



## Meeting to gather facts regarding the Itchen River Restoration Project at Cow Down, Itchen Abbas. Wednesday 28<sup>th</sup> October 2020.

### Attendees Present

#### Hampshire and Isle of Wight Wildlife Trust

Nick Reed-Beale – Area Manager

Ellie Green – Reserves Officer

#### Environment Agency

Heb Leman – Project Officer for the Test & Itchen Restoration Strategy

#### Wessex Rivers Trust

Dave Rumble – Chief Exec

#### Landowners

Nick Owen – part owner of fields in question

Andrew Impey- riparian owner of river

Richard Hunt– part owner of fields in question

#### Itchen Valley Parish Council

Cllr Patrick Appleby - Chairman

Cllr Yvette Riley – Open Spaces

Cllr Denise Rosewell

Cllr Stephen Percy

Clerk: Michelle Leadbitter-Allen

#### Hampshire County Council

Cllr Jackie Porter – Cllr Porter declared an interest as the neighbouring landowner

### 1. Welcome and Note of participants present.

The Chairman of the Itchen Valley Parish Council, Cllr Patrick Appleby welcomed all the attendees to the meeting. Everyone introduced themselves.

### 2. Short Introduction by the Chairman

The Chairman gave a short introduction, making it clear to everyone that the meeting was purely for the council to gather facts pertaining to the works at Cow Down in Itchen Abbas

The Chairman advised that the council members would be presenting questions to the experts and landowners and that no decisions regarding any possible action by the parish council would be decided at this meeting.

### 3. Questions:

Q. Cllr Rosewell was aware of works being undertaken at the river, bank and adjoining land and asked for an explanation of the work and why it was being done, starting with what damage has been done to the river.



Heb Leman explained that the rivers Test and Itchen, are failing their SSSI designations, with both being in an Unfavourable Condition. The aim of the joint strategy with Environment Agency and Natural England is to bring both these rivers back to a Favourable Condition. His role in helping to achieve this is to work collaboratively with landowners and has been since 2012.

Heb Leman said Andrew Impey had contacted him earlier this year to look at condition of the river, where he saw that the river was damaged. His role is to work with the landowner to repair the damage.

Andrew Impey added that in 2014 they started this restoration with the Wildlife Trust at the top of the river by Greys Bridge, and this site is effectively the second part of this project to restore the river to a favourable condition.

Q: Cllr Appleby asked for more detail regarding the damage to the river.

Heb Leman said the Natural England carried out assessment surveys in 2006 & 2010, looking at sections of river to determine if the correct species that should present in a chalk stream were there.

Q: Cllr Riley asked if the species present included vegetation, fish & invertebrates?

Heb Leman responded that you should expect to see Otter, Salmon, Ranunculous pseudofluitans , Bullheads, Snails, Native Crayfish, Aquaphyte & Water Voles, which unfortunately aren't present at this site and it is Natural England's role to encourage these to come back and flourish by creating the correct conditions.

Q: Cllr Appleby asked if any velocity profiles had been taken or was the opinion subjective.

Heb Leman answered that in this case and most others it is very subjective as with most rivers you can see by looking at the rate of the channel and see what is required. If it is a big project, such as removing a structure that could affect people downstream, then flow measurements would be taken. Flow rates are not needed every time.

Q: Cllr Appleby asked if silt was an issue.

Heb Leman said silt could be an issue when you have a big structure blocking the river negatively impacting the velocity and encouraging silt deposits which can have a negative effect on spawning.



However, silt in context to a chalk stream is good.

Q: Cllr Appleby asked if any further testing had been done i.e. biological oxygen demand.

Heb Leman said that there was not a need for these tests in this circumstance.

Andrew Impey said however, that is a historic record of phosphate levels which indicates a heightened level of phosphates in the river, and invertebrate counts show a degeneration in numbers present.

Dave Rumble explained the role of the Rivers Trust is one of a delivery partners and is working on behalf of Andrew Impey, using established methods to help the river improve its ability to regulate itself.

Q: Cllr Rosewell asked if we are looking at damage that has been caused over a long period of time or is this work in response to damage caused by increased use this summer?

Andrew Impey explained that there has been long term damage, but what we are seeing recently from Cow Down up river by about 200-300m is that the bed has been eroded and this year in particular, because of people being in the river, the weed has been completely removed. Andrew mentioned the legal protections: Cow Down was an area of Site of Special Scientific Interest (SSSI) which has been significantly damaged over years and was no longer in a favourable condition, as the landowner he has a legal obligation to maintain the site. Andrew said that the salad washing plant, the water-cress beds and septic tanks along the river had caused damage, but this summer the human interaction has caused exceptional damage.

Q: Jackie Porter asked what the impact of cows grazing has been on the site at Cow Down.

Heb Leman explained cattle grazing is a big issue on chalk streams. There are various locations on Test and Itchen where farmers will allow cattle into field adjacent to the river, there is only a problem if a whole herd gets into the river and trashes it. However, small numbers of cattle in a field like at Cow Down is beneficial as they will graze and trample the banks to a certain degree, encouraging certain plants to establish. The cattle are there to encourage a wider range of plants to establish.

Ellie Green explained that Wildlife Trust manage the land under an High Level Stewardship (HLS) agreement with Natural England which specifies the number of livestock allowed on the land and



the time of year they are permitted to be there. This is closely monitored as to not inflict any damage.

Andrew Impey added that the issue of the river widening and the destruction of the riverbed at Cow Down is not from cattle grazing but from human interaction.

Dave Rumble corroborated this and was astounded at the profound amount of erosion on the banks of the river in the almost ten years since he had last visited. He said that there is a need for people to value and connect with the rivers, however this can go too far, which is likely to have happened here.

Nick Reed-Beale said that the fields we are talking about here are a part of the river system and floodplain. The impact of people on the river and the overall habitat should be considered as a whole, not individually.

Nick Reed-Beale also said that the land concerned is private land belonging to Richard Hunt and Nick Owen, and the Wildlife Trust is trying to adhere to their contract as tenants with Natural England to keep everything up to the river bank, and Andrew Impey everything in the river, to a favourable status which is becoming more and more difficult. The river and the land is an interwoven habitat and should be treated as a whole landscape.

Q: Cllr Appleby asked for clarity on the location of the SSSI.

Nick Reed-Beale said that if you look at the site from above, the river side of the trees and the area of the field in question nearest the river (the floodplain area) is the SSSI. Everything above the trees up towards the houses is not the SSSI but remains important.

Ellie Green said that the land in this area owned by Nick Owen and Richard Hunt is currently in a high-level stewardship agreement with Natural England which means that it all has some level of protection as it is being managed to increase its diversity.

Andrew Impey said that Government Magic Map Application was a very useful tool to view the SSSI area.



Q: Cllr Stephen Percy asked when this work is completed would the public be given access to this land or will it be fenced off permanently?

Nick Reed-Beale said that the proposed fencing which will run 5m along the boundary of Cllr Porter's land will have 5m margin for the footpath and explained the reasons why the Wildlife Trust are proposing the fence: The reasons are listed below:

1. To enable Wildlife Trust to effectively manage the land under steward effectively.
2. To prove the SSSI and its legal status and improve its designation to favourable.
3. To protect the SSSI and SAC along the river
4. To assist the long-term success of the restoration project of the river
5. To stop trespass on private land – as a tenant we are legally obliged to protect the rights of our landlord & ensure that there is no trespass. The land is not open access and should not be considered open access. We have been trying for years to get people to stick to the footpaths, but they don't.
6. The management techniques available to Wildlife Trust are limited because of the people accessing the site.
7. There is potential for Wildlife Trust to be fined by Natural England and the Rural Payments Agency (RPA) for not meeting targets.
8. Legally obliged to protect the trees which are under Tree Protection Orders.
9. Duty of care to protect the public from the trees which are diseased with Ash Dieback. Fencing the downland off and giving a footpath will limit access to the trees, protecting the public and limiting the Wildlife Trust liability.
10. It gives the landlords their private land back to them.
11. Must consider duty as tenant to protect the land and limit access where it is not needed.

Nick Beale-Read said that he understood that public access is important, but there are places where it is less relevant. There is also the case of presumed rights; but explained that is not the case here as the land is private and potentially people accessing the land are trespassing. This may sound controversial to some, but it is the case.

Nick continued by explaining that the fence itself is a secondary assistance to the river project and The Wildlife Trust are not involved with the river project at all, other than by supporting it with an access licence.

Q: Cllr Percy asked if people and cattle would be allowed back to the area once works had been completed and the area restored.



Andrew Impey said that once the project is complete the area will not be reopened again as once the work is complete, they have a duty to protect it. Andrew explained that he has never allowed swimming but local people that have abused it and have been very unpleasant when asked not to swim there. Andrew said that Cow Down this past summer had been subject to BBQ damage, one of the bridges was almost burnt down and drug paraphernalia, bottles and beer cans had been left on the riverbank. Andrew explained that in addition to the public not being allowed by the rules of the SSSI, he does not want to allow them to return.

Ellie Green added that although the work is being done now, the restoration will take years to happen and to allow people back in would undo that restorative work.

Q: Cllr Percy asked for clarification on which agencies were making the decisions.

Nick Reed-Beale said that when it comes to decision making, the Wildlife Trust as occupiers of the land, can make their own decisions. However, the decisions they make are made in conjunction with others such as the landlords, Andrew Impey, Wessex Rivers Trust, Environment Agency, and Natural England.

Ellie Green explained that if the Wildlife Trust did not put the fence along the footpath, Andrew Impey would be fencing the river off permanently as he does not want people in the river. This summer and in previous years the owners of the land Nick Owen and Richard Hunt have had some 'interesting' encounters with the public on their land, and have decided that together that they do not want people on their land. So instead of erecting a fence between their land and then another along the river, a single fence is being erected along the footpath.

Nick Reed-Beale added that the fence would stop access to people going underneath the trees, adding that the Wildlife Trust has a responsibility to protect the public from the trees which are diseased. Nick said that the most sensible solution was to fence along the footpath as it covers all the key points covered so far.

Andrew Impey agreed that it was confusing to those who do not know the situation but must remember underlying the whole thing is the legal requirement to protect a very rare habitat, regardless of the local view.

Q: Cllr Appleby asked Nick Reed-Beale if a SSSI area should always be fenced off from the public?



Nick replied no, it was not always necessary, but there is an obligation to protect the SSSI especially in sensitive areas, if it helps with the management.

Q: Cllr Yvette Riley asked who would be responsible for maintenance and clearance of the footpath.

Nick Reed-Beale explained that the Wildlife Trust would be responsible for maintaining any vegetation that grows over the path and keeping it clear as well as any furniture/gates but it would usually be the responsibility of Hampshire County Council to manage the surface of the footpath, as this is not always the case, he expected that the Wildlife Trust would have to take some responsibility to try and ensure that it is kept in as good a condition that it can be. He said that one of the reasons for offering 5m wide path is to give walkers a wider area to walk across as unfortunately it is likely to get muddy.

Richard Hunt clarified that the bottom of the path that becomes muddy every winter irrespective of a fence. The rest is free draining and is unlikely to become muddy.

Nick Owen said that the Wildlife Trusts lease has just over 2 years to run and explained that although the discussion the footpath was slightly contentious, it was deemed the best available alternative. When negotiating the width of the path, the problems observed on the narrow and wetter footpath between Cow Down and Martyr Worthy were considered, and by making this footpath 5m wide thought it would considerably better, and would remain in their ownership.

It has been heard why the Trust have found it difficult to manage this land, but if the public make it unbearable for Wildlife Trust, the public must consider the alternative if the Wildlife Trust give up this lease. Nick Owen explained that the area was unsuitable for sheep and so it would be cattle that would be grazing in the field which would damage the land; land which should be effectively managed for the wildlife.

Cllr Porter said she support the principle of restoring the river but was concerned about the maintenance of the path surface as she had spoken to Elliot at HCC and he had said specifically that the landowner and the Wildlife Trust were responsible for maintaining the surface of the path, although Cllr Porter had thought it was HCC that should have been responsible.

Nick Reed-Beale said that he needed a constructive conversation with HCC to work out a solution as Wildlife Trust is unlikely to throw lots of money to maintain the surface and agreed to do this.



Q: Cllr Yvette felt this session had been very informative and helpful and would like to know what the plan is to communicate more to the local population so they understand what the issues are, and what in particular are HIWWT doing to counteract the negative publicity that has been associated with this initiative.

Nick Reed-Beale said that he had been upset to see HIWWT banded on the front page of the Hampshire Chronicle for doing something that came across very negative. He did not think it was fair to be perceived in that light or anybody else that is involved in this project. HIWWT has put a statement on their website to counter the article in the Hampshire Chronicle saying that they are not a partner in the restoration project but they do support it and that they are engaged in the activities Nick has explained at the meeting today and the reasons why they are considering and planning on putting a fence in place for the reasons he has discussed. Nick said that because of this article he has had to deal with several complaints.

Ellie Green expanded on Nick's answer, said that she had received some apologies from people over the past few weeks, as she had been subject to some 'interesting' interactions with certain people. Felt it would be of benefit if what has been discussed today could be relayed to the local population.

Cllr Riley was worried that all parties involved were relying on the Parish Council to spread the message, and felt this is a bigger communications issue than the Parish Council could achieve and that the agencies and landowners should work collectively as a group giving thought on how they can share this information with the local population.

Cllr Riley continued by saying that the notice in the Hampshire Chronicle and the signs put up by the EA and EN had been like a 'red rag to a bull' to the public, as they were blaming people entering the river over the summer for the damage to the Itchen which Cllr Riley thought was a bad starting point seeing that there are a host of other reasons given at the beginning of the meeting for the damage.

Richard Hunt said that Ellie was being modest in her account of the interactions he felt that the way the Itchen List has riled people and she had received unfair adverse comment which was unacceptable. He agreed with Cllr Riley that they need to get this message out.

Cllr Appleby informed everyone that it is illegal for the Parish Council to use the Itchen List, so could not share information in this way.





Nick Owen said they have talked about the need to upgrade communication and that it should follow this meeting, follow the publication of the Hampshire Chronicle and the Itchen Valley News.

Nick Owen said it was most unfortunate that Cllr Porter chose to be quoted so extensively in the Hampshire Chronicle.<sup>1</sup> He had been quoted as saying that 'he was a landowner, but as they were asking about the river, it would be appropriate to ask someone that was involved with the river'; but they had not pursued this. He said that he would be working at getting something out in the next week that is carefully considered between all parties.

Andrew Impey said that he totally supported what Nick has said, but wanted to pick up on something that Cllr Riley had said about people not being the cause of damage and wanted to be clear that it was people that have caused the damage. He said that the signs which were concreted in were as a last resort as previous signs had been disregarded and some had been torn up and thrown in the river. He agreed that it was not the job of the Parish Council to do the heavy lifting of the communications and said that the Parish Council were being professional for holding this meeting and gathering the facts.

Cllr Appleby said that it was a pity that Natural England did not have a representative at the meeting, but they did not reply to the communications sent.

Cllr Appleby thanked everyone for coming and said that the clerk would type up a record of the meeting which would be circulated to everyone for agreement. Once agreed the record will be shared with the Parish Council members and will be discussed either the Full Council Meeting on Thursday 5<sup>th</sup> November or at a separate meeting beforehand. Cllr Appleby told everyone that the Full Council Meeting was a public meeting, and anyone present at this meeting was welcome to attend by contacting the clerk for details.

Cllr Appleby closed the meeting at 1.25pm.

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<sup>1</sup> Cllr Jackie Porter has requested that the following is included as a footnote to this statement. *"I would take issue with the statement that I chose to be quoted so extensively. I realise that is the Owners' perception, but in fact, I think it was 'lazy reporting' on the HC's behalf. The reporter said that HC had received news of the work and the impact. I was asked for a response which I gave. We all know that the press can choose to quote who they like. I understand they quoted Nick too. I am happy for the minute to remain as it stands because that is what Nick Owen said- but just wanted to put the record straight."*