat has been assessed by Natural England as being in unfavourable condition.
- 11.13 The Latchmore restoration is required as SSSI units 30, 44, 48, 49, 50, 58, 61, 66, 540 and 541 which lie within the Latchmore catchment area are currently classed by Natural England as being in "unfavourable recovering" condition. Units classed as recovering are defined by Natural England as "not yet being fully conserved but all the necessary mechanisms are in place. Provided that the recovery work is sustained the unit will reach favourable condition in time". Unit 43 (Thompsons Castle) is listed as being "at risk of damage" if no restoration works are undertaken. It should be noted that the catchment is only given "recovering" status due to the Latchmore restoration project which is now proposed by the applicants. If the restoration is not implemented, the SSSI units will be reclassified as being "unfavourable no change" or "unfavourable declining".
- 11.14 The proposed works
- 11.15 The works proposed would be one of the largest wetland restoration projects undertaken to date and would extend over a 7 km stretch of Latchmore Brook and include:
- Tree felling, scrub and vegetation clearance
  - Excavation and recreation of the old brook meanders and diversion of the Latchmore Brook from the existing drainage channels into the restored meanders
  - Bed level raising of the main channel, tributaries and side drains using heather bales, hoggins and gravel with the installation of clay plugs to ensure that the new stream bed is held in position and does not get eroded
  - Complete infill of redundant drainage channel, tributaries or side drains
  - repair of knick points (key erosion points where the stream bed level drops significantly)
  - Removal of spoil banks
  - Installation of debris dam (SSSI unit 66)
  - Replacement, maintenance or relocation of 15 access structures (fords, culverts and bridges)
- 11.16 The works are programmed to be phased over four years, with each phase expected to take approximately four weeks (weather dependent) between the months of July to September. This is the maximum length of time the works are expected to take and with favourable weather the time period in



each phase could be shorter.

|               |  |   |
|---------------|--|---|
| Year 1 (2017) | July-September<br>September<br>September   | Islands Thorns<br>Thompson's Castle<br>Latchmore Mire |
| Year 2 (2018) | August- September<br>mid August -September | Studley Wood<br>Ogdens Mire                           |
| Year 3 (2019) | July-September<br>August- September        | Amberwood & Alderhill<br>Sloden                       |
| Year 4 (2020) | August-September<br>August-September       | Watergreen Bottom<br>Latchmore Shade                  |

- 11.17 Materials stockpiles will be held in nine locations (as shown on drawing Fig 4.4 in ES volume 2); two at the south western end of the catchment, at Ogdens mire and Ogdens car park, one on Hampton Ridge above Thompsons Castle, one in Alderhill Inclosure, one in Sloden Inclosure, one near Fritham Bridge, one in Islands Thorns Inclosure and two at the north eastern end of the catchment, at Picket Corner and Claypits.
- 11.18 The source of material for infill has yet to be finalised as this is market and source dependent (eg local quarries or depots). The material will come from sites within the same geological strata, approved by Natural England.
- 11.19 Policy Considerations
- 11.20 The **National Planning Policy Framework** (2012) confirms that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and geological conservation interests and soils (para 109). It further states that local planning authorities should promote the preservation, restoration and recreation of priority habitats, ecological networks and the protection of priority species populations and aim to prevent harm to geological conservation interests (para 117).
- 11.21 The **National Planning Practice Guidance** (2014) confirms that legislation places a duty on local planning authorities to have regard to the purpose of conserving biodiversity and that they should therefore seek opportunities to work collaboratively with other partners to develop and deliver a strategic approach to protecting and improving the natural environment based on local priorities and evidence. Equally, they should consider opportunities that individual development proposals may provide to enhance biodiversity and contribute to wildlife and habitat connectivity in the wider area.
- 11.22 Policy CP1 of the **Local Plan (Core Strategy)** (2010) seeks to protect the integrity of internationally important sites of nature conservation. CP2 seeks to protect, maintain and enhance nationally, regionally and locally important sites and features of the natural environment, including habitats and species of biodiversity importance, geological features and the water environment.

11.23 As the proposed development has been designed to deliver restoration to manage and maintain biodiversity interests within the Latchmore catchment, including those of the SSSIs, it is considered to be compliant with the objectives of the Government's Planning Practice Guidance, the National Planning Policy Framework and Local Plan policies CP1 and CP2.

11.24 Issues for consideration

11.25 The main issues for consideration with this application are:

- Requirements of the proposed works for the conservation and protection of biodiversity and ecology
- Impacts upon hydrology and flooding
- Impacts on geological interests
- Impacts upon the special qualities, character, amenity and landscape setting of the site and wider National Park
- Impacts upon archaeology and heritage assets
- Impacts upon highway safety and access
- Balancing the widely conflicting views and opinions on the merits or otherwise of the proposal.

These issues are considered in turn below.

11.26 Requirements of the proposed works for the conservation and protection of biodiversity and ecology

11.27 The Latchmore catchment falls within the New Forest SPA, SAC and Ramsar Site which enjoy the highest level of statutory and government policy protection to maintain and restore nature conservation interest.

11.28 The proposed scheme seeks to improve the condition of the SSSI units. Natural England have stated that the management objectives for the SSSI units are to maintain and restore natural processes (critically the restoration of hydrological functioning to support the range of water dependent habitats that are present) and to maintain access to the Geological Conservation Review (GCR) site in situ for re-sampling to support present and future study.

11.29 With regard to ecology, as the Latchmore catchment covers a very large area, the ES states that it has not been possible to conduct surveys for all species that may be present. Therefore the species assessed in the ES are those which are most likely to be affected by the project, or those of particular value and those which play an important role in the wider ecological function of the catchment and the qualifying features of the relevant designated sites.

11.30 The ecological surveys that have been undertaken include habitats and vegetation, southern damselfly, smooth snake, birds, otter, fish and bats. The full ecological survey and Biodiversity Statement are set out in Section 7 of the ES. Although there will be impacts at site level during the work, measures are set out to mitigate these effects and post restoration the ES indicates that there will be significant beneficial effects at a local level.

- 11.31 The Authority's ecologist has confirmed that if the proposals are carried out in line with the details set out in the Construction Environmental Management Plan, the development proposal would be in accordance with national planning policy and would deliver significant benefits for the natural environment. An Ecological Clerk of Works (ECoW) would be appointed to provide on-site support and advice throughout the works.
- 11.32 With regard to habitats, the full results of a Phase 1 Habitat and National Vegetation Classification surveys have been provided as an appendix to the ES. Although during works effects on statutory designated sites and habitats would be significant at a local level, the ES indicates that with careful micro-siting of tracks and stockpiles away from sensitive areas of habitat, adverse effects after the restoration has been completed would not be significant. Natural England have raised no objection to the scheme and consider that 'the restoration works are necessary for European site management' and 'necessary for the management of the European site interest features for nature conservation purposes, enabling the maintenance or restoration of those features and contributing to the achievement of the site's Conservation Objectives'.
- 11.33 Under the Conservation of Habitats and Species Regulations 2010, consideration of the necessity of an appropriate assessment of the implications of the work on the European site needs to be made unless the work is necessary for the management of the designated European sites. Having regard to the advice from Natural England (in the above paragraph) the works can therefore be screened out from further stages in the Habitats Regulations Assessment process (as set out under Regulation 61 of the Habitats Regulations 2010) such that an appropriate assessment is not required.
- 11.34 Concerns have been raised in the letters of representation regarding impacts upon several species, such as Southern damselfly, bats, reptiles, birds and fish. The application does not result in any objection based on Natural England's Standing Advice on Protected Species. As explained above, the ES focuses on those species which would be most affected by the work, or are of particular significance. In each case, the species in question would experience some adverse impacts, described in Chapter 7 of the ES, but these would be short lived and the long term improvements to the site are considered to outweigh these short term impacts.
- 11.35 Representations have been received from specialist bodies. The RSPB offers full support for the proposal. The British Dragonfly Society supports the proposed restoration as the work will improve opportunities for the southern damselfly to spread. The Society notes however that the main tributary streams used by the southern damselfly at present are away from the proposed area of work and disturbance to these tributaries must be kept to a minimum. Hampshire and Isle of Wight Wildlife Trust support the proposals.
- 11.36 Conversely there are representations from the Freshwater Habitats Trust, Buglife (the Invertebrate Conservation Trust) both on the grounds that

baseline data is inadequate, and two specialist fish veterinarians with concerns relating to the impact in fish species as a result of the increase in water temperature, pollution and particulates. The ES states that adequate measures would be in place to remove fish from the stream prior to restoration and contractors would be aware of the importance of other protected species, under the guidance of the ECoW.

- 11.37 Development would need to be carried out in accordance with the mitigation and avoidance measures proposed in the supporting Construction Environmental Management Plan (Appendix 4.2 ES Volume 3). Proposals for working mitigation within the application are suitable but in the event of delays to carry out operations it is possible that due to the dynamic nature of sites some adjustment may be required. Any consent should therefore be conditioned to be in accordance with the submitted details unless otherwise agreed.
- 11.38 Notwithstanding their strong support for the application, in response to local concerns, Natural England have brought forward their review of wetlands restoration schemes in the New Forest, referred to in their consultation response above. The review concludes that previous wetland restorations undertaken by the applicants have been successful.
- 11.39 The restoration of the wetlands habitat would help to increase connectivity of the network of green infrastructure and natural habitats within and beyond the National Park. The works are also likely to enable wildlife and habitats within the site to adapt to future climate change through the safeguarding and restoration/regularisation of the natural wetlands habitat and flooding of the watercourse. As such the application is in accordance with Policies CP3, CP4 and DP2.
- 11.40 Impacts on Hydrology and Flooding
- 11.41 The assessment of hydrological effects has been informed by modelling both the existing environment and the restoration project to identify changes in flow and velocities and the likely effect on sediment transport. Desk based data collection has been supplemented by field surveys, and includes assessment of a "do nothing" scenario and a restoration project scenario. The report from JBA Consulting is contained in full within chapter 6 of the ES and the summary of effects is contained in table 6.13. It is stated in the table that most potential effects would be either beneficial or negligible, and in the case of long term changes to flow regime the residual effects, post restoration would be "major beneficial".
- 11.42 It has been suggested in the representations that the restoration would be better carried out on a piecemeal basis. However, the applicants' experience has shown that partial restoration is short lived. For example, work undertaken at Claypits Bottom at the head of the Latchmore catchment is failing because unless the erosive force lower down the catchment is reduced, water would continue to be drawn at a rapid rate from the mire at Claypits Bottom, depleting the mire habitat and eroding the stream gully. A whole catchment approach has therefore been taken.

- 11.43 The area in which the works are proposed is designated Flood Zone 3, namely the stream and a corridor either side, except in the upper reaches. A Flood Risk Assessment (FRA) has been prepared in support of this application to demonstrate how flooding within and outside the site would be affected by the proposed scheme.
- 11.44 The FRA indicates that the extent of inundation would not change, although there would be a noticeable increase in flooded area upstream of Studley Wood and Islands Thorns. There would however be more frequent flood flows onto the flood plain with smaller flood magnitudes which indicate that the connectivity with the flood plain would be enhanced, a key objective of the proposal. There are no residential or vulnerable buildings within the catchment area.
- 11.45 There is a possibility that changes to groundwater levels would occur as a result of the restoration. Although this would not be at such a scale as to generate groundwater flooding, it might result in an increase in surface water ponding, which is desirable from the restoration point of view as ponds hold more water within the system rather than passing flows rapidly through the deep straight channel. It is considered that the proposed scheme would comply with Policies DP2 and DP4.
- 11.46 The Environment Agency has confirmed that it has worked closely with the applicant during the pre-planning stage for this scheme and offers its full support for the application.
- 11.47 Impacts on geological interests
- 11.48 With regard to geological impacts, Natural England advise that the proposed works at Latchmore Brook/Studley Wood could proceed, provided that measures be put in place to mitigate where at all possible any harm (burial and loss of access to designated geological features) to Studley Wood GCR site and the designated geology of the New Forest SSSI. These include detailed survey and recording, rescue sampling, and further investigation to identify whether possible alternative sections are present.
- 11.49 There would be adverse effects on the geological exposures within the Studley Wood SSSI (Unit 58), which cannot be avoided. An assessment of the impact on the Studley Wood GCR site was therefore undertaken. This concluded that the Studley Wood GCR site is, before restoration, in a favourable condition. Features of geological interest, including rare fossils, have been exposed over time through erosion. This is a beneficial effect, because it allows access to the features of interest within the site, in order that they may be studied. This needs to be weighed against the overall harm caused by the erosive force.
- 11.50 It is accepted in the ES that as a result of the proposed work, following completion of the initial clearance of the gully, the infill of the incised gully channel would result in the complete loss of exposure in these reaches. Where stream bed raising is planned loss of exposure would be substantial but not complete. Cross section diagrams of those parts of the stream that

would require infill have been provided and effects on the exposed geology would vary according to the restoration technique to be used in each particular location. A programme of mitigation is set out in the ES which includes recording, sampling and preserving samples ex situ. Adverse effects on the geological SSSI need to be balanced against the effects on other features for which the SSSI units are designated.

- 11.51 Impacts upon the special qualities, character, amenity and landscape setting of the site and wider National Park
- 11.52 It is considered that although the impact upon the visual amenity of the site and the wider landscape would be affected due to the nature of the works and the landscape and topography of the locality surrounding the site, this would be short lived and once the vegetation recovers, the natural beauty of the catchment would be restored.
- 11.53 A limited number of trees within Studley Wood would need to be felled to facilitate the works and access. Other trees have been felled in the vicinity, in accordance with a previously approved felling licence. The proposed scheme will involve clearing out remnant meanders and creating new meanders, which will require the removal and temporary storage of vegetation. The stored vegetation would be used to top-dress the redundant drains once filled in. No other soft landscaping or planting is proposed as part of the scheme.
- 11.54 Materials proposed would be appropriate to the character and setting of the Forest. Hoggins, gravel rejects, clay and heather bales will be imported for the purposes of raising the bed level of the watercourse, diverting the watercourse and infilling the redundant channels. Filled redundant channels would be top-dressed with the vegetation removed to make way for the restored meanders. The Authority's Landscape Officer has confirmed that the Landscape Visual Impact Assessment (LVIA) has been carried out in accordance with industry standards, and raises no objection to the proposal. The application is in accordance with Policies CP3, CP4, DP1 and DP2.
- 11.55 With regard to impacts on residential amenity, it is acknowledged that undertaking the restoration works would result in localised and limited disturbance through noise, dust and vibration. This would be minimised through the implementation of the submitted Construction Environmental Management Plan, which includes a Construction Traffic Management Plan (Appendix 4.2 Volume 2). This can be secured by condition and will comply with Policy CP1. Appendix 4.1 of the ES sets out the volumes of materials that would be transported to the relevant stockpile locations and the routes that would be followed.
- 11.56 The most significant amounts would be transported to Picket Corner (via Telegraph Hill) in Year 1, Fritham Bridge and Alderhill (via the Fritham and Alderhill transport routes) in year 3 and Latchmore Shade (via Ogdens) in year 4. In none of the four years would all delivery routes be in use at the same time. The work at Fritham and Alderhill has been programmed to take the longest single block of time, being a maximum of 11 weeks in Year

3. There is no doubt that vehicle movements would impact on residential properties, but this would be phased and of finite duration. The report concludes that vibration from vehicles would not be so severe as to cause damage to residential properties. The report goes on to conclude that there would be no significant or material adverse impacts upon any residential properties within the vicinity in these respects once works are complete.
- 11.57 Letters of objection cite the impact of the work on the scenic beauty as one of the main concerns relating to the proposal, and it is an important issue. During work there will be temporary disruption, but as experience has shown in other restorations, vegetation recovers and the streams are re-colonised.
- 11.58 Impacts upon archaeology and heritage assets
- 11.59 Historic England supports the application. No works to the designated heritage assets themselves are proposed, therefore scheduled monument consents will not be required unless the scope of works changes. Harm to the eight designated heritage assets (all scheduled monuments) would be “less than substantial” and, as it is only from temporary impacts, would be very much at the minor end of the less than substantial range. Advice is included with regard to mitigation of impacts on undesignated heritage assets, in accordance with the advice given by the Authority’s Archaeologist, who considers there is sufficient information for consent to be granted subject to conditions. The application therefore complies with Policies DP1, CP7 and DP6 in this respect.
- 11.60 Impacts upon highway safety and access
- 11.61 Access to the site would be via four entries to the Forest track network within the catchment. The most northerly access would be via a gated Forest track at Telegraph Hill, some metres north of the existing Forest car park, and this would take vehicles approaching the site either from the A31 to the east, or the A338 to the west. The second access to the site would be at Fritham, through the Forest car park near the Royal Oak pub, and this access would also accommodate vehicles from the A338 or the A31. Lorries would access Alderhill from the A31 at Stoney Cross, across Ocknells and along Forestry Commission tracks across Broomy plain, entering at Sloden Inclosure. The fourth entry point is proposed to be at Ogdens, where traffic would access the catchment from the A338 via Ellingham Drove, Gorley Road, and Furzehill. Deliveries would be made to the stockpile locations set out in Paragraph 11.9. The Highway Authority and the Highways Agency (in respect of the A31 trunk road) have raised no objection.
- 11.62 With regard to public access, the catchment will continue to function as accessible land for the public and, in the open Forest areas, for commoners’ stock. The New Forest Access Forum has commented in support of the application, but notes that the installation of pedestrian fords should be monitored to ensure they remain accessible. As such public access would not be adversely affected once the works are complete. Nonetheless, it is suggested that an access condition be imposed similar to

that recently attached to the consent for the Wootton restoration works (see condition 5 below).

- 11.63 There is concern locally regarding highway safety, and the Construction Traffic Management Plan sets out the measures that would be undertaken to address these, including a Health and Safety plan, signage, driver awareness training, and the introduction of speed restrictions. The Highway Authority raise no objection and a condition relating to a condition survey of the highway before and after the works is proposed (see condition 3).
- 11.64 Balancing the widely conflicting views and opinions on the merits or otherwise of the proposal
- 11.65 This has been a challenging and difficult application to consider as there are very real concerns in the community about the impact of the proposed works and whether they will actually deliver the claimed biodiversity and ecological outcomes (with some claiming that the works will have the opposite effect). Objectors to the proposal have commissioned their own scientific and specialist reports which questions Natural England's advice. Solicitors acting for the Friends of Latchmore have asked for a further period of public consultation to consider the NE Assurance Report dated 19 October 2016. Natural England maintain that the Assessment of Evidence was commenced prior to and was not prompted by or directly connected to the current Latchmore planning application. This additional information has not been submitted voluntarily by the applicant (FC) and whilst it has relevance to the application (the reason for deferring consideration of the application until now) it is not considered to be of a substantive nature requiring a further round of formal public consultation under the EIA regulations.
- 11.66 Having considered the matter carefully, officers have concluded that it would not be possible to sustain a refusal on ecological grounds in light of the clear advice from Natural England, which includes the aforementioned Assurance Report from their Chief Scientist who concludes *"that Natural England, and our partners, can be assured that the restoration approaches being used in the New Forest are entirely consistent with best practice...I am also confident that the restoration works are, or will prove to be, beneficial in delivering positive hydrological and biodiversity outcomes."*
- 11.67 Another strong concern expressed by those opposing the application is that there has been inadequate monitoring of previous schemes. It is therefore considered reasonable that any approved works should be phased in accordance with the timetable set out in the ES, and the applicants should not commence work on subsequent phases of the restoration, until all aspects of the preceding phase (to include details of the post restoration monitoring of each phase) have been signed off as approved, in writing, by the Authority (as detailed in condition 5 below).
- 11.68 Another key area of concern is the Authority's perceived conflict of interest as the determining local planning authority whilst being a partner organisation in the New Forest HLS. Both the local MPs have asked the Secretary of State for Communities and Local Government (CLG) to "call



in” the application for determination, rather than leave it to the Authority to determine.

- 11.69 Officials at the Department of CLG have requested a short period of time for the Secretary of State to consider the case if the Authority is minded to approve the application. Whilst the Department has not issued a formal Article 31 Holding Direction, the request means in effect that the Authority is unable to determine the application until the case has been referred to the Secretary of State. Conversely, should the Authority decide to refuse the application, then CLG will have no further involvement in the process.
- 11.70 It is not unusual for local planning authorities to determine their own applications (e.g. schools and leisure centres) or to support proposals submitted by other public sector bodies. Nonetheless, in light of the overwhelming number of parish council and third party objections, as well as the involvement of four Defra sponsored agencies (Forestry Commission, Natural England, Environment Agency and the NPA), it is suggested that the Authority supports the “call in” request to allow for an independent scrutiny of the application and the supporting ES.
- 11.71 Conclusion
- 11.72 Despite extensive pre-application engagement work carried out by the applicant, many local residents remain steadfastly opposed to the proposed works.
- 11.73 Nonetheless, the assessment of the application on its planning merits concludes that the accompanying ES has adequately demonstrated that the proposed works accord with the relevant legislation and planning policies and that they are necessary for the restoration of the SSSI units and wetlands habitats in the Latchmore catchment. It is not considered that the proposal would lead to direct or indirect adverse effects on the integrity of the SSSI, SAC, SPA, Ramsar sites, protected species or archaeology features and heritage assets as a result of the mitigation measures proposed.
- 11.74 The wider character and setting and the special qualities of the National Park would be preserved and enhanced and public amenity and access would remain largely unaffected once the works have been fully completed. Access arrangements and impacts on the highway are considered acceptable subject to condition 3 below.

## **12. RECOMMENDATION**

- (i) That the Authority advises the Secretary of State that it is minded to grant planning permission subject to the conditions set out below; and
- (ii) The Authority further advises the Secretary of State that it supports the requests to ‘call in’ the application given the unusually high number of objections and the widely perceived view that the Authority has a prejudicial interest in the application as a partner organisation of the New Forest HLS.

## Condition(s)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The works shall be carried out in accordance with the details as set out in the submitted Construction Environmental Management Plan prepared by LUC dated July 2016, unless otherwise agreed in writing by the New Forest National Park Authority. Each phase of the programmed work shall be approved in writing by the National Park Authority prior to the commencement of subsequent phases.

Reason: To safeguard protected species and habitats in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010)

- 3 The works shall be carried out in accordance with the details as set out in the submitted Construction Traffic Management Plan by Transport Planning Associates dated July 2016 unless otherwise agreed in writing by the New Forest National Park Authority. The condition survey of the existing highway network as described in Paragraph 2.34 of the Construction Traffic Management Plan shall be submitted and approved in writing by the New Forest National Park Authority prior to the commencement of development.

Reason: to ensure adequate provision is made in the interests of highway safety and to comply with Policies DP1 and CP19 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (2010)

- 4 A) No 'demolition/development' or any ground works shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions to be specifically related to any archaeological and geo-archaeological potentials and:

- i. The programme and methodology of site investigation and recording
- ii. The programme for post investigation assessment
- iii. Provision to be made for analysis of the site investigation and recording
- iv. Provision to be made for publication and dissemination of

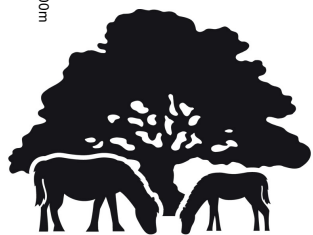
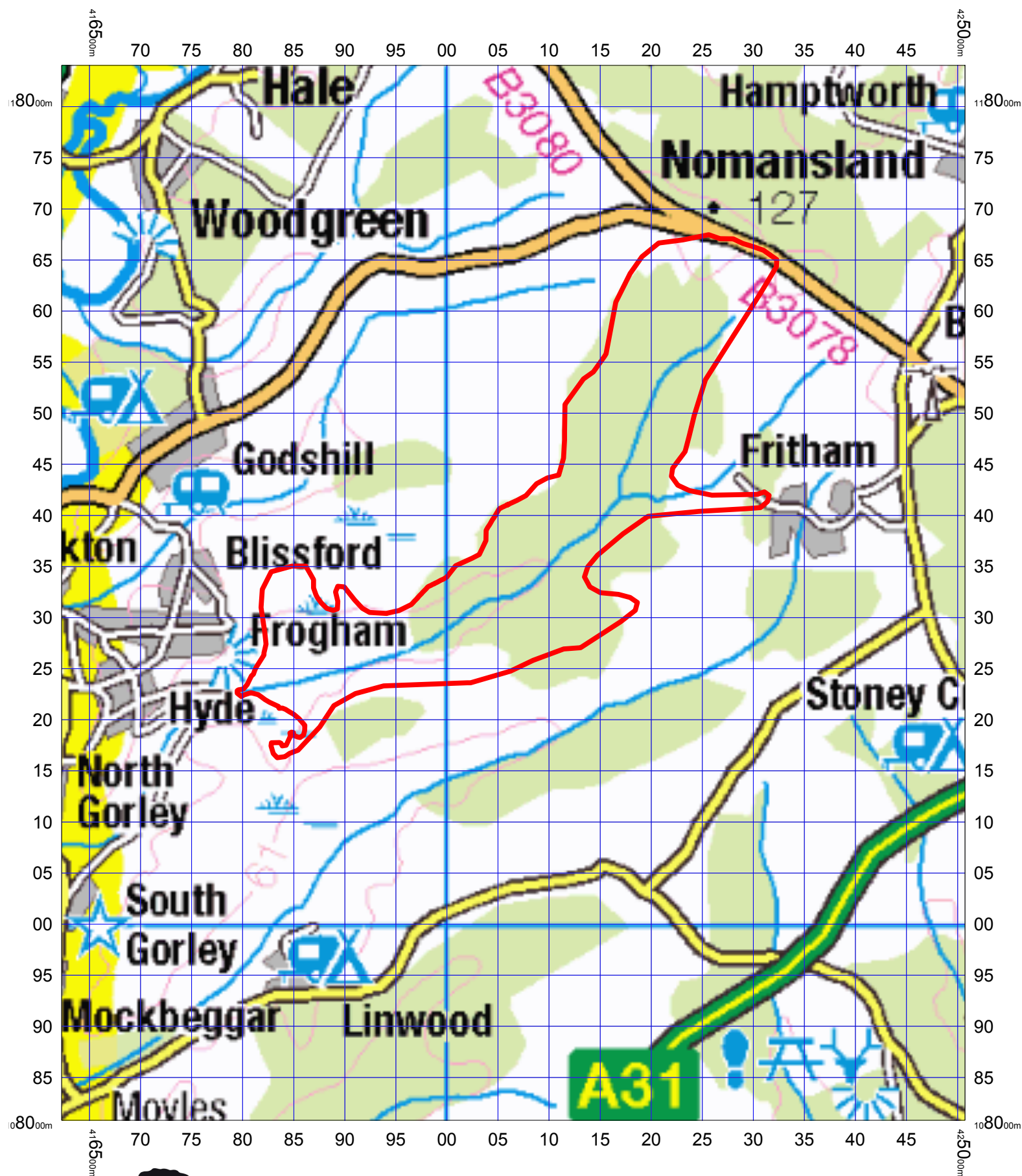
- the analysis and records of the site investigation
  - v. Provision to be made for archive deposition of the analysis and records of the site investigation
  - vi. Nomination of a competent person or persons/organisation to undertake the works to nationally agreed archaeological industry standards, set out within the Written Scheme of Investigation.
- B) No demolition/development or any ground works shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The Archaeological planning conditions for this development shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured and the draft archaeological report has been subject to peer group review.
- D) The Written Scheme of Investigation will include detailed digital photographic and video-recording of the stream system prior to any development taking place; where this is practical and is not prevented by tree cover, to a standard and in a format to be agreed with the New Forest National Park Planning Authority's archaeological adviser.
- E) The Written Scheme of Investigation will include appropriate geo-archaeological provision for the recording of any palaeo-channels or deposits revealed by the proposed works that have geo-archaeological potential. The methods of analysis and standards to be used to be agreed in writing by the New Forest National Park's archaeological advisor.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 Prior to the commencement of development, a detailed scheme for maintaining the accessibility of the site shall be submitted to the National Park Authority for approval in writing. The scheme shall include details for the provision and retention of access tracks to and within the site during construction works; a scheme for the ongoing retention and maintenance of tracks and access points post construction works (for a minimum of three years) to facilitate access and movement within the site for walkers, horse riders and stock. The scheme shall also include details of how and where the works are to be publicised to ensure that

recreational users are fully aware of the works being undertaken; fully aware of accessibility to and within the site during and post works and restrictions in access whilst works are carried out and; fully aware of the timeframes under which the works will be undertaken during all phases of the development.

Reason – To ensure that the site remains publically accessible to recreational users and for commoner stock in accordance with Policies DP1, DP6 and CP19 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).



NEW FOREST  
NATIONAL PARK

New Forest National Park Authority  
Lymington Town Hall, Avenue Road,  
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 27/09/2016

Ref: 16/00571/FULL

Scale: 1:50000

© Crown copyright and database rights 2016 Ordnance Survey 1000114703

