

VERDERERS' COURT

Wednesday 21st October 2020

ANNOUNCEMENTS & DECISIONS

HAMPSHIRE COUNTY COUNCIL HIGHWAY FENCING

Mr Vanderhoek made a presentment regarding the poor state of much of the Forest's highway fencing that is the responsibility of Hampshire County Council.

In particular, he drew the Court's attention to the fence along the A337 opposite the Cadnam Cricket Ground in Shave Wood. This has now been repaired.

The Verderers and others regularly report to HCC, areas of fencing that need attention. As Mr Vanderhoek rightly says, there is quite an extensive list of fences that require attention. Concerns about the state of highway fencing and the lack of a rigorous inspection regime have been raised with HCC on a number of occasions in recent years. It seems that the financial constraints under which HCC operates means that whilst urgent repairs do get dealt with, albeit not always expeditiously, there is little prospect of a wholesale renewal using the type of fencing that has been erected along the A31, or of regular inspections.

In the meantime, reports of inadequate fencing will be made and followed up wherever possible.

PONDHEAD - RESPONSE FROM FE TO POINTS RAISED IN PRESENTMENT

I am grateful to Mrs Tear for raising this matter with us. As the events took place in 2018 investigating what happened, and why, has taken some time. We have worked closely with Forestry England to provide the answers to the questions raised in the July presentment.

1. to confirm that FE's stated "standard practice" is for top soil and stream beds, NOT peat bogs.

The June response to the Presentment of 20 May 2020 included a method statement for avoiding over-compaction of soils along a machinery access route, where top layers of soil are moved to one side during working practices. This was incorrectly described as 'the standard practice when working in a wet area'. Forestry England's standard practice for wetland restoration projects is to use low ground pressure tracked excavators, rubber tracked dumpers and bog mats (where the ground is particularly wet). If the ground is too wet or heavy rain is forecast, its standard practice is to postpone or suspend work until ground conditions are suitable, to ensure habitats are protected from unnecessary damage.

2. to explain how Natural England's (NE) very clear operational plans to improve the SSSI unit's status, which appeared to be understood and shared by Forestry England (FE) in 2015, were ignored on site in 2018?

The stream restoration works in this area (SSSI Unit 387 – Matley Inclosure Bog) were carried out to improve the condition of the adjacent riverine woodland habitat, which was negatively affected by an over-deepened channel and associated spoil banks. By restoring meanders, raising the level of the stream bed and removing associated spoil banks, the project aimed to increase seasonal inundation and improve interaction with the floodplain. Natural England's written response to the planning application, dated 10 May 2016, was supportive of the work

and stated: "The proposal will deliver benefits to the site (SSSI units 386 and 387 in particular) reversing the effects of artificial drainage."

Forestry England and its contractors take their responsibilities seriously when carrying out wetland restoration works in the New Forest. Before work started at Pondhead, Forestry England had planned to use the south side of the stream for access in SSSI unit 387. However, conditions were extremely wet along parts of the south bank during the works in 2018. Forestry England and its contractors reassessed the options for an access route and made a decision to access the site through the riverine woodland along the north bank of the stream avoiding known features of ecological and archaeological interest. Once the access route on the north bank had been agreed work continued. During a subsequent site inspection visit by the FE officer it became clear that there was ground damage occurring and work was stopped. Unfortunately, by that stage damage to the wetter soils had occurred. After investigating the issues raised in this Presentment, Forestry England acknowledges that its standard practices were not followed in full on this occasion. Notwithstanding the factors present at the time, machines should not have crossed the areas of wet peat soils on the north bank of the stream. Forestry England is reviewing its operational procedures before any subsequent work takes place to ensure this does not happen again.

*3. to ensure that FE **not** be allowed to return to this site to do anything unless or until they specify what and how they are going to access the site and carry out 'repairs' – no more heavy plant in the SSSI Unit bog please!*

Any further work carried out at this site will be planned carefully to ensure that no machinery crosses the wet peat soils on the north bank of the stream.

4. to specify under which form of contract these jobs are let between FE and the contractor?

Framework agreement and call-off contracts. The framework agreement is based on the NEC3 Engineering and Construction Short Contract (April 2013).

5. provide FE officers' daily notes on their interaction with the contractors, (particularly those which give consideration to the bog or NE advice)

A PDF version of available notes is attached (names of individuals have been redacted to comply with GDPR) covering 30/07/2018 to 31/08/2018. Despite searching and having spoken to the relevant officer (who left Forestry England in 2018) Forestry England cannot find any notes either stored electronically or manually from the first week in September.

6. please confirm whether the Verderers who visited the site and found no "cause for concern" saw the gouges out of the new re-meanders, and the newly arrived gravel banks that have pushed off the now exposed pink clay plugs, each of which were clearly visible at the time of their visit? I assume these are what FE wish to return to repair. Visiting the site alone without knowing how it was beforehand is a waste of time

The Verderers who visited the site did indeed notice the matters mentioned in this question. They considered that these were the type of issue that can arise following a restoration and would be satisfactorily remedied through the 'snagging' works which were already planned to take place.

7. to invite Peter Greenslade of NE who was familiar with the site, or an independent, fully qualified ecologist to assess the site

Peter Greenslade no longer works at Natural England. We have appointed an independent ecologist, Neil Sanderson, to assess the site (part of SSSI unit 387). The assessment included identifying the habitat types present along the northern (left-hand) bank of the stream, assessing how the habitats are responding to the stream restoration, and assessing whether the stream restoration works – particularly machinery movements through the woodland and the placement of hoggin – have caused irreparable damage to the SSSI. The main findings were as follows:

Q1: what habitat types are present along the northern (left-hand) bank of the stream?

Q1 Answer: the north bank of the stream supports a complex floodplain and mire habitat, with twin influences from a strong springline rising on the northern edge of the floodplain, with highly acidic water and flooding from the river, with much less acidic water. This restricts Riverine Woodland habitats proper, with Alder and Ash on alluvial gley soils to a narrow better drained natural levee along the river. The bulk of the floodplain has developed soft wet peat soils fed by the springline to the north. This supports three main vegetation types. There is Aldermoor (the local name for Alder dominated wood on peat), with transitional vegetation from Riverine Woodland to Bog Woodland where the influence of winter floods leads to less acidic vegetation. Further from the river this is succeeded by much more acid Bog Woodland, presumably away from the influence of flooding stream water. Finally, there is a strip of open Valley Bog vegetation along the springline. Due to past coppicing the woodland supports a limited county value lichen assemblage typical of disturbed young growth woodland in the New Forest, as found in the 19th Inclosures.

The complexity of this part of site is not fully described in the Biodiversity Statement (Heath, 2015), with the existence of extensive peat deposits and the Bog Woodland and the associated transitional Aldermoor not described. The scoping survey of the lichen interest over states the lichen interest as a common epiphytic lichen was miss-recorded as a Vulnerable Red List species. Off the area of survey upstream the descriptions of the grassland oddly refer frequently to semi-improved grassland where there are actually rather species rich typical New Forest grasslands.

Q2: how are the habitats responding to the stream restoration?

Q2 Answer: within the Riverine Woodland/Aldermoor complex along the stream the recovery of the vegetation is impressive, despite the extensive disturbance of the works and access way. The vegetation of disturbed and undisturbed adjacent areas are now difficult to distinguish and only slight species differences could be detected occasionally. The speed of this recovery is remarkable and appears to reflect a degree of resilience within the habitat that the author had not fully appreciated. This probably reflects the dynamism of the floodplain habitat. On a brief look at the upstream works, this recovery is much faster than the recovery of the upstream Wet Lawn habitats. Here, although clearly well on the way to recovering, the access routes can still easily be determined from the vegetation.

Q3a: have the stream restoration works, particularly the machinery movements through the woodland and the placement of hoggin, caused irreparable damage to the SSSI?

Q3a Answer: no irreparable damage to the SSSI vegetation could be detected in this survey.

Q3b: has the hoggin used on the access route has created an impermeable layer that will compromise the integrity of the site?

Q3b Answer: there is a substantial amount of hoggin left on site as a now buried access way. As far as could be observed by this walk over survey this access way is now buried below the

water at the time of survey, so the water will normally flow over it. There was ponding of water at the surface at the time of survey across the mire well away from the access way to the north and this appears the normal condition of the mire when wet. The mire is naturally ponded against the stream levee, so flow is probably mainly on the surface anyway.

Q3c: where possible, assess the soil profile from points along the ‘access route’ and in adjacent areas, to assess whether the natural soil profile has been lost or altered irreparably.

Q3c Answers: the natural soil profile has been lost irreparably along the access route but this has had surprisingly little influence on the vegetation, which is responding to the surface water and soil conditions not the depth of the peat.

A copy of the report will be provided to Mrs Tear and be made publicly available.

[question from previous presentment]

What was the original quote for that element of the project and what was the final cost?

The quote for operating costs (including VAT) to carry out all the works under the Pondhead HLS Wetland Restoration Project (Planning Application Number 15/00294) was £255,567. A separate breakdown of costs for this element of the project was not required as part of the quote.

By the end of 2019, the final operating cost (including VAT) for implementing the full Pondhead HLS Wetland Restoration Project, not just the section in question, was £253,062.