



Report to the Secretary of State for Environment, Food and Rural Affairs

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THE SOUTH DOWNS NATIONAL PARK

INSPECTOR'S REPORT

Volume 1

Inquiry held between 10 November 2003 and 18 March 2005

Inquiry held at The Chatsworth Hotel, Steyne, Worthing, BN11 3DU

SOUTH DOWNS NATIONAL PARK

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1. Maps 1A and 1B showing generalised boundary for a more focussed National Park.
2. Key to A4 Boundary Maps.
3. Bundle of designation order boundary maps including recommended changes.

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To the Right Honourable Margaret Becket MP
Secretary of State for the Environment, Food and Rural Affairs

Madam

South Downs National Park (Designation) Order 2002
East Hampshire Area of Outstanding Natural Beauty (Revocation) Order 2002
Sussex Downs Area of Outstanding Natural Beauty (Revocation) Order 2002
South Downs National Park (Variation) Order 2004

The attached reports - Part 1 "In-principle Report" and Part 2 "Boundary Report" - relate to the inquiry into the above orders that I conducted at the Chatsworth Hotel, Worthing. I was assisted at the inquiry by Nigel Buchan MA MLI who acted as Landscape Assessor.

The inquiry sat for over 90 days between 10 November 2003 and 14 December 2004 and eventually closed on 18 March 2005. In addition to the inquiry sessions, the Assessor and myself spent well over 50 days during and after the inquiry visiting locations within and beyond the boundary of the proposed South Downs National Park (PSDNP). These visits were normally unaccompanied but when requested they were undertaken in the company of inquiry participants and other interested parties.

The attached reports take account of the volume of evidence put forward at the inquiry together with all of the written representations; those supporting the creation of a new National Park as well as those opposed "in-principle" or opposed to the boundary shown in the designation order/variation order. In total almost 6000 objections were lodged when the designation order and related orders were placed on deposit. Even this high figure understates the volume of representations insofar as many of the boundary objections refer to more than one area or parcel of land, and in some instances to a large number of parcels. The attached reports address all of the areas of land identified by objectors.

In the interests of brevity I normally set out the relevant material as follows. Firstly, I set out the gist of the case made by objectors, then the Agency's response and, where necessary, any supporting representations. I follow this with my conclusions and recommendations. I do not normally identify objectors or supporters by name.

Attached to the reports are 3 annexes; annex A is the Landscape Assessor's main report, annex B is a supplementary report that looks in detail at the Rother Valley and the A3 corridor. Annex C is my report on the governance of any new National Park. In addition I attach a number of appendices listing inquiry appearances and relevant inquiry documents.

The terms of reference for the inquiry were:

- (i) *Does the area as a whole enclosed within the proposed boundary meet the criteria and purposes of designation as a National Park set out in the National Parks and Access to the Countryside Act 1949?*
- (ii) *Should the boundary be altered to include or exclude any areas specifically referred to by objectors to the Order (and the Arundel Variation Order), bearing in mind the criteria and purposes of designation?*
- (iii) *Is it justified to revoke all of the land in the East Hampshire AONB and the Sussex Downs AONB.*
- (iv) *Is a National Park Authority (NPA) appropriate to the South Downs and, if so, how might it best be established and operate?*

The Part 1 report considers whether there is an extensive tract of land in the South Downs that meets the criteria and purposes of designation as a National Park – essentially issue (i). The Inspector’s report following the earlier New Forest National Park dealt with this issue in one short paragraph - para.1.221 - in the virtual absence of any claims that the statutory criteria were not satisfied. In the South Downs there is no such consensus. Many objectors argue that the proposed National Park does not satisfy the statutory criteria and purposes of designation and that it would be significantly different from the existing members of the National Park family. Key differences identified by objectors include the large resident population, the inclusion of several sizeable settlements, the relatively high proportion of arable farmland and a reliance on the rights of way network rather than “open access” land to provide superior recreational experiences. I conclude, nevertheless, that the proposed new National Park contains extensive tracts of land that merit National Park status and deserve the additional status, resources and integrated management that a National Park Authority (NPA) can provide.

The attached Part 2 report then considers the possible extent of any new South Downs National Park – essentially issues (ii) and (iii). Before considering the detailed boundary objections, the report addresses a number of more general matters. One matter is of especial importance. Many objectors argue that if there is to be a new South Downs National Park it should not include non-chalk landscapes such as the Weald. In his report the Landscape Assessor considers this argument and concludes that such areas should be omitted from any new South Downs National Park. His conclusions on this point are reinforced by doubts concerning the intrinsic landscape quality of some of the land in question. I concur with his recommendation that if there is to be a new National Park in this part of the country, it should be more closely focussed on the chalk hills that extend from Winchester as far east as Eastbourne. It is widely accepted that these hills contain the chalk landscapes that form the core or essence of the proposed new National Park.

If that recommendation is accepted, a significant amount of the designation order land would be excluded from the PSDNP. Unfortunately none of those who argue

generally for the exclusion of non-chalk landscapes identify an alternative boundary that would meet this point. Additional work therefore needs to be undertaken to identify an alternative more focussed boundary. In effect, a new boundary needs to be identified to replace the designation order boundary from section E through to section H. To assist any such exercise I have prepared a plan (Volume 3, plan1) to illustrate the general extent of a new National Park more closely focussed on the core chalk landscapes.

I am conscious, however, that my recommendation on this matter may not be accepted. Accordingly, I have separately addressed all of the objections that relate to the designation order boundary between sections E and H. In these and other sections, I occasionally recommend an amendment to the boundary. This is often a consequence of my appraisal of detailed material submitted in writing or at the inquiry, material that was not always to-hand when the Agency made its boundary decisions.

Confirmation of the East Hampshire AONB (Revocation) Order and the Sussex Downs AONB (Revocation) Order is clearly inappropriate if my recommendation regarding the exclusion of non-chalk landscapes is accepted. To do otherwise would leave large areas of attractive Wealden countryside without a protective landscape designation. On the other hand, if my recommendation is not accepted, it would seem appropriate to confirm the Revocation Orders as and when the (amended) Designation Order is confirmed. I say that even though there are widespread concerns regarding the long term future of the many small parcels of land that currently enjoy AONB status but would not be part of any new National Park.

My recommendations regarding non-chalk landscapes (and the inclusion of several large settlements) have significant implications for the governance of any new National Park – essentially issue (iv). In particular, if my recommendations on these matters are accepted I am not convinced that an in-coming National Park Authority needs to agree a development control delegation agreement with the constituent local authorities. If my recommendations on these matters are not accepted, however, some form of delegation agreement seems inevitable given the likely scale of the development control caseload.

CD22 is a written description of the National Park boundary as proposed by the Countryside Agency. At the inquiry I was informed that the written description is itself based on the designation order plans (CD12), the latter taking precedence in the event of any inconsistency or dispute. Because of the uncertainty regarding the general extent of any South Downs National Park and its detailed definition, I do not provide a written description of the boundary. As and when a boundary is defined, the preparation of a new written description should be a relatively straightforward exercise.

Before setting out a list of my key conclusions/recommendations I wish to record my heartfelt thanks for the support and professional insight provided by Mr Nigel Buchan. I also wish to acknowledge the assistance provided by Bob Wiggins, the Inquiry Co-ordinator, and by the other members of the Programme Officer team, notable Barbara Bay and Rhalina Yuill. The team ensured that inquiry time was used efficiently and it also took responsibility for the preparation of the detailed lists of

core and inquiry documents as well as the lists of those who submitted representations and made inquiry appearances. While it is somewhat invidious to highlight inquiry participants, I hope I will be excused for mentioning the contribution made by the Agency's inquiry team led by its advocate Robert Griffiths. Members of the team attended every inquiry session, provided a written response to all of the objections and always responded positively to my many requests for additional information and/or clarification. I wish also to highlight the contributions made by the South Downs Campaign, the umbrella organisation representing over 80 national and local organisations. A long inquiry would have been very much longer if these organisations had appeared individually rather than under the Campaign's banner. The preparation of joint submissions under the same banner also eased my reporting responsibilities albeit that an injury sustained on a sporting battlefield in France has delayed the completion of the reports by over 2 months.

Robert Neil Parry

SUMMARY OF MAIN CONCLUSIONS/RECOMMENDATIONS

Part 1 "In-Principle" Report

1. The PSDNP contains extensive tracts of land that by virtue of their natural beauty and the opportunities they provide for open-air recreation merit National Park status and deserve the additional resources, focus and integrated management that a National Park Authority could provide.

Part 2: Boundary Report

2. That the designation order boundary from section E through to section H be reviewed to exclude lower quality landscapes and non-chalk landscapes other than where the latter have a strong visual link or other associations with the core chalk downs.
3. That the East Hampshire AONB (Revocation) Order and the Sussex Downs AONB (Revocation) Order not be confirmed prior to a review of the section E to section H boundary.
4. Irrespective of the review mentioned above, that the PSDNP boundary shown in the designation order/variation order be amended as and when appropriate and as detailed in the report.
5. That the maritime boundary to the sea be left "open" where the adjoining cliffs and foreshore satisfy the statutory criteria set out in the 1949 Act.

6. That consideration be given to statutory provisions that would allow marine areas beyond mean low water mark (MLWM) to be part of a National Park.
7. That the Agency's advice to the Secretary of State on the management and operation of a new National Park be accepted subject to the comments contained in my annex on "Governance" – annex C.

SOUTH DOWNS NATIONAL PARK

PART 1: IN-PRINCIPLE REPORT

PART 1 REPORT: "IN-PRINCIPLE" OBJECTIONS

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ABBREVIATIONS USED IN REPORT

PSDNP:	Proposed South Downs National Park
AONB	Area of Outstanding Natural Beauty
SCB	Statutory Conservation Board
JAC	Joint Advisory Committee
NPA	National Park Authority
LDA	Landscape Design Associates
CROW	Countryside and Rights of Way Act 2002
LDF	Local Development Framework

Preamble

1. This Part 1 report sets out my conclusions in respect of the "in-principle" objections to the proposed South Downs National Park (PSDNP). As such it addresses the claims that the proposal is fundamentally flawed and, accordingly, that the Secretary of State should not confirm the South Downs National Park (Designation) Order 2002. Annexes 1 and 2 of the report contain lists of those objecting or supporting the proposed National Park "in-principle".
2. The report was written and submitted to the Agency prior to the preparation of a Part 2 report. The latter report sets out conclusions and recommendations in respect of the representations and submissions put forward regarding the detailed boundaries of the PSDNP and the other associated Orders. Attached to that report are appendices listing objectors and supporters, inquiry appearances, inquiry documents, 2 reports prepared by the Landscape Assessor, Mr Nigel Buchan, and a report on "Governance", that is possible administrative and management arrangements for any new National Park.
3. By and large those objecting "in-principle" to the confirmation of the Designation Order raise the same or similar concerns. Consequently, rather than set out the individual case made by each and every objector, in section 1 of this report I identify by bullet points the key points raised. These are grouped under a number of topic or objection themes. Hopefully this avoids unnecessary repetition and makes the volume of material submitted in writing and at the inquiry somewhat easier to appreciate and understand. A more detailed account of points raised by objectors in respect of "Natural Beauty" and a number of other matters, and the Agency's response to them, can also be found in the Landscape Assessor's main report.
4. In the interests of brevity I adopt the same bullet point approach in setting out the Countryside Agency's response to the "in-principle" objections. It should be noted that I have also taken account of the representations put forward by the South Downs Campaign and others in support of the PSDNP but as they do not seem to me to significantly enhance the case presented by the Agency, I have not separately summarised them.
5. Although section 1 is intended to address "in-principle" objections, many of the points raised also relate to more detailed boundary matters. For convenience I have generally chosen to consider these in the forthcoming Part 2 report. Amongst the

matters addressed in that report are, therefore, the detailed criticisms of the methodology adopted by the Agency in the assessment and designation process, the use of so-called unifying links to justify the inclusion of certain tracts of land, and the implications of the recent decision to designate the New Forest National Park.

6. My conclusions follow the Agency's response. While I have yet to address the volume of detailed material in respect of the matters to be covered in the Part 2 report, I am confident that when the exercise is completed it will not significantly change my conclusions on the "in-principle" objections.
7. Since writing the preceding paragraph I have largely completed the Part 2 report. With some relief I can report that my confidence regarding my conclusions on the "in-principle" objections has been borne out in practice. I have, however, taken the opportunity to review the content of my initial Part 1 report. The text that follows is therefore different in certain respects from that contained in the Part 1 report previously submitted to the Secretary of State. In the main the amendments made are presentational and a consequence of my consideration of matters covered by the Part 2 report.

For convenience I summarise the key conclusion of this Part 1 report as follows:

IN MY OPINION THE PROPOSED SOUTH DOWNS NATIONAL PARK CONTAINS EXTENSIVE TRACTS OF LAND THAT BY VIRTUE OF THEIR NATURAL BEAUTY AND THE OPPORTUNITIES THEY PROVIDE FOR OPEN-AIR RECREATION MERIT NATIONAL PARK STATUS AND DESERVE THE ADDITIONAL RESOURCES, FOCUS AND INTEGRATED MANAGEMENT THAT A NATIONAL PARK AUTHORITY COULD PROVIDE.

* * *

KEY POINTS MADE BY THOSE OBJECTING "IN-PRINCIPLE" TO THE PSDNP

1.1 South Downs as a candidate National Park

- The South Downs has been expressly rejected as a National Park on 3 occasions: by Dower in 1945 (CD73), by the National Parks Commission in 1956 (CD82) and by the Countryside Commission (forerunner to the Agency) in 1998 (CD47). The latter rejection following a detailed study undertaken by the consultants "Green Balance" on behalf of the Commission. Circumstances have not changed to a significant degree since then. The statutory designation criteria set out in section 5 of the National Parks and Access to the Countryside Act 1949 (CD1) are unaltered.
- While the Hobhouse report in 1947 (CD74) did support designation, that conclusion recognised the importance of the "*freedom to wander*" and was on the basis that the South Downs contained "*much open rambling land*". That is not the situation to-day, indeed as far back as 1956 the National Parks Commission recognised that the situation in the South Downs had changed due to the extensive agricultural cultivation of downland during and after the war. Since then changing agricultural practices, farming diversification and so on have further reduced their recreational value.
- The Hobhouse recommendation was also made in respect of the chalk hills that are commonly understood to form the topographical feature known as the South Downs, not in respect of the much larger area now promoted by the Agency that includes parts of the Weald and the coastal plain.

1.2 Differences between the South Downs and other National Parks

- Rather than relatively wild and rugged countryside with a sense of isolation or remoteness – hitherto considered key characteristics of National Parks - the South Downs is a generally managed countryside with about 60% in intensive arable cultivation – see 1881/2698/1/3 Appendix O.
- It has far less land accessible to the public, only 3.5% open access land compared to much higher figures found in other National Parks – see 1881/2698/1/3 Appendix M.
- Access is often limited to the rights of way network, as in many AONBs.
- The PSDNP would include parts of no less than 15 local authorities – far more than the average number and even more than the Peak District which contains 12.

- About 120,000 people would live within the PSDNP, far more than in any other National Park.
- The many sizeable settlements would generate high levels of economic activity and a planning control workload far in excess of that faced by existing NPAs.
- The PSDNP lacks the cohesiveness and sense of identity of other National Parks.
- Designating the South Downs as a National Park would therefore alter public perception of such areas. The concept would be undermined and the long-standing approach to their definition would have been re-written. In due course it is likely to lead to claims that many other AONBs such as the Cotswolds and Chilterns should also become National Parks. The designation process has not adequately addressed the differences between the PSDNP and the other existing National Parks.

1.3 The Agency's new policy for interpreting the statutory criteria (CD43)

- Responding to the Countryside Commission's conclusion in 1998 that the South Downs did not meet the statutory criteria for designation as a National Park, the then Minister for the Environment asked the Agency to review the statutory criteria as they applied to the South Downs but not the criteria themselves (CD45). The letter itself gave the Agency a clear steer as to the sort of policy interpretation that it would favour. Without the benefit of adequate fieldwork and analysis the new policy was agreed early in 2000 without any consultation with the local authorities or other interested bodies. Given that it changed the long standing policy towards National Park designation it should have been subject to extensive consultation to ascertain views held both locally and further afield. Even the Agency's expert witness at the inquiry accepted that the lack of any consultation amounted to bad practice. The failure to consult significantly reduces the weight to attach to the policy. In these circumstances it is necessary to consider if the new policy is appropriate.
- Failure to consult conflicts with the requirement in section 2(2) of the Countryside Act 1968 to consult with local planning authorities and others on matters such as the conservation and enhancement of the natural beauty and amenity of the countryside.
- A new consultation exercise is required to properly assess local views. Arguably a Royal Commission is required to consider the possible long term implications.

- The new policy was clearly contrived in an attempt to satisfy the statutory criteria and to reflect a particular political agenda. In short it misapplies the statutory criteria. Indeed by abandoning the long-held interpretation requiring National Parks to be open, remote, wild country, it effectively changes the criteria themselves.
- The policy is flawed not least because the new test of "relative wildness" dilutes the previous approach to natural beauty that allowed a meaningful differentiation between National Parks and AONBs.
- Moreover, even if the new policy interpretation is deemed acceptable, it is doubtful if the South Downs meets the statutory criteria. The reference to a "relative sense of wildness" is not a description that applies to the managed landscapes of the South Downs.
- The Agency's approach (Table 1(3) in CD31) mentions that while the statutory criteria point to the inclusion of high quality land that also offers a markedly superior recreational experience, not all land must satisfy both criteria. This cannot be right. By definition all land must meet both requirements.

1.4 Statutory natural beauty criterion

- The Agency's conclusion that the PSDNP satisfied the natural beauty and recreational opportunity criteria was on the basis of limited information. At the least that conclusion should have been informed by a landscape character/quality assessment and an assessment of whether the existing AONBs were of "South Downs" character. The conclusion is all the more surprising in the light of the doubts regarding the ability of the land in question to satisfy the statutory criteria that are expressed in the Agency Board paper put to its December 1999 meeting (CD94a). As such the Agency failed to have regard to its own guidance (CD57).
- The various reports into National Parks all refer to natural beauty in terms of land that is wild and remote. Dower spoke of "*beautiful and relatively wild country*", the Edwards report of "*extensive tracts of distinctive countryside which provides a sense of wildness*" (CD76). As recently as 1999 the Agency referred to the distinguishing feature of National Parks being the "*ability to take long walks in wild scenery with a sense of true remoteness*". The new policy test of "relative wildness" dilutes the long standing consensus.
- When the Agency's consultants – Landscape Design Associates (LDA) - assessed whether in broad terms an area of land met the natural beauty criterion they appear to have relied on the 1993 national guidance on landscape character assessment

(CD54). This failed to take full account of issues such as wildness, tranquillity and remoteness. The guidance was superseded by the 1999 interim guidance (CD55) and more recently by the 2002 guidance (CD57). The failure to take proper account of such issues amounts to a fundamental flaw in the methodology of both the Area of Search and boundary setting exercises. It is not overcome by the belated attempt in CD135 to identify passing references in CD36 to wildness, tranquillity and the like. The Agency was wrong to extend the Area of Search well beyond the chalk downland.

- While it is generally accepted that the chalk hills are high quality landscapes, they have only a limited sense of wildness or remoteness (and the Weald and coastal plain have even less!) The South Downs are generally a managed landscape with relatively little open access land and few opportunities to “get away from it all”. Extensive cultivation of semi-natural downland on the chalk hills since the second world war has reduced the sense of wildness as well as the opportunities for superior open-air recreation.
- LDA took the natural beauty of the constituent AONBs as a given. They are of outstanding natural beauty but they are not sufficiently rugged, open, wild, tranquil or remote to warrant National Park status. No assessment of their current character and quality was undertaken. The non-chalk areas that are included do not exhibit the type of natural beauty that affords open-air recreational experiences of National Park quality. Including such land therefore blurs the differentiation between AONBs and National Parks.
- Significant areas of non-AONB land are included in the PSDNP – 27,340ha or some 16.6% of the total area – land that has never previously had any national quality designation. These areas must have been assessed at the time the AONBs were designated. There is no evidence to indicate that their quality has improved over the intervening years. Including this land must undermine the Agency's reliance on the original AONB assessments. Including this land would also devalue the national status of National Parks (and AONBs).
- The additional non-AONB land does not have the strength of character and distinctiveness of the AONBs. Most of the Low Weald is relatively undistinguished and properly undesignated. Those parts of the Weald that are of a higher quality extend northwards and merge with the Surrey Hills AONB.
- The original aim to protect chalk downland has been ignored to the extent that the PSDNP contains 9 distinct landscape character types. Neither Dower nor the Dartmoor Inspector (CD68) considered a wide variety of landscape character types to be a hallmark of National Parks.

- The Agency's reliance on unifying factors was refuted by the Inspector and Assessor in their New Forest National Park report. Moreover, there are insufficient visual, cultural, ecological and geological linkages with the chalk downland to justify the inclusion of the Weald and the Coastal Lowlands in a South Downs National Park.
- Including peripheral areas is not justified on the grounds that that there is a correlation between size and compliance with the statutory criteria. The chalk hills on their own are far larger than many of the existing National Parks.
- The PSDNP includes a number of sizeable settlements. Being largely man-made they cannot possibly meet the natural beauty criterion. The chalk downs are also fragmented by a number of important north-south transport routes.
- The Agency has also failed to take account of the Dartmoor National Park Inspector's finding that to be designated a National Park, land had to be both high quality and Dartmoor (or South Downs) character.
- Cultural heritage is wrongly taken into account in assessing natural beauty, albeit that it is a relevant purpose once a National Park has been designated. Including both natural beauty and cultural heritage in the list of National Park purposes confirms that Parliament did not consider that natural beauty included cultural heritage. Taking an irrelevant consideration into account in assessing land for inclusion undermines confidence in the Agency's approach to the natural beauty issue.

1.5 Statutory recreational opportunity criterion

- Obviously the recreational experience available in a National Park has to exceed that on offer within "ordinary" countryside. But it has to be beyond that found in AONBs also, otherwise many such areas would also qualify as National Parks. The Agency has not demonstrated that this is the case.
- No comparison has been made of the extent of open access land, rights of way or other recreational opportunities within other National Parks, AONBs or ordinary countryside.
- The failure to consider open access land is an especial concern. National Parks have high proportions of such land (30-60%) and the ability to wander over extensive unrestricted land is a key characteristic of English National Parks - 1881/2698/1/3 HDA2. It is largely this experience that distinguishes National Parks from AONBs with their networks of footpaths through farmed countryside. Plan 1881/2698HDA8 illustrates the limited amount of open access land in the Downs and

surrounding areas. Significantly, there is more in the High Weald and Surrey Hills AONBs.

- The density of the rights of way network is also higher in the PSDNP (2.45 kilometres per square kilometre) than in many other National Parks (0.7 to 1.4) and is more akin to that found in AONBs (2 to 3.9).
- When Hobhouse recommended National Park status for the South Downs it was based on an assessment that they contained "much open rambling land". If that was correct at that time, and that is far from certain, it is no longer the situation today. Since 1947 cultivation has reduced the amount of open access land.
- The Agency is correct to note that within the South Downs Environmentally Sensitive Area (ESA) some arable land has been restored to downland. But this is limited in extent (608ha) - about 1% of the total area.
- The Agency assumes that superior recreation depends on natural beauty; that simply walking through a beautiful landscape is by definition a "markedly superior recreational experience". But on that basis, all AONBs would meet the recreational opportunity criterion. Parliament clearly intended them to be different. Indeed a comparison of the PSDNP to the Chilterns and Surrey Hills AONBs revealed that they are all very similar in terms of their natural beauty and recreational provision.
- The Agency's reliance on a "markedly superior recreational experience" is unhelpful as it is far from clear what this means precisely.
- This lack of clarity may have led the Agency to consider recreational facilities that fall outside a definition of quiet outdoor recreation, for example motorcycling and clay pigeon shooting. Indoor visitor attractions such as museums and visitor centres have also been erroneously included. The Agency's belated analysis of recreation provision (CD109) does not, in any event, disclose any markedly superior experience to be gained from the Downs.
- While the Agency initially appeared to accept that it is the current quality of the landscape that should be assessed, not its potential for enhancement, later papers suggest otherwise – see CD69, para 47. This interpretation does not accord with the statutory test which refers to recreational opportunities at the time of designation. If future potential is taken into account, any land could be turned into a superior recreational resource. It may also be deemed significant that the Agency's key witness shared that view when presenting evidence on behalf of an objector at the recent New Forest National Park Inquiry.

1.6 Extensive tract test

- Even though the PSDNP extends for about 117 kilometres from Winchester to Eastbourne, it cannot be described as an extensive tract. The land in question is fragmented by numerous major highways and anyone travelling the South Downs Way, say, would have to cross a busy road every few kilometres. The narrowness of the chalk hills also increases awareness of the modern world.
- As far back as the 1950s, the National Parks Commission concluded that the South Downs no longer had sufficient extensive tracts of open country providing opportunities for open air recreation. That conclusion remains good today.

1.7 Proximity to centres of population

- Reference to the need for National Parks to be quickly accessible to main centres of population may have been apposite in the 1940s but since then there has been a huge increase in car ownership and the construction of a national motorway network. All parts of England are now readily accessible to main population centres.
- National Parks have almost become too accessible and it is more appropriate nowadays for the Agency to address the environmental damage caused by too many visitors. Supporting the designation of the South Downs as a National Park because of its proximity to population centres is misguided.

1.8 Interpretation of "especially desirable" test

- Even if the natural beauty and recreational opportunity criteria are met, the 1949 Act requires a consideration of whether it is especially desirable that the necessary measures be taken for the purposes of the Act i.e. that the area be designated a National Park. At the inquiry the Agency claimed that if the natural beauty and recreational opportunity criteria are met, the only reason for not confirming the designation order would be if it was not deemed "especially desirable" to conserve the natural beauty of the area and/or promote opportunities for understanding and enjoying its special qualities. This interpretation is an unnecessary constraint on the matters to be considered in deciding whether it is "especially desirable" to designate a National Park in the South Downs. Indeed it is different from the Agency's own policy which invites a comparison between what an NPA can achieve in terms of

management and planning and what other bodies might achieve.

- Even if the natural beauty and recreational opportunity criteria are met, the PSDNP fails the “especially desirable” test.
- The Agency's new policy limits comparisons to local authorities alone, ignoring other management models such as local authorities working with a Statutory Conservation Board (SCB) under the provisions of the Countryside and Rights of Way Act – the CROW Act. There is no legal basis for such a narrow view. It also invites a comparison in terms of the recreational criterion alone rather than considering both National Park purposes.
- The Agency makes no criticism of the way the local authorities and the Sussex Downs Conservation Board and East Hants JAC exercise their functions, indeed they all have an excellent track record. By contrast a NPA would introduce an additional layer of administration with all of the complexities, confusion and costs that would entail.

Advantages of a Conservation Board

- An NPA is not the only body that could co-ordinate the management of the PSDNP. Rather than use scarce resources to fund a National Park it would be preferable and more cost effective to channel the resources towards the existing local authorities and other agencies such as the Sussex Downs Conservation Board and the East Hants JAC – possibly amalgamated as a single Statutory Conservation Board (SCB) managing both AONBs.
- The Sussex Downs Conservation Board was set up in 1992 as an innovative experiment to show AONBs could be more effectively managed. Over the years it proved successful and the concept was carried forward into the CROW Act.
- A SCB could be tailor made to meet the particular needs of an area. Establishing a SCB under the provisions of the CROW Act would be a logical next step for the protection and management of the Downs. It is instructive to compare the positive support offered by the Agency's own consultants for SCBs for both the Chilterns and the Cotswolds with the negative stance adopted by the Agency in respect of the Sussex Downs and East Hants JAC – see 1881/4/2 appendix 2.
- A SCB would be more democratically accountable. It would not be bound by the membership requirements that apply to NPAs and could offer a higher level of locally elected representatives. To a degree at least this would counter concerns that an NPA would be a remote and largely unelected body.

- NPAs may work satisfactorily elsewhere in the country but the particular circumstances of the PSDNP, in particular perhaps the large number of constituent local authorities, suggest a SCB would be a better model. All of the tasks that the Agency say an NPA could undertake (see CD71 p48) could be done by a SCB (save for planning). The Agency has yet to demonstrate that an NPA is needed.
- Given appropriate resources, a SCB might achieve a better focus than an NPA in meeting the key challenges of land and visitor management. In particular because of its greater executive flexibility, closer ties with local communities via greater local representation and the fact that it would not be distracted by any planning responsibilities.
- Not having to promote recreation could be beneficial for a body having responsibility for the protection and management of a fragile landscape. The area covered by the PSDNP already attracts far more visitors than any other National Park. This number, estimated to be in excess of 35m visits per annum (CD110), is likely to rise. It is difficult to reconcile the Agency's claims that a National Park will not of itself lead to an increase in visitor numbers with published statements referring to the recreational value of the South Downs. Any difficulties caused by visitor pressure could be more effectively addressed by a SCB that would not be subject to a responsibility to promote recreation.
- While there are differences between AONBs and National Parks under the General Permitted Development Order 1995, they are of little consequence and certainly do not support the contention that a National Park provides greater planning protection – see ID7.
- While an NPA would have planning responsibilities, unlike a SCB, this is a disadvantage in this instance. These responsibilities can be more effectively carried out by the existing planning authorities.
- An SCB would not impact on house prices in the way that a National Park would. And it is less likely to exacerbate housing pressure on adjoining areas.

Democratic deficit

- An NPA would remove planning decisions from democratically elected local authorities.
- Land managers and local residents may feel that their interests are sidelined because representation on the NPA is skewed towards central and local government appointees.
- Concerns regarding an unaccountable decision making body would be emphasised if the suggestions in the English National

Park Authorities Review (CD9) seeking to reduce membership levels in NPAs go ahead. In the long term it seems unlikely that there will be a member for each of the constituent authorities that make up the PSDNP.

- The transfer of planning responsibilities would make it difficult for customers to access the planning service.
- Irrespective of the detailed arrangements, representatives of the parish and town councils would have a huge workload. They would find it difficult to represent local people in any meaningful way. The fact that the boundary splits so many parish boundaries would inevitably increase the administrative workload.
- The democratic deficit does not only apply to planning decisions, it would also impact on land management, transportation and other strategies.
- The recent Haskins Report "Rural Delivery Review" (CD110) is also of relevance. The report emphasises the need to reduce duplication of effort, reduce bureaucracy and centralisation and devolve delivery to a local level. This sits uncomfortably with the establishment of an NPA; a new tier of administration overlapping 15 elected local authorities.
- The report also puts in context the Agency's emphasis on its discretion to adopt policies given the Haskins' recommendation that policy guidance be transferred from the Agency to Defra.

Planning Burden

- Technical evidence on the advantages of the current arrangements for development plan preparation and development control over a planning regime managed by an NPA was given by witnesses with extensive experience of local authority administration and decision-making. By contrast the person presenting evidence on behalf of the Agency has no relevant experience of planning matters.
- It is not a question of whether a NPA could perform planning functions as well as local authorities. Rather it needs to be shown that an NPA would improve upon the current arrangements, that it would provide "added value". The current arrangements have a democratic accountability and transparency that an NPA would find difficult to match. Significantly, the Agency does not criticise the way in which the existing planning authorities exercise their functions.
- Current strategic planning focuses on the role of corridors linking the coastal plain with areas to the north of the PSDNP. A long narrow National Park with an east-west orientation would sever the coordinated approach to strategic planning along these corridors.

- The Agency recommends that the NPA be responsible for producing Park-wide strategic guidance – part of a Local Development Framework under the new planning arrangements. It is difficult to see what benefits this would provide. There is little to bind the PSDNP together and it is not a logical area for strategic planning.
- A new NPA would introduce further complexity into the planning arrangements, for example in respect of the complex task of establishing levels of housing provision in local authority areas.
- An NPA would also break the link between strategic planning responsibilities and other key services provided by local authorities. The efficiency of carrying out, say, housing, education and social services functions under the aegis of a single authority would be lost.
- There is also a concern that designation might reduce the prospects for essential improvements to transport infrastructure.
- A new NPA would have to take a close interest in the LDFs prepared by neighbouring local planning authorities as well as planning at a regional level. These are likely to be demanding tasks that could deflect attention from land management issues.
- A new planning, waste and minerals authority would bring additional costs and unnecessary duplication of expertise. The removal of some local authority planning responsibilities would not result in cost savings. Any savings would be more than offset by increased monitoring, negotiating and liaison duties.
- Introducing an NPA into the matrix of statutory and non-statutory organisations with overlapping responsibilities would be confusing for the general public. It would run counter to the Government's aim to simplify the planning system.
- The Agency recognises that because of the scale of the development control task (over 4500 planning applications and in excess of 100 appeals each year) the NPA should work with the existing local authorities and may agree a scheme of delegation. But that is not guaranteed; it would be a matter for the in-coming NPA to decide.
- Much of the day-to-day development control work would be concentrated in urban centres such as Lewes and Petersfield and in the main it would be unrelated to National Park purposes. This work can be more effectively managed by the existing planning authorities.
- The current planning arrangements serve the South Downs well. Relatively few proposals (about 1%) have been granted planning permission in the face of a significant objection from

either the Sussex Downs Conservation Board or the East Hants JAC.

Funding

- There is no legal basis for the Agency's claim that an NPA would benefit from more secure funding. Funding for both National Parks and AONBs is at the discretion of Government. While local authorities currently part fund AONBs, section 91 of the CROW Act contains a power for the Secretary of State to make a direct grant to a Conservation Board, in effect a similar arrangement to that provided for National Parks.
- In the absence of detailed financial and budgetary evidence there is no certainty that a National Park would provide more resources and therefore more protection for the South Downs. They should receive the funding they need irrespective of whether they enjoy National Park or AONB(s) status.
- The assertion that National Park status would provide access to new funding is unproven. It may be possible to obtain financial support from the lottery and other external sources but there is no certainty that this would be at a greater level than that obtained by the Sussex Downs Conservation Board and the East Hants JAC.
- In any event the preliminary figures suggest that because of the high costs of the planning service, the residual funding available to an NPA may be little more than that available to a SCB. There is a widespread concern that in practice any additional funding would be used to operate and maintain the new administration.
- If a new National Park did attract additional funding, it should be guaranteed. It should not be provided at the expense of any changes to the current local authority funding arrangements.

Landscape enhancement and biodiversity.

- The mechanisms and means of achieving landscape enhancement and greater biodiversity are unrelated to National Park status. Claims that the PSDNP can "*restore extensive downland to the quality seen by Sir Arthur Hobhouse in 1947*" have to be treated with caution. In practice the changes to existing agri-environment schemes recommended in the Curry Report and the changes in prospect to the EU's Common Agricultural Policy, are likely to be far more significant.
- On the other hand there is a fear that a National Park might divert attention and funds from agri-environment and other worthwhile measures.

- A further concern is that the NPA may seek to interfere in land management issues without having the necessary expertise. Experience of other National Parks also indicates that the NPA may pursue policies that are restrictive and detrimental to rural communities.
- Many members of the public believe that a National Park confers rights of unrestricted public access. That is incorrect - most of the land is and will remain privately owned - but the perception is deep seated. Large tracts in the South Downs are subject to intensive mixed arable and livestock farming. This is particularly vulnerable to increased public access, unlike the more extensive farming systems typically found in other National Parks.

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COUNTRYSIDE AGENCY'S RESPONSE TO OBJECTIONS

Inspector's Note: Prior to the inquiry opening the Agency prepared the following position papers:

Position Paper 1 (CD69): Principle

Position Paper 2 (CD70): The South Downs National Park Boundary

Position Paper 3 (CD71): Administrative Arrangements for a South Downs National Park

Position Paper 4 (CD72): The Revocation of the Sussex Downs AONB and the East Hampshire AONB.

While position paper 1 is of particular relevance to the "in-principle" consideration of a PSDNP, the other position papers are relevant to some of the matters raised by objectors. In addition to the position papers, the Agency produced proofs/statements responding to individual objections; those promoted at the inquiry together with those made in writing only. In setting out below the Agency's response to the "in-principle" objections, I have taken account of the position papers and the individual response proofs/statements as well as the oral submissions made on behalf of the Agency.

The case for the Agency addresses the key concerns contained in the topics or objection themes that appear in section 1. The sub-sections do not correspond precisely, however, and in addition I have included an introduction summarising relevant background material. A more detailed account of this material can be found in CD69.

2.1 Introduction

Context

- The South Downs is a very special place. It is worthy of designation as a National Park because of its natural beauty and the opportunities it provides for open air recreation.
- The Agency made the South Downs National Park (Designation) Order in December 2002 using powers provided by the National Parks and Access to the Countryside Act 1949 ("the 1949 Act"). It was, and is, satisfied that the area merits designation according to the statutory criteria set out in section 5 of the 1949 Act. Section 2 of CD69 sets out the way the statutory criteria have been interpreted in the various national reviews of National Parks, and by the Inspector appointed to hold the 1993 Dartmoor National Park (Designation) Variation Order.
- It is claimed that the South Downs National Character Area – area 125 – as defined in the Character of England Map (CD56) is the South Downs. This is misleading. The Map identifies

broad areas using names that summarise their key characteristics. Area 125 is not necessarily the area perceived by the public to be the South Downs. The name South Downs can legitimately be applied to the PSDNP. In the final analysis the crucial point is that the land in question merits National Park status whatever name it is given.

Role of the Agency in the designation of national parks

- The Agency was established in 1999 following the merger of the Countryside Commission and the Rural Development Commission. It is the Government's adviser on countryside matters. Specifically it has powers and duties under the 1949 Act to designate National Parks and advise on their management. Discretion is vested in the Agency to apply a judgement as to which areas of land it considers meets the statutory criteria. It is for the Agency to define its own policies for interpreting the statutory criteria.
- While the Agency is empowered to make the designation order, it is for the Secretary of State to confirm it, with or without modification.

Process prior to making designation order

- Having undertaken some preliminary meetings, in November 2001 the Agency undertook an extensive public consultation exercise over a 3 month period that included 23 public road shows. Nearly 7000 responses were received. CD39 contains a summary of the consultation responses.
- The following May, the Agency consulted all district, borough and county councils directly affected over a 3 month period. CD27 summarises the issues raised and the Agency's responses. This document was in turn sent to the local authorities and also to the parish and town councils within the area. Responses to that document are contained in CD38. Both the public and statutory consultation exercises indicated widespread support for the principle of a National Park.
- Having considered the consultation responses, the Agency decided to make a Designation Order for a PSDNP at its November 2002 Board meeting. That decision was not made in haste and was, rather, informed by the various assessments and evaluations that had taken place over a period of 31 months. On 5 separate occasions the Board considered whether or not to continue the designation process.
- The Designation Order was placed on deposit early in 2003 and notices were published in the national and local press. Over 5800 duly made objections were lodged. As the order

attracted objections from local authorities, in April 2003 the Secretary of State announced that a public inquiry would be held.

- At the same time the Agency advised the Secretary of State that a NPA should be established under the Environment Act 1995.
- The designation process has allowed the widest possible input from the public and exceeded the statutory consultation requirements. Without question it has been an open and transparent process.
- The Agency did not consult on its new policy as it considered that there would be ample opportunity to comment during the designation process. This may not have been good practice but it was accepted at the inquiry by the relevant West Sussex County Council witness that there was no legal obligation to consult.

Reasons to designate South Downs as a National Park

- The Agency believes that designation as a National Park is the best way to conserve and enhance the South Downs and provide opportunities for people to enjoy and understand their special qualities. Further, that to achieve National Park purposes it is especially desirable to provide for the leadership of a NPA under the provisions of the Environment Act 1995.
- Designation will ensure that the area has national and international status.
- Designation will result in a number of measures for the conservation and enhancement of the Downs and the provision of opportunities for people to enjoy and understand their special qualities. Currently the PSDNP includes 2 AONBs with different management structures. Both rely on local authority powers which are not as extensive or focussed on the purposes of designation as those of an NPA. A South Downs NPA would have secure Exchequer funding and a specific statutory duty, commensurate powers and resources to conserve and enhance the South Downs. It would be better placed to address the issues and pressures that face the area and to manage recreational opportunities within a nationally important landscape. A NPA could provide integrated management over and above that which can be achieved by local authorities alone (or the models available for AONB management, including a SCB.)
- Designation will also result in a statutory management plan to help secure National Park purposes.
- Public bodies will have a duty to have regard to National Park purposes.

2.2 South Downs as a candidate National Park

- During the Second World War John Dower was asked to report on how a national park system might be established. His report "National Parks in England and Wales" was published in 1945. It did not identify the South Downs for National Park status, rather they appear in his list of "other amenity areas". Two years later Sir Arthur Hobhouse reported on National Parks and included the South Downs in his list of areas recommended for designation. Both reports led to the 1949 Act which identified the criteria to be used for selecting national parks and their purposes. The criteria are those used today though the purposes were revised by the Environment Act 1995 (section 61).
- The National Parks Commission eventually considered the possible designation of the South Downs as a National Park in 1956. Having noted that their recreational value had reduced because of the extensive cultivation of downland, the Commission concluded that designation would be inappropriate. The natural beauty of the area was recognised, however, and AONB status was suggested. In due course the East Hants AONB and the Sussex Downs AONB were designated, in 1962 and 1966 respectively. It was almost 30 years before a form of administration was established for the 2 AONBs – the East Hants JAC in 1991 and the Sussex Downs Conservation Board soon after.
- The National Parks Review Board, chaired by Professor Ron Edwards, reported in 1991 (CD76). This was primarily concerned with existing National Parks but did identify the South Downs as a possible area for designation.
- In 1997 the Secretary of State asked the Countryside Commission to advise him on the most appropriate organisation to meet the needs of the Downs. Amongst other things, the Commission concluded that the South Downs did not meet the criteria for designation as a National Park. It also recommended the establishment of a statutory conservation board to provide an administrative framework for the 2 AONBs.
- The Minister replied in September 1999 (CD45) and asked the Agency to reconsider its policy with regard to the 1949 Act criteria, but not the criteria themselves, and to look again at the case for a National Park for the South Downs. In February 2000 the Agency agreed a new policy (CD43) and in April 2000 it concluded that the area met the statutory criteria (CD42). The Minister was alerted to the new policy and his reply (CD83)

stated that the review had "*reached very sound and worthwhile conclusions.*"

- It is argued that a Royal Commission should investigate the case for a National Park for the South Downs. This is not deemed necessary as the process of collecting evidence and reporting is effectively the task undertaken by the inquiry into the PSDNP.

2.3 The Agency's new policy for interpreting the statutory criteria (DC43)

- Given that future National Parks are likely to be derived from AONBs, the new policy focuses on the recreation criterion. It identifies 2 fundamental questions.

- Is it an extensive tract of country providing or capable of providing sufficient opportunities for open-air recreation?

With regard to this question the policy notes that the area needs to have characteristics that mark it out as different to normal countryside and that it should contain qualities that might merit investment to deliver a markedly superior recreational experience. While the countryside did not need to be rugged and open, a sense of wildness would be important.

- Is it especially desirable to provide for the leadership of a NPA, with the powers and duties laid down in the Environment Act 1995?

In respect of this question the policy states that designation must lead to the integrated management of the area and a markedly better recreation experience than can be achieved by local authorities alone. The recreation experience must be available, promoted and interpreted to the "socially excluded" as well as the more mobile in society.

- While the Agency considers that future National Parks are likely to be derived from AONBs, this does not mean that all AONBs are potential National Parks. Proposals for any additional National Parks would need to be considered on their merits in the light of the statutory criteria.
- It is not accepted that the policy has changed or modified the statutory criteria or that it is a radical departure from previous policy interpretations. Hobhouse and Sandford both commented that it would be wrong to limit the selection of National Parks to remote and rugged upland areas.
- Reliance by objectors on the Board Papers that preceded the new policy (CD93A and B and 94A and B) is misplaced –

neither were agreed by the Agency and they have no standing as policy.

2.4 Statutory natural beauty criterion

- Position Paper 1 outlines the Agency's approach to interpreting the natural beauty criterion (natural beauty is not explicitly defined in the 1949 Act) and the use of landscape character assessment methodology. The statute enables the Agency to use its discretion to decide which areas meet the criterion. Taken as a whole the area included within the designation order has all of the hallmarks of openness, wildness, tranquillity and remoteness necessary to satisfy the statutory natural beauty criterion.
- Over the years the Agency and its predecessors have issued detailed advice on landscape assessment. As far back as 1987 landscape assessment was identified as the principal tool in the assessment of natural beauty. Importantly, it provides a structured approach to the identification of character and distinctiveness as well as quality. In 1993, Landscape Assessment Guidance was published containing guidance on the definition of natural beauty and a list of criteria for evaluating landscapes.
- This guidance was updated by the 1999 Interim Landscape Character Assessment Guidance. The revised guidance included definitions of both landscape character and landscape quality and for the first time differentiated between landscape value and landscape quality. It also identified a revised set of criteria to be used in identifying valued landscapes and described the process to be followed in making national landscape designations.
- In 2002 the current Landscape Character Assessment Guidance was published (CD57). This built upon the 1999 guidance and, amongst other things, included some subtle changes in the definition of landscape character and quality.
- The 1993 guidance was used to apply the natural beauty criterion to the PSDNP as it was the accepted guidance at the time. Reference was made, however, to the interim 1999 guidance and other relevant experience. Consequently the methodology is generally in accordance with the 1999 guidance and, indeed, the current 2002 guidance. The minor changes that appear in the current guidance do not undermine the methodology or viability of the Agency's approach.
- The Agency's new policy indicates that the natural beauty criterion is the same for both National Parks and AONBs. It follows that as the South Downs falls within 2 AONBs, the Sussex Downs AONB and the East Hants AONB, these areas

generally meet the natural beauty criterion. The land within the AONBs therefore formed the starting point for identifying a broad Area of Search for a National Park. But it is wrong to say that all AONB land was automatically included. All land was assessed against the statutory criteria and some AONB land was excluded from the PSDNP. Claims that there is a difference in the degree of natural beauty found in National Parks and AONBs – in effect that there is a 2 tier approach - overlooks the wide diversity found within the nation's AONBs.

- In addition to using the AONBs as a starting point, broad landscape character areas were defined within and adjacent to the AONBs. A variety of landscape character was identified using a 2 stage process; stage 1, the characterisation stage, and stage 2, the more subjective value judgement stage. Assigning value to landscapes depends on the particular issue to be addressed. All of the landscape character areas were assessed against the statutory criteria.
- Reference is made by objectors to the quantity of land under cultivation, extent of open access land, fragmentation and other matters that are said to affect the sense of wildness or remoteness. The sense of wildness is said to be linked to the quantity and quality of open access land in the South Downs. But this link is not acknowledged in the various National Park policy reviews. And of course there is no reference to National Parks being "wild" or "remote" in section 5 of the 1949 Act. Indeed any requirement for remoteness seems contrary to the requirement that regard should be had to "proximity to centres of population".
- Wildness (or wilderness, the word commonly used in landscape character assessment prior to the issue of the 2002 Guidance) is relevant to designation but it is not the primary test and it is not accepted that the presence of open access land is fundamental to the perception of wildness. Moreover it cannot be the basis for differentiating between National Parks and AONBs as several AONBs have as much open access land as some National Parks. Some AONBs also exhibit a clear sense of wildness, for example the North Pennines.
- Wildness in terms of upland landscapes is different to the perception of wildness in the populated south-east region. There can be a sense of relative wildness in the latter region when considered against more familiar landscapes. Hobhouse recognised that a South Downs National Park would not be a *"National Park for the lone walker who deplures the sight of his fellow man, and demands the wild moorland solitudes and the rugged fells and mountains..."*. That said the 1999 Character of England Map (CD57) refers to wildness and remoteness in its description of the South Downs Character Area 125 – the chalk

uplands. In the Agency's view a sense of relative wildness is also to be found in the densely wooded greensand ridges and open heaths of the Weald.

- Designating National Parks obviously relates to the statutory criteria which encompass more than landscape considerations alone. The Agency's approach emphasises that areas to be included within the National Park need to be of high landscape quality and that landscape quality embraces natural beauty, wildlife, cultural heritage, visual and a range of less tangible features such as tranquillity and sense of place. Cultural heritage is included in recognition of the fact that the character of virtually all landscapes in England are to a greater or lesser degree subject to human influence. It has long been a feature of landscape character assessment.
- Similarly it has long been accepted that National Parks can include towns and smaller settlements. Indeed they are to be found in many existing Parks, for example Bakewell is within the Peak District. The key issue in respect of the inclusion or otherwise of a settlement is its relationship and setting within the wider landscape. Inclusion is only justified where a settlement is situated fully within a landscape setting that satisfies the statutory criteria. Arundel and Lewes are close to the edge of the PSDNP but are included as they are surrounded by high quality countryside, have high quality historic cores and occupying gateway locations are able to make a contribution towards National Park purposes.
- Details of the Agency's landscape character assessment exercise are contained in section 4 of the Area of Search Report (CD36).

2.5 Statutory recreational opportunity criterion

- There is no published guidance on how to identify land that meets the statutory recreation criterion (other than section 114 in the 1949 Act which mentions that it does not include organised games.). In its absence, the Agency drew upon the wording in the 1949 Act and other relevant sources. For example, the Act refers to "*extensive tracts of country...opportunities...for open air recreation, having regard to their character and to their position in relation to centres of population*"; the Environment Act 1995 refers to "*to promoting opportunities for the understanding and enjoyment of the special qualities...*"; Circular 12/96 refers to "*opportunities for open air recreation*" and that "*particular emphasis should be placed on identifying those qualities associated with their wide open spaces, and the wildness and tranquillity which are to be found within them.*"

- The Agency's new policy for interpreting the statutory criteria indicates that a key consideration of whether an area provides, or is capable of providing, a "*markedly superior recreational experience*" is whether it has characteristics that mark it out from normal countryside and contains qualities that merit investment to deliver a markedly superior recreational experience for visitors. Areas that do not satisfy the natural beauty criterion cannot be included because any recreational opportunities will not be, by definition, markedly superior. On the other hand, land that is by definition of outstanding natural beauty, such as AONB land, does not necessarily provide a markedly superior recreational experience. The recreational experiences offered by such areas have to be assessed.
- Assessing if an area provides a markedly superior recreational experience requires the following considerations:
 - confirmation that it is of outstanding landscape value
 - consideration of the diversity and range of recreational experiences and the degree to which they can be accessed
 - the potential to improve the experience
 - proximity to centres of population
- A range of factors, 13 in total, were assessed to help determine if the respective landscape character areas provided a markedly superior recreational experience. Factors assessed included, tranquillity and relative wildness experiences, variety of informal recreational activities, long distance footpaths, accessible sites of both nature conservation and cultural interest and proximity to centres of population. This exercise was supplemented by other work, for example a Recreational Opportunity Spectrum Analysis. This revealed an abundance of recreational opportunities. Adopting a quantitative and qualitative assessment of recreational provision ensures that the value of recreational experiences are assessed as a whole. It is not sufficient to focus on, say, open access land to the exclusion of other considerations. Criticisms of the Agency's approach to the application of the recreation criteria are unfounded.
- It is also important to note that while objectors draw attention to the relatively low level of open-access land in the PSDNP, there is nothing in section 5 of the 1949 Act indicating that the presence of such land is a "requirement" of a new National Park. The Act, rather, simply refers to opportunities for open air recreation. That said, the Agency accepts that the availability of open-access land is a consideration when assessing if recreational opportunities exist.
- Overall about 12.22% of the PSDNP is publicly accessible land – see CD 165 for details.

- Objectors' claim that there is nothing that marks the PSDNP out from AONBs or, indeed, the bulk of ordinary countryside. However the designation process clearly identifies an area that is different. The assessments undertaken by the Agency reveal that the PSDNP offers a high quality recreational experience. It has been assessed on its own intrinsic merits; it is not necessary to show that the experience is superior to that offered by AONBs.
- It is claimed that heavily farmed land cannot meet the statutory recreation criteria. This is disputed; back in 1945 Dower recognised that such land could meet the criteria, indeed that efficient farming was a key requirement in National Park areas.
- The Agency's policy indicates that the assessment of landscape quality should be in terms of its current quality, not its potential for enhancement or restoration. This is consistent with the wording of the 1949 Act and accords with the view expressed in the Inspector's report on the Dartmoor (Designation) Variation Order (CD68). However when considering recreation, the Agency assesses both existing opportunities to enjoy and understand the special qualities of an area as well as the potential to become an improved recreational resource. For example, this could arise as a consequence of improved access arrangements or landscape restoration. Failure to take this into account results in an underestimate of the recreational value of the land in question.
- The new policy also gives more emphasis to the "proximity to centres of population" point mentioned in section 5 of the 1949 Act. In particular weight is attached to the proximity of the South Downs to London and other large population centres. This allows the residents of these centres to readily visit the area for recreational purposes.

2.6 The extensive tract test

- The 1949 Act refers to National Parks in terms of extensive tracts of land. The Agency is satisfied that the PSDNP fits that description. It covers 1637 square kilometres and would be the fourth largest National Park. It is recognised, nonetheless, that the tract is fragmented by a number of major highways such as the A23, A3 and M3. These have an impact but not to the extent suggested by some objectors. In sum, there is nothing relating to the extent, shape and size of the PSDNP that suggests it fails the extensive tract requirement.

2.7 Diversity of landscape character

- The Agency's approach towards the setting of National Park boundaries mentions at point 2b (CD31, Table 1) that "*Areas to be included may be of differing landscape character...*". The accompanying explanatory note mentions that a variety of landscape character is an important factor in the overall amenity of a park. It adds that usually there will be some unifying factors such as land-use, ecosystems, historical or cultural links which bring different character areas together. The Sussex Downs and the East Hampshire AONBs both contain a diverse range of landscape types.
- It is also relevant to note the variety of landscape types and character which occur in existing National Parks. For example the Lake District National Park includes a coastal area containing dunes, marshes and heaths as well as the extensive tracts of land of upland character.
- It is evident, therefore, that existing National Parks and AONBs typically include a wide variety of landscape character. This variety adds to their quality and interest.
- Existing upland National Parks may be different to the South Downs in terms of their character and land-use but that does not mean that the statutory criteria cannot apply to lowland landscapes. This is confirmed by the Hobhouse recommendation in respect of the South Downs and comments contained in both the Sandford report (CD86, para 22.5) and the Edwards Review (CD76, page 5). The concept of a lowland National Park is not new.
- The Agency recognises that the PSDNP is built around the chalk downland which forms the "essence" of the South Downs. But the chalk is in turn linked to surrounding high quality landscapes through a range of unifying factors, including visual, historical, cultural, ecological and geological links. Where the statutory criteria are satisfied, strong unifying links can justify the inclusion of non-chalk landscapes in the PSDNP. Where the links to the South Downs are weak, such as in the Pevensy Levels, they are excluded.

2.8 The "especially desirable" requirement

- Having concluded that an extensive tract satisfying the statutory national park criteria did exist, the Agency then had to decide if it was especially desirable to designate the area. The Agency's policy addressed this issue by asking the following question. Is it especially desirable to provide for the leadership of a NPA with the powers and duties laid down in the Environment Act 1995? In other words will designation lead to

a markedly better managed recreational experience than can be achieved by local authorities alone.

- Designation will allow for the integrated management of the PSDNP. This cannot be achieved by the existing arrangements. Currently there are 2 AONB designations with differing management structures. Both rely on the powers of local authorities that are neither as extensive or as explicitly focussed as those of NPAs. This is hardly surprising as local authorities have over 100 statutory duties ranging from education provision to waste disposal. Moreover AONBs do not have permanent management structures in place and do not have the resources available to NPAs. A South Downs NPA would have Exchequer funding through specific central government grant.
- The NPA would also have a statutory duty, commensurate powers and resources to help conserve and enhance the Downs. A NPA is the only body that can address the management needs of the Downs and address the issues and pressures that it faces. It could make the most of their recreational potential whilst conserving their special qualities. A South Downs NPA would provide a standard of management for the Downs over and above that which could be achieved by the local authorities alone or by other management models available for AONB management, including a SCB.
- The statutory purposes of AONBs and National Parks are different, in particular because the latter has to help promote recreational opportunity. The PSDNP is a valuable and well used recreational resource (estimated 39m day leisure visits a year) and visitor numbers are likely to increase irrespective of whether the National Park is designated. A NPA is the only body with the statutory remit and resources that would be able to manage that demand and preserve tranquillity and landscape quality. It could pro-actively support environmentally sensitive land management across the whole area. And as planning authority it could directly influence the provision and development of visitor facilities and related infrastructure. Currently day visitors contribute an estimated £330m a year to the regional economy and directly or indirectly sustain 8000 or so jobs. These figures underline that the South Downs is an important recreational resource and an important contributor to the regional and local economy.
- Moreover the economic benefits are deflated due to the shortfall in visitor accommodation, particularly accommodation linked to quiet open-air recreation. If the number of staying visitors could be increased, the regional economy would benefit accordingly. A NPA, as planning authority, could help to secure improved provision.

- The especially desirable requirement does not anticipate a comparison with other management models. However as many objectors argue that a statutory conservation board under the provisions of the CROW Act 2000 could meet the needs of the Downs, the Agency did consider what this arrangement might offer.

Statutory conservation board (SCB)

- A SCB for each or both AONBs would not provide the full range of measures available to a NPA and would be unable to satisfactorily address the particular needs and pressures facing the Downs. They are different entities with different objectives and with different statutory purposes. They are not therefore substitutes or alternatives to a NPA. However well funded, a SCB would not be working to the achievement of National Park purposes. Only if the land in question failed to satisfy the statutory criteria would it be necessary to consider the possibility of a SCB managing the South Downs.
- In particular a SCB would have:
 - * No statutory role in the planning system. Decisions would continue to be taken by 15 different planning authorities taking account of 15 different sets of plans and policies.
 - * No security of funding such as that enjoyed by National Parks over the last decade. Core funding would be slightly higher than under the AONB formula but the total amount of money available would not be significantly more than that currently received by the 2 AONBs.
 - * No direct powers and no statutory role/influence in recreation management, agriculture, land management and the like. Conservation board powers are secured by transfer or sharing of local authority powers.
 - * No equivalent status to local authorities, therefore less accountability and influence, for example via regional assemblies.
 - * No certainty that there would be a majority of local authority appointees.
- It also has to be borne in mind that all of the local authorities having land within the AONBs would have to consent to a SCB. They would also have to agree on matters such as the powers to be transferred and the membership of the board. There is no certainty that agreement on such matters would be forthcoming. And as one SCB cannot manage 2 AONBs, they would have to re-designated as a single AONB. Inevitably that would be a lengthy process.

- In any event it is not a question of whether the existing (or enhanced) bodies are doing a good job. Rather it is that the PSDNP deserves to be a National Park and should be designated accordingly.

Democratic deficit

- Some argue that NPAs are inherently undemocratic and unaccountable and should not be responsible therefore for making decisions affecting local communities. The concern seems to be particularly acute in respect of planning decisions. This stance ignores the fact that the 1995 Environment Act provides for NPAs to safeguard these nationally important areas.
- The membership arrangements for NPAs set out in the Environment Act 1995 reflect the balance needed between their national importance and central government funding and local involvement and knowledge. A majority will be local authority members appointed to the NPA by the constituent local authorities. More precisely 50% plus one would be appointed by the local authorities and half of the remaining 50% minus one would be parish councillors nominated by the constituent parish councils and appointed by the Secretary of State. In practice more than 75% of the membership is likely to be local as the majority of the individuals appointed by the Secretary of State tend to be local to the park in question. Because locally appointed and locally nominated people serve on NPAs, local communities have special responsibilities for a national park and influence within it.
- If development control responsibilities are delegated back to the existing local authorities it would help to maintain democratic accountability for planning decisions.
- An NPA would not introduce another layer of government administration. Rather it would work alongside existing bodies, it would not duplicate their work.
- Concerns that the number of farmer members would be limited are unfounded. Neither the Agency nor the Secretary of State has sought to exclude them, indeed they are often well represented on NPAs.

"Planning Burden"

- Reflecting recommendations made by the Edwards Committee, which considered at length many of the arguments now put forward by objectors to the PSDNP, for example democratic

accountability, confusion in the minds of the public and duplication of effort, the Environment Act 1995 made NPAs the sole planning authorities in National Parks though they can act jointly with others or delegate functions. The planning role was deemed important to achieving National Park purposes. The National Parks Authorities Review (CD9) confirmed this arrangement, namely that NPAs should retain responsibility for the delivery of planning functions. In particular that NPAs should be responsible for the production of park-wide plans.

- Under the Government's new planning arrangements, the NPA would presumably prepare a Local Development Document, rather than a Unitary Development Plan as anticipated under the former system. That said it is important to emphasise that the NPA would be an independent body and it is not for the Agency or anyone else to prescribe what plans or policies it should adopt or the way in which it should exercise its planning responsibilities.
- While the NPA would be the planning authority for the PSDNP, the particular circumstances in the South Downs suggest that it should work closely with its neighbouring authorities to establish efficient arrangements to discharge its planning responsibilities. In particular, perhaps, the high number of constituent local authorities and the fact that the planning caseload would be well above that found in other National Parks could make it desirable to delegate day-to-day development control responsibilities. Existing local authority members and officers would therefore continue to determine planning applications as they do now. This would ensure a more efficient use of resources and expertise. It would also allow the NPA to concentrate more on land and visitor management whilst achieving national park purposes through its role as planning authority.
- The NPA would therefore set the policies through its forward planning role while the local authorities would take the decisions on development control according to those policies.
- Any delegation arrangements would have to be agreed by the NPA and the other local authorities: it is not a matter that the Secretary of State can direct. In any event, the loss of the planning powers exercised by the existing authorities is not a reason for not designating the South Downs as a National Park. The suggestion that the in-coming NPA would delegate any planning functions to the SEEDA (the South East Development Agency) seems far fetched given that it is not a planning authority.
- The claim that there is nothing that binds the area together is equally applicable to many local authority areas, including West Sussex. Given that the PSDNP extends across 15 local

authorities, only a NPA working to National Park purposes can ensure a cohesive strategy for the whole national park.

- Concerns that a NPA would artificially divide responsibilities for minerals and waste planning are overstated. County boundaries are themselves wholly unrelated to geology. Specialist staff needed to manage mineral and waste responsibilities could be secured via agency arrangements with the existing planning authorities or from the private sector.
- It is not accepted that one additional planning authority would unduly complicate the existing planning arrangements. Local authorities currently share close working relationships with other bodies, for example, the Sussex Downs Conservation Board. A NPA would seek good working relationships with other bodies, it would not work in isolation.
- Permitted development rights in AONBs and National Parks are broadly the same other than in respect of the prior notification arrangements for agricultural and forestry development – see CD265.
- The available evidence on the so-called planning burden does not support the claims that a South Downs NPA should not be the planning authority for the area. Indeed the Agency is not convinced that planning matters (or the other socio economic considerations raised by objectors) are relevant to a judgement of whether it is especially desirable to designate the land in question.
- A National Park would not further restrict land-use across most of the PSDNP as it already has AONB status where similar planning controls apply. Similarly it is not accepted that designation would prohibit highways and other infrastructure improvements; or that it would have a negative impact on other local authority services. These concerns ignore the fact that NPAs have a duty to have regard to the social and economic well-being of their communities.

Funding

- The costs of a National Park are effectively met in full by central government - £31.4m for the 8 National Parks in 2003/04. The actual level of funding for individual NPAs is determined by a formula that takes account of the costs of carrying out its statutory functions. The funding of a South Downs NPA can only be determined, therefore, when its responsibilities have been settled.
- A preliminary estimate did suggest funding would be at about £4m, later revised to about £6m level, but some of the key variables have since changed. For example the estimate

assumed about 2500 planning applications a year but it now seems that over 4000 can be expected.

- In addition to core central government funding, the NPA could also raise additional income by other means and also seek grants from external sources. While the precise level of funding cannot be gauged at this time, what is certain is that the funding would be at a significantly higher level than that of the existing Sussex Downs Conservation Board and the East Hants JAC, or a SCB, and that the mechanism of funding is secure.
- If the designation order is not confirmed the Sussex Downs Conservation Board and the East Hants JAC could continue but they would need to be funded on a different basis. Hitherto they have been funded on an exceptional and experimental basis, not least because the Agency funds the rights of way service operated by the Sussex Downs Conservation Board. Together the 2 AONBs account for one seventh of the £7.3m budget for the 36 AONBs in England. This funding would need to be reviewed and brought into line with that received by other AONBs. Applying the existing AONB funding formulae would mean that the core grant for the 2 AONBs would be far less than they currently receive.
- The majority of NPA budgets are spent on conservation and recreation, with around 11% typically spent on internal management/administration.

2.9 Miscellaneous matters

- So far as agriculture is concerned, designation would have little if any detrimental impact, a point recognised by the National Farmers' Union. Contrary to widespread public perception, the NPA would not have any additional controls over farming activities. On the other hand designation could provide farmers with access to additional funding, such as one off capital grants which are virtually impossible to obtain elsewhere, and access to expert advice from NPA staff. CAR14, page 4, contains examples of benefits obtained by the farming community in a number of existing National Parks. To take one example, the North Yorks Moors Farm Scheme has created the equivalent of 16 full-time jobs and between 1990 and 1996, 31.5km of hedge was laid, 85km of drystone walls restored and 56 traditional farm buildings restored.
- The concern regarding conflicts with agriculture are appreciated but there is no reason to assume that the public believes that designation amounts to open access or that land within a National Park is suddenly in public ownership. Existing National

Parks are predominantly privately owned – the PSDNP would not be the least publicly owned or the most privately owned.

- The concern regarding possible increases in house prices is also noted but it needs to be remembered that this is a national issue and applies in all protected areas. Indeed in this part of the south-east there has been pressure to find development land outside the AONBs over the many years since they were designated. Some of the non-AONB land within the PSDNP is subject to restrictive planning policies in any event, for example the Itchen Valley Area of High Landscape Value.
- While NPAs have a duty to promote the enjoyment and understanding of a National Park this does not extend to a duty to increase visitor numbers. The promotion of tourism is a function of local authorities and tourist boards.
- There is no evidence, in any event, that National Park status necessarily leads to more visitors than AONB status.

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INSPECTOR'S CONCLUSIONS REGARDING "IN-PRINCIPLE" OBJECTIONS TO A SOUTH DOWNS NATIONAL PARK

A. INTRODUCTION

- 3.1 The first National Park, Yellowstone in the USA, was created as far back as 1872. In the 1920s and 1930s the concept gathered support in this country and during the Second World War the then Government commissioned a report from John Dower on a possible National Park system. He reported in 1945 and this was followed by the Hobhouse Committee's report in 1947. These led in turn to the National Parks and Access to the Countryside Act 1949. Amongst other things the Act set out the purposes of National Parks and the criteria to be used for their selection. The criteria apply today but the purposes were revised by the Environment Act 1995.
- 3.2 Clearly the criteria set out in the 1949 Act are central to my conclusions in respect of the "in-principle" objections to a South Downs National Park and the site or land specific objections to the inclusion of particular areas and/or the definition of the boundary shown in the Designation Order. This Part 1 report is, of course, concerned only with the "in-principle" objections.
- 3.3 Given the importance of the 1949 Act it is helpful to set out the key provisions of section 5(1) (as substituted by s61 of the Environment Act 1995) and section 5(2) at the outset:
"5(1) The provisions of this Part of this Act shall have effect for the purpose of (a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and (b) of promoting opportunities for the understanding and enjoyment of the special qualities of these areas by the public."
5(2) The said areas are those extensive tracts of country in England and Wales as to which it appears to the Commission that by reason of (a) their natural beauty, and (b) the opportunities they afford for open air recreation having regard both to their character and to their position in relation to centres of population, it is especially desirable that the necessary measures shall be taken for the purposes mentioned in the last foregoing subsection."
- 3.4 Section 1 of this report identifies a long list of concerns raised by objectors that I have grouped under topics or objection themes. As I understand it, these concerns are all put forward by objectors in support of their "in-principle" objections to the PSDNP. While the concerns raised have to be considered on their merits, it

seems to me that their especial relevance is whether or not they indicate that the statutory criteria are, or are not, satisfied. If the criteria are satisfied (including the "especially desirable" test), in my view this must mean that there are no overriding "in-principle" objections to the concept of a new National Park in this part of the country. Part 2 of my report then needs to address objections to the inclusion or exclusion of particular areas of land, the definition of a detailed boundary and other related matters. The Part 2 exercise is necessary even if I conclude that the statutory criteria are not satisfied. The Secretary of State may, after all, take a different view.

- 3.5 The PSDNP is built around the area of chalk downland that stretches for over 100km from Eastbourne in East Sussex at its eastern end to Winchester in Hampshire at its western. This land is said to form the core or essence of the National Park proposal. While this is generally defined by Area 125 in the South East England Character map and the eastern half of Area 130 (the Hampshire Downs), it contains landscapes that are very different in character. I have in mind the considerable differences between the land within the Hampshire Downs, the open hills generally to the east of the River Adur and the more enclosed chalk landscapes in-between. Other mainly non-chalk areas are also included in the PSDNP on the basis that they are linked to the core by one or more so-called unifying links.
- 3.6 In considering whether there are overriding "in-principle" objections to the concept of a new National Park in this part of the country, it seems appropriate to focus on the core in the first instance. If the chalk downland is unable to satisfy the statutory criteria, there seems little likelihood that non-core areas could. On the other hand, if the core area on its own forms an extensive tract(s) that satisfies the statutory criteria it follows that there can be no overriding "in-principle" objection to the concept of a new National Park. The conclusions set out in this PART 1 report must be read on that basis. They are not intended to anticipate the content of the forthcoming Part 2 report.
- 3.7 Before these matters are examined in detail it is helpful to consider briefly how the case for designating the South Downs as a National Park has been viewed in the past (Section B) and the way in which the statutory criteria have been interpreted (Section C). A more detailed account of the designation history of the South Downs, including National Park policy reviews, can be found in section 1 of the Landscape Assessor's report.

B. SOUTH DOWNS AS A CANDIDATE NATIONAL PARK

- 3.8 A South Downs National Park is not a new or novel idea. Dower in 1945, Hobhouse in 1947, the National Parks Commission in 1956 and the Countryside Commission in 1998 all considered the suitability of the South Downs as a National Park. It is not possible to identify precisely the tracts of land the respective reports were referring to, but it is my understanding that all were referring to at least part of the chalk downland landscapes that I describe as the core of the PSDNP in paragraph 3.5 above.
- 3.9 Dower did not include the South Downs in his list of suggested National Parks or his list of possible new National Parks; rather it appeared in his list of other amenity areas. However he did indicate that the South Downs would have been in either the "suggested" or the "possible" lists if he had not been satisfied that it could be adequately dealt with by the county and local authorities.
- 3.10 Hobhouse viewed the South Downs differently. It appears in his recommended list of National Parks and his report refers to the great natural beauty of the South Downs and its easy accessibility to London.
- 3.11 The National Parks Commission did not consider the South Downs as a potential new National Park until 1956. It concluded that the recreational value of the South Downs had by then been considerably reduced by the extensive cultivation of downland and that as a consequence its designation as a National Park would be inappropriate. Nonetheless the Commission noted that the area had great natural beauty and proposed that it should be designated as an AONB in recognition of this.
- 3.12 In 1998 the Countryside Commission re-considered the possible designation of the South Downs as a National Park and arrived at the same conclusion as its predecessor; not least, it said, because more of the downland had gone under the plough in the intervening years. In its view it *"no longer had sufficient tracts of open country, which provided opportunities for open air recreation."* The report therefore concluded that *"the South Downs do not meet the criteria for designation as a National Park as presently defined and applied."*
- 3.13 From the above it appears that whenever the designation of National Parks in this country has been considered over the last 50 or so years the South Downs has always been seen as a likely

candidate. This cannot be said of some other existing AONBs that objectors' claim could also merit National Park status if the PSDNP is confirmed. Indeed the South Downs is now the only area that Hobhouse recommended as a National Park that has yet to achieve that status. Even those who express reservations or objections to the notion of a South Downs National Park generally accept that the chalk hills, at least, are of national importance and warrant special protection.

- 3.14 Long-standing National Park candidate it might be, but both the National Parks Commission and the Countryside Commission as recently as 1998 felt unable to support the Hobhouse vision because of doubts concerning the ability of the South Downs to satisfy the statutory criteria. Seemingly central to their conclusions were concerns regarding the loss of chalk grassland to more intensive forms of arable production. Whether the losses occurred in the years following Hobhouse or primarily as a result of earlier war related farming activities is not entirely clear.
- 3.15 Having reviewed at length the designation history of the South Downs the Landscape Assessor concludes, accurately in my opinion, that "*although the South Downs has long been a valued landscape, the decision to designate it as a National Park has been far from clear cut.*" In these circumstances it is hardly surprising that there is no consensus on the case for a new National Park and that opinion on the notion sharply divides the constituent local authorities as well as the population generally.

C. PREVIOUS INTERPRETATION OF STATUTORY CRITERIA

- 3.16 As mentioned previously, the statutory criteria that appear in the 1949 Act reflect the views expressed in the earlier Dower and Hobhouse reports. The first major review of National Parks was carried out by the National Park Policies Review Committee in 1974 – the Sandford Report. This confirmed that the statutory criteria should remain. It also introduced the so-called Sandford Principle; namely that where there is conflict between the 2 National Park purposes, the conservation and enhancement of natural beauty should be given greater weight. The report also recommended that the Countryside Commission "*... examines more diverse types of landscape, provided that they are of the highest quality, than the rugged uplands which dominate the existing parks..*".
- 3.17 The second review of National Parks took place in 1991 – the Edwards Report. This report also endorsed the statutory criteria. Discussing the essence of National Parks it noted that "*the*

paramount consideration is that if these areas are to meet the title "National Park", these qualities (i.e. high landscape quality offering opportunities for open-air recreation) must be combined over an extensive tract of countryside which provides a sense of wildness."

- 3.18 In addition to revising the wording of National Park purposes in the 1949 Act, the Environment Act 1995 allowed for the creation of National Park Authorities (NPAs). NPAs are not mandatory when land is designated as a National Park albeit that all of the existing areas are managed by one. The accompanying circular, Circular 12/96, clarified the provisions of the Act and in respect of the special qualities of National Parks noted: *"These qualities will be determined within the context of each Park's natural beauty, wildlife and cultural heritage and the national purpose of the Parks to conserve and enhance them. Particular emphasis should be placed on identifying those qualities associated with their wide open spaces, and the wildness and tranquillity which are to be found within them."*
- 3.19 In his report the Assessor places considerable weight on the way earlier policy reviews indicate how the statutory criteria should be interpreted. Amongst other things he comments that Dower's requirements for a sense of wildness and remoteness have been endorsed by the subsequent policy reviews. The Agency itself acknowledges that the ability to take long walks in wild scenery with a sense of remoteness have always been a distinguishing feature of National Parks. The Assessor notes that these requirements have to be balanced against the proximity to centres of population and the accessibility of a National Park to potential users. Like the Assessor, I attach weight to the earlier policy reviews. Indeed I am in no doubt that the way earlier policy reviews have perceived the hallmark qualities of National Parks are important points of reference when considering the designation or otherwise of new National Parks.

D. THE AGENCY'S NEW POLICY

- 3.20 Having received the Countryside Commission's Report in 1998 with its key conclusion that the South Downs did not meet the statutory criteria as presently defined and applied, the then Minister for the Environment wrote to the newly formed Countryside Agency in 1999 asking it to review the way the criteria had been applied, but not the criteria themselves (CD45). The response also mentioned that less weight should be attached to the historical emphasis on selecting an area of open country

with a degree of ruggedness or wildness. The Minister also clarified that in his view more account should be taken than in the past of the need to provide improved opportunities for open air recreation for the population at large, including the provision of recreational opportunities close to where people live.

- 3.21 The Agency agreed that a change of emphasis was appropriate and in February 2000 the new policy was agreed (CD43). This is clearly central to the judgement as to whether the core downland satisfies the statutory criteria albeit that the Agency accepts that neither myself nor the Secretary of State are bound by it. At the outset it is important to record that the new policy does not alter the statutory criteria contrary to the claims of some objectors. It is generally agreed, however, that it does change the way the statutory criteria have been traditionally interpreted and applied in the designation process. I do not consider this to be inappropriate necessarily so long as landscapes deemed to have designation potential are able to satisfy the statutory criteria.
- 3.22 Underpinning the new policy is an assumption that future National Parks are likely to emerge from land currently having AONB status. On that basis it is said that satisfaction of the statutory natural beauty criterion would be a given, unless the landscape in question had been seriously degraded in the post AONB designation period, as National Parks and AONBs enjoy comparable policy protection. CD43 therefore suggests that attention should focus on 2 key questions. Firstly, whether there is an extensive tract of country providing or capable of providing opportunities for open-air recreation? And, secondly, whether it is especially desirable to provide for the leadership of a National Park Authority (NPA), with the powers and duties laid down in the Environment Act 1995? CD43 also provides additional commentary intended to clarify both questions. Amongst other things the commentary refers to a sense of relative wildness contributing to the quality of landscape. It may be helpful to note that the new policy and the Agency's approach to boundary setting are appraised in detail in the Landscape Assessor's report.
- 3.23 Before considering the core downland in the light of the new policy, it is appropriate to address at the outset the concern that the new policy was agreed in the absence of any consultation with local authorities or other relevant bodies.

Lack of consultation

- 3.24 As I understand it, section 2(2) of the Countryside Act 1968 imposes a duty on the Agency to, firstly, keep under review

matters such as the conservation and enhancement of the natural beauty and amenity of the countryside and the need to secure public access to the countryside for the purposes of open-air recreation and, secondly, consult with local planning authorities and other bodies. To my mind, a new policy relating to the designation of National Parks is caught by this provision albeit that the 1949 Act allows the Agency to decide its own policies regarding the application of the statutory National Park criteria with or without consultation.

- 3.25 In my view the failure to consult stakeholders on the new policy at the outset was unfortunate at the least. At the inquiry the Agency's expert witness accepted that it amounted to bad practice. The fact that the Agency was expressly asked by West Sussex County Council not to change its policy without consultation underlines the point. It is not clear to me if the failure to consult was an oversight or simply reflected the view that the designation process itself would provide ample opportunities for those interested to comment on the policy in due course. Nonetheless, notwithstanding my view of the manner in which it was adopted, I am not convinced that this point necessarily means that the policy should be ignored or somehow given less weight as a consequence.
- 3.26 Firstly, in that regard, the relevant witness for West Sussex County Council accepted at the inquiry (initially at least) that section 2(2) of the Countryside Act did not amount to a legal requirement to consult on its new policy. Secondly, having agreed the new policy, the Agency subsequently embarked on an extensive consultative programme. During the designation process newsletters were published, numerous roadshows held and a 2 day seminar took place in Chichester. A major public consultation exercise was also held in addition to the statutory consultation with local authorities. Overall this programme provided numerous opportunities for local authorities and other bodies, and the public in general, to comment on the Agency's new policy (and its approach to boundary setting). Bearing the above in mind I am not persuaded that there are grounds for concluding that the Agency failed to satisfy its statutory consultative duties.
- 3.27 Although not a matter for me, I would add that I am not convinced either that the prospect of a new National Park should be the subject of a Royal Commission. Certainly, the Inquiry allowed the objections to the respective Orders to be considered in great detail

3.28 I have some sympathy with the separate concern that the consultation arrangements did not specifically ask at any time whether, in principle, a South Downs National Park was appropriate and necessary. No reliable guide to the scale of "in-principle" objection to the PSDNP, or support for it for that matter, is therefore possible. I note also that some people at least seem to be under the impression that a decision in favour of a new National Park has been made in advance of the designation process. Any uncertainty on this point is regrettable but at the end of the day many "in-principle" objections were lodged during the designation process and I am all too aware that a considerable amount of paper and inquiry time was subsequently devoted to them.

E. DOES THE CORE CHALK LANDSCAPE SATISFY THE STATUTORY CRITERIA?

3.29 As mentioned elsewhere, in my opinion the "in-principle" objections to a South Downs National Park can be most conveniently addressed by focussing on the core landscape – the chalk downland. If this area cannot satisfy the criteria set out in section 5 of the 1949 Act, the same conclusion must apply to the associated landscapes. So far as I am aware, no one has suggested that the Weald, say, could be designated a National Park even if the chalk downland is deficient in some respect. It is also worth noting that although I consider the criteria set out in section 5 of the 1949 Act separately, this is a somewhat contrived arrangement that tends to ignore the key linkages between them; for example arguments about "wildness" are relevant to both the natural beauty and recreational opportunity criteria.

Natural beauty

3.30 It is not surprising, perhaps, that the meaning of natural beauty is not closely defined in the 1949 Act. Like other aesthetic issues, natural beauty is inevitably perceived in a personal way and its appreciation will vary through time and place. While landscape is the primary consideration, natural beauty also encompasses flora, fauna and physical characteristics. I also consider, for reasons set out by the Landscape Assessor, that cultural heritage also has a relevance. I do not see how this can be disregarded when virtually all of the landscapes of Lowland Britain have been altered by man to a greater or lesser degree. .

3.31 Nevertheless, even where land is of cultural heritage importance because of its great scientific, ecological or other value it should not form part of the PSDNP unless the statutory criteria are met.

In this instance I am satisfied that the ability of the core downland landscapes to satisfy the statutory criteria does not rely on their cultural heritage value. As I mention later in the report, the elevated, exposed, relatively wild and naturally beautiful chalk downland landscapes have qualities that are very different to, say, designed parkland landscapes or other landscapes that have significant cultural importance.

- 3.32 Landscape character assessment has entered the daunting world of landscape designation in relatively recent times. It aims to provide a means by which natural beauty and landscape generally can be assessed in a structured and rational fashion. As well as providing a framework that allows relatively objective assessments to be made, it offers a mechanism for recording more subjective and emotional responses.
- 3.33 Even so, in the final analysis deciding whether the core chalk downland satisfies the natural beauty criterion inevitably involves value judgements. It is not entirely surprising therefore that the evidence put before the inquiry on this matter by many of the leading landscape practitioners in this country was often contradictory even though they were all seeking to follow the same "best practice" guidance. In the event, and in the absence of any consensus, I have concluding for the reasons set out below that the core downland landscapes satisfy the natural beauty criterion. It may be helpful to add that a detailed rehearsal of the way natural beauty has been assessed by the Agency in the light of best practice guidance is contained in the Assessor's report.
- 3.34 Most of the core chalk downland has long been recognised as having outstanding scenic beauty of national importance – a quality confirmed by the award(s) of AONB status in the 1960s. This point at least was not in dispute when the possible designation of a South Downs National Park was considered in the past. Over the years the downland landscapes have been subject to change, not least due to the widespread introduction of arable monoculture with its adverse implications for scenic quality, biodiversity and so on. Additionally the landscape has been affected by the provision of highway and other modern-day service infrastructure.
- 3.35 But there is no compelling evidence to suggest that the quality of the downland areas within the AONBs have deteriorated to the extent that their intrinsic natural beauty no longer merits AONB status. Indeed, in my view, the tract of chalk downland in question has a special place in the nation's psyche and undoubtedly contains some of this country's most recognisable

and iconic landscape features. The coastal cliffs at Beachy Head, the rolling topography immortalised by Kipling and others and the sinuous scarp face overlooking the Weald, being features of especial importance. This specialness is reflected in the attention it has received from writers, artists and others over centuries.

- 3.36 I am conscious that some objectors claim that the PSDNP as a whole does not have the characteristic natural beauty that is said to be a feature of existing National Parks. Whether this is a significant point that weighs against the inclusion of non chalk downland is addressed in more detail in the Part 2 report. Part 2 also considers the Agency's assumption that the natural beauty test is, by definition, generally satisfied within the 2 AONBs. At this time it is sufficient to note that a lack of characteristic natural beauty is not a criticism that can be levelled against the chalk downland itself. If characteristic natural beauty is a requirement of the PSDNP, it is satisfied in spades by the chalk hills in question. Without doubt this landscape has, in the words of the Landscape Assessor, an "individual, distinctive and coherent identity".
- 3.37 It is also said that in considering possible new National Parks the natural beauty criterion has always been assessed by reference to land being wild, rugged and remote. It seems to me that this is broadly correct. Moreover there can be little doubt that the Agency's new policy with its reference to land having a "sense of relative wildness" is a less demanding test.
- 3.38 Without the change of emphasis introduced by the new policy it would be difficult for the chalk downland to meet any wild, rugged and remote requirements in the way that other members of the National Park family have generally been able to. Much of the PSDNP is farmed countryside, mainly arable (63% in the chalk area), and sizeable areas are also managed for commercial forestry purposes. About 600ha of arable land has been restored to downland within the South Downs Environmentally Sensitive Area but even that figure represents only 1% of the total area. It is also fragmented by a number of busy roads and a number of large urban settlements lie in close proximity to the chalk hills along their entire length.
- 3.39 I am conscious, however, that well before the Minister referred to less emphasis being given to land having rugged and wild characteristics, both national policy reviews (Sandford and Edwards) were attracted to the notion of a lowland National Park accessible to population centres in south-east England. Furthermore I see merit in looking afresh at the way the natural

beauty criterion should be interpreted in the light of 21st century needs and demands and the pressures of modern day living. Certainly these are very different to those existing in the immediate post-war years when the existing National Parks were all designated. And although the ability to visit more remote parts of the country is far easier nowadays, I do not accept that this undermines in some way the case for designating appropriate new landscapes situated close to major population centres.

- 3.40 Against this background, I doubt if some dilution of the perceived "wild, rugged and remote" characteristics should be deemed inappropriate. Certainly there is nothing in the 1949 Act or any other legislation so far as I am aware that rules out a National Park containing gentler landscapes. The term "relative wildness" in the policy is presumably intended to reflect this point. Even so it does not follow that this change in emphasis amounts to a radical or unlawful departure from the way natural beauty has been interpreted hitherto. After all Dower referred to National Parks as "relatively wild country" and the Edwards Review recognised the case for lowland National Parks so long as they consisted of extensive tracts that provided a sense of wildness.
- 3.41 So far as the ability of the chalk downland to satisfy the "relative wildness" test is concerned, I note that as recently as 1999 the National Character Map of England stated that the South Downs "*still have a wild, exposed and remote character*". These words help to confirm that they satisfy the "relative wildness" test notwithstanding their location in the busy south-east and the fact that the PSDNP as a whole attracts 35m visitors a year, far more than any of the existing National Parks. Certainly the Landscape Assessor considered that the chalk hills are relatively wilder, more exposed, remote and tranquil than other parts of the PSDNP. That is also my perception.
- 3.42 In considering "relative wildness" I consider that it is also necessary to bear in mind the "proximity to centres of population" point mentioned in section 5 of the 1949 Act. Hitherto this seems to have been largely overlooked or ignored in the process of selecting new National Parks. If it is given more weight, it seems to me that new National Parks are likely to be less wild, rugged, remote and tranquil than their predecessors. As Hobhouse recognised "*This (the South Downs) will not be a National Park for the lone walker who deplures the sight of his fellow man, and demands the wild mountain solitudes and rugged fells and mountains.*"

Opportunities for open-air recreation

3.43 The Agency's new policy for interpreting this criterion simply asks if the land under consideration provides, or is capable of providing, sufficient opportunities for open-air recreation? Taken at face value that is a test that many tracts of countryside could satisfy. The supporting text adds, however, that land should contain qualities that amount to a markedly superior recreation experience.

3.44 Open-air recreation is not defined in the 1949 Act other than to say that it does not include organised games. Furthermore, so far as I am aware, there is no recognised methodology to assess whether a markedly superior recreation experience is on offer. The Agency argues in CD36 that this experience can be achieved through:

- Access to high quality landscapes and memorable places.
- The presence of a wide range of nature conservation or heritage features as well as landmarks or icons.
- Good recreational provision.
- Good management of the recreational resource.

The Agency took these general considerations forward by assessing the identified landscape character areas against 13 key factors (CD36, pages 28 and 29). These included footpath and bridleway coverage, the presence of long distance routes, accessibility to public transport and the potential for improving recreation provision. The collection of factual data was supplemented by consultation with key AONB personnel.

3.45 While the Agency claims that this exercise revealed that the PSDNP offers a markedly superior recreation experience, many objectors are not convinced. In particular objectors draw attention to the amount of open access land to be found in existing National Parks. Such land allows the public to ramble or wander at will and represents, it is said, a recreational experience different from that available from the use of a rights of way network. The Agency does not dispute that the chalk downland, and the PSDNP generally, has less open country than other National Parks. It is generally agreed that it represents about 3.5% of the PSDNP, well below the 30-60% level found in other National Parks.

3.46 Objectors' also note that the density of the rights of way network is higher in the PSDNP than in many other National Parks and is more akin to that found in existing AONBs. It is also said that the Agency's interpretation of the recreational opportunity criteria is defective inasmuch as it takes account of indoor visitor attractions

unrelated to the character of the area (for example historic properties and museums) as well as recreational pursuits which fall outside any definition of "quiet recreation".

- 3.47 Many of these concerns appear to me to be well founded. The available evidence indicates that the presence of much open access land is a feature of existing National Parks (other than the Broads). It is particularly surprising that open access land was not identified as an important consideration in the assessment of recreational provision given that it had previously been highlighted by the Agency itself as a significant factor. That said I understand that some AONBs also have a high proportion of open access land which suggests that it is not singly a reliable guide for distinguishing National Parks from AONBs. I note also that including Country Parks, Wildlife Trust sites, National Trust land and the like increases the proportion of publicly accessible land to about 12%, according to CD165. To my mind it is wholly reasonable to take such land into account and to a degree at least the availability of such land offsets the much lower proportion of open access land in the chalk hills and the PSDNP generally.
- 3.48 So far as the density of the rights of way network is concerned, I recognise that the density in the PSDNP appears more akin to that often found in AONBs than the existing National Parks. This may be a material consideration but it needs to be treated with caution. This measure may simply reflect the location of the PSDNP relative to numerous sizeable settlements unlike most of the existing upland National Parks in this country. Moreover, rather than view the higher density of the rights of way network as a negative factor, I see it as a positive consideration since it allows the public to more readily enjoy the recreational experiences on offer. To a degree, it also helps to offset the relative lack of open access land across the land in question. And in some circumstances at least, I accept that the presence of a linear or circular footpath could be as important a recreational resource as the ability to wander at will across a landscape.
- 3.49 With regard to the inclusion in the Recreation Opportunity Exercise of some indoor visitor attractions and noisy sports, I accept that they are at best of limited relevance to an assessment of existing recreational provision. In my view the net was probably drawn too widely when the exercise was undertaken. Evidence presented at the inquiry also suggests that some of the detailed survey information may itself be incorrect. However, I am not convinced that these points necessarily mean that the exercise should be disregarded. Even if some of the indoor visitor attractions and noisy sports are ignored, the PSDNP offers a wide

range of accessible open-air activities and countryside sites. The latter includes a number of so-called "honeypot" sites that attract large numbers of visitors. For current purposes it is significant that almost all of those identified within the PSDNP by the Agency actually lie within the core chalk downland.

- 3.50 More importantly, perhaps, in the final analysis I share the Agency's view that the assessment of a markedly superior recreational experience cannot be made simply by reference to a range of statistical measures. It is the quality of the recreational experiences on offer that is critical. Walking is by far the most popular open-air recreation in National Parks and I am in no doubt that there are large tracts of land where walking in an iconic chalk landscape, even where it is restricted to the available rights of way network, is an open-air recreational experience of especial value. Elevated, exposed and lightly settled with a distinct sense of place, the chalk hills offer visitors the chance to escape from the pressures of modern life - "to get away from it all". To my mind this landscape offers much more than one might reasonably expect from recreational visits to tracts of ordinary countryside. While the ability to wander at will across this landscape may be relatively limited, or at least localised, the comprehensive rights of way network, and particularly the presence of numerous long distance paths, offer visitors highly memorable recreational experiences. The fact that these experiences are available in close proximity to major population centres, accessible by sustainable transport provision, adds to their value.
- 3.51 Objectors' argue that if a comparison of the chalk downland to other protected landscapes had been undertaken it might have clarified that a markedly superior recreational experience was available. That exercise was not undertaken because, I understand, the Agency considers that the recreational value of any land has to be assessed on its intrinsic merits. I think that must be right. The formal designation of any new National Park has to be by reference to the statutory criteria not by reference to the particular circumstances that exist in other protected landscapes.
- 3.52 Nor am I convinced that the erroneous perception that a National Park status conveys unrestricted right of public access represents grounds for not confirming the designation order. That said, this perception, which may or may not be widely held, could lead to unwelcome conflicts between farming and recreational interests and is therefore a matter than any in-coming NPA would need to consider carefully.

- 3.53 One final point. Objectors' argue that the Agency's assessment incorrectly took account of potential recreational opportunities as well as those available at the time of designation, contrary to the provisions of the 1949 Act. I am not convinced that the legislation is necessarily that restrictive. Section 5(2)(b) of the 1949 Act introduces the concept of opportunities for open-air recreation. I take this to embrace the possibility that land may be enhanced in some way (for example by improving public access or restoring damaged countryside) and as a consequence could provide an improved recreational experience. Designation might assist that process it seems to me. Accordingly, I consider that it is reasonable to take the potential to provide enhanced recreational opportunities into account so long as the necessary actions or works of enhancement are realistic and achievable. I note that the Landscape Assessor concurs. I would add that the need to consider potential opportunities only arises once an assessment has been made of any existing recreational opportunities.
- 3.54 To a degree at least, the failure of some objectors to take account of the potential for landscapes to be enhanced must have deflated their assessment of the available recreational experiences.

Extensive tract

- 3.55 The 1949 Act requires the natural beauty and recreational opportunities criteria to be satisfied over "extensive tracts of country". Unfortunately the legislation does not define what this term might mean. In the absence of any statutory guidance the first point to note is that the chalk downland on its own (as defined by West Sussex CC and Chichester DC for example) is larger than many of the existing National Parks. This suggests that it has the potential to meet the "extensive tracts" test without support from the other non-core land included in the PSDNP.
- 3.56 However mere size or area is not of itself crucial. What matters, it seems to me, is the need to satisfy the statutory criteria over "extensive tracts" of land. In this instance it is said that the land in question is relatively narrow in width and too fragmented by major highways and pockets of development to merit that description. Certainly a number of major highways and several sizeable settlements do intrude upon the landscape and these are often readily visible from vantage points within the chalk hills and elsewhere. These factors must impact on any perception of, say, relative wildness or tranquillity. Significantly, however, I note that the legislation refers to tracts in the plural. It follows, in my view, that there is no requirement for land with the necessary National Park qualities to be continuous and/or uninterrupted in

order to satisfy the statutory criteria. I note also that tranquillity in the PSDNP is deemed to be comparable to that found in the New Forest (ID16). In that instance it did not preclude designation. With the above in mind, and noting the Landscape Assessor's conclusions that the chalk downland provides good opportunities to take walks of 4 hours duration or more in relatively wild, exposed, remote and tranquil circumstances, I have concluded that the "extensive tracts" requirement is satisfied.

- 3.57 I would add that while the 4 hour guideline cannot be taken as a precise measure or threshold, it indicates that long walks are available. As such it is a helpful means of assessing the "extensive tracts" test albeit that it is also important to consider the quality of the recreational experience that such walks might offer.

F. IS DESIGNATION AS A NATIONAL PARK MANAGED BY A NPA "ESPECIALLY DESIRABLE"?

- 3.58 The 1949 Act requires designation to be especially desirable for the achievement of statutory National Park purposes. The joint purposes being "(a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the area ... and (b) promoting opportunities for the understanding and enjoyment of the special qualities of the area ...". This means, presumably, that an area might satisfy the statutory criteria but it may not be especially desirable to designate it as a National Park managed by a National Park Authority.
- 3.59 At the inquiry it was said on behalf of the Agency that the only reason why it would not be especially desirable to designate land that satisfied the statutory criteria would be if was not especially desirable to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and/or promote opportunities for the understanding and enjoyment of the special qualities of the area. Viewed in this narrow way, if land satisfied the statutory criteria, designation as a National Park would almost certainly follow irrespective of other considerations. It is difficult to anticipate circumstances where this interpretation of the especially desirable test would lead to a decision not to designate land if it had the necessary National Park qualities.
- 3.60 While the interpretation of the statute is essentially a matter of law, I note that the interpretation set out above is not the way the "especially desirable" test was understood in the Area of Search

exercise (CD36) and it is not the way the Agency's new policy for applying the statutory criteria is framed. The latter indicates that designation must lead to the integrated management of the area and in particular the provision of a markedly superior recreation experience - more than can be achieved by local authorities alone. As I understand it, the Agency's approach to the especially desirable question is therefore to invite a comparison between what NPAs and local authorities can achieve in terms of management and recreation. I take this to mean that if a local authority or some other body could improve management arrangements and provide superior recreational experiences as or more effectively than a NPA, that is that they could more effectively protect and manage the land for public benefit, then it would not be especially desirable to designate the land as a National Park. In passing it is interesting to note that Dower did not identify the South Downs as a potential National Park as he considered they could be better protected by the constituent local authorities.

- 3.61 While objectors' generally find the comparative test set out in the Agency's policy to be helpful, it is criticised for inviting comparison with local authorities alone and ignoring other possibilities, in particular comparison with a statutory conservation board (SCB). This criticism is somewhat unfair insofar as the legislation introducing the concept of SCBs – the Countryside Rights of Way Act 2000 (the CROW Act) – was not on the statute book at the time the Agency agreed its new policy. However, in the wake of the CROW Act I consider that at this time it probably would be more appropriate for the policy to invite a comparison with a SCB (or indeed other management models) as well as local authorities alone. In practice this is an exercise undertaken by the Agency, I understand, notwithstanding the view expressed in paragraph 3.59 above and the fact that the policy makes no reference to an SCB. Certainly it would be odd not to consider the case for a SCB given the Government's confidence in their ability to manage other nationally important landscapes.

Statutory conservation board (SCB)

- 3.62 The Agency argues that the support for a SCB is misconceived, not least because they are not intended to manage land that satisfies the statutory criteria. It adds that only if the criteria are not satisfied would management by such a body become an option. Clearly a SCB cannot manage a National Park. They were created under the provisions of the CROW Act to serve different purposes, namely to manage AONBs. By contrast NPAs were created by the 1995 Environment Act to help conserve and protect

National Parks. Even so I note that the statutory purposes of both National Parks and AONBs have much in common, and that as a consequence NPAs and SCBs would tend to be working towards similar ends. The main difference, as I see it, is the enhanced responsibility given to NPAs to promote recreational opportunities. Even there I note that the material commissioned by the Agency in respect of the Chilterns and Cotswold AONBs anticipates that SCBs would have a significant recreational management role.

- 3.63 By and large the measures and powers available to a NPA also tend to be available to a SCB. Where differences exist they generally seem to me to be relatively unimportant and, in some respects at least, a SCB may even enjoy certain operational advantages. It is also important to recognise that the Government considers that AONBs and National Parks merit comparable policy protection. There is, however, one key difference between the powers available to NPAs and a SCB, namely planning. Unlike a NPA, a SCB would not be a planning authority. The consequences of this for the South Downs are considered further in paragraphs 3.73 to 3.77. For the moment it is sufficient to note that in my view having responsibility for planning matters significantly assists a NPA achieve National Park purposes. The recent Review of English Park Authorities (CD9) reached the same conclusion. By contrast the role of an SCB in planning matters is likely to be far less potent.
- 3.64 Having said that the Agency does not criticise the existing AONB management structures; and I note that many of the representations highlight the excellent work of both the Sussex Downs Conservation Board and the East Hants JAC over the years. A SCB managing the East Hants and Sussex Downs AONBs together, or one for each if that could not be agreed, could build on their pioneering efforts and no doubt provide enhanced management arrangements. I am in no doubt that a SCB could address many of the perceived weaknesses in the current arrangements for managing the respective AONBs. This is not disputed by the Agency. And although the Agency reasonably draws attention to the many competing claims on a local authority's time and resources, a SCB, like a NPA, would be effectively a single purpose authority.
- 3.65 Even so I consider that the conservation and enhancement of the chalk downland and the provision of opportunities for their enjoyment by the public would benefit if this nationally important landscape was managed by a NPA rather than some other form of management. An NPA could provide integrated planning and

management arrangements with additional status, focus and expertise. And by virtue of section 62 of the 1995 Environment Act, Government Departments and other public bodies would be obliged to recognise the importance of National Park purposes and to have regard to them in their actions. In addition an NPA would be likely to benefit from more secure and financially advantageous funding arrangements than a SCB. Many of those who claim that a SCB could be as effective a body as a NPA add the important qualification that this assumes a similar level of funding. This seems unlikely. Funding is discussed further in paragraphs 3.67 to 3.72 below.

- 3.66 I note the suggestion that as a SCB does not have a statutory duty to promote recreation it would be better able to manage visitor pressures and problems. Given the Sandford principle, and the priority it gives to conservation over recreation where they are in conflict, I do not find this argument convincing. Indeed I consider that a NPA would be better able than a SCB to achieve the appropriate balance between the competing demands of landscape protection/enhancement and the demands of those wishing to visit the area for recreational purposes. The scale of the task facing an in-coming NPA is neatly summarised in the Agency's Issues Report – CD24.

Funding

- 3.67 So far as the funding of AONBs and National Parks is concerned, it seems to me self evident that this is a matter subject to Parliament's discretion. Past funding arrangements could prove to be an unreliable guide to future funding levels and there is no guarantee that the funding formulae used to determine National Park budgets will not change. Nonetheless, the available evidence suggests that National Park status is likely to be financially beneficial. Core funding for National Parks has hitherto been above that available for AONBs, albeit that in recent years the East Hants and Sussex Downs AONBs have enjoyed preferential funding over and above that applied to other AONBs. The Agency informed the inquiry that this arrangement is unlikely to continue in the longer term.
- 3.68 In addition I note that as part of its written response on administrative matters the Agency includes a complex assessment of the comparative expenditure in 2002/2003 of the Sussex Downs Conservation Board with existing National Parks. This looked at expenditure in respect of 4 functions: Conservation of the Natural Environment, Conservation of Cultural Heritage, Recreation Management and Promoting Understanding. While the

exercise needs to be treated with some caution it reveals that expenditure on the 4 identified functions was significantly higher in the National Parks. To my mind the exercise supports the Agency's claim that notwithstanding the need for additional core funding to cover the additional administrative costs of the new administration, a NPA would bring added value to the management and conservation of the designated land.

- 3.69 National Park status could also provide access to other funds and one-off grants that would not be available elsewhere; for example the North Yorkshire Moors Farm Scheme and the Peak District Farm and Countryside Service. NPAs have also been successful in obtaining additional funds from miscellaneous external sources.
- 3.70 The Agency emphasises that National Parks benefit from secure exchequer funding although I note that the provisions of the CROW Act enable SCBs to be funded by direct government grant also (albeit at a lower level presumably). This latter provision removes the need for the management of AONBs to be in part reliant on local authorities for financial support.
- 3.71 At this point it is appropriate to acknowledge that the absence of any detailed information on likely future funding arrangements is obviously unfortunate and makes the task of weighing any claimed funding advantages more difficult. I can well understand the concern that in its absence those promoting the designation of a new National Park are inviting a leap into the unknown. If funding is less than anticipated, the benefits that could accrue from designation may not materialise. In practice I see no easy solution to this dilemma given the uncertainties over the structure and role of any in-coming NPA. In advance of decisions regarding these and other key matters it is simply not possible to know what the funding levels will be. What is apparent, however, is that if the designation order is confirmed it is essential that secure and adequate funding follows, otherwise the entire designation process will be rightly condemned as an expensive and damaging exercise.
- 3.72 Under this head it is also helpful to record that the main sources of funding to address landscape enhancement and biodiversity needs are unlikely to come directly from AONB or National Park sources in any event. Evidence put before the inquiry by the National Farmers' Union and others suggests that of far greater practical significance are the changes promulgated by the Curry Report and the intended changes to the European Union Common Agricultural Policy. Amongst other things these would provide incentives for farmers to move out of arable production and

promote desirable environmental improvements without financial loss.

Planning

- 3.73 Unlike conservation boards, statutory or otherwise, NPAs have a full range of planning powers. This arrangement was reviewed recently as part of the Government's National Park Policy Review. The Review concluded, in effect, that a NPAs responsibility for both the preparation of development plans and their implementation via the development control process supported National Park purposes. So far as the chalk downland is concerned, I see no reason to disagree. Indeed, I consider that it represents a major reason why it could be considered especially desirable to designate the chalk landscapes as a National Park. Having responsibility for forward planning across this nationally important landscape, a task currently shared by no less than 15 local authorities, together with a unified system for the control of development (whatever its precise detail), are means by which a NPA could help secure National Park purposes and therefore provide "added value".
- 3.74 On the other hand many objectors' argue, in the wider PSDNP at least, that in this instance responsibility for planning represents a significant burden rather than a benefit or advantage. In particular attention is drawn to the numbers of planning applications that would need to be processed and determined - estimated at about 4500 per annum in the PSDNP, more than any other rural planning authority in the country and far in excess of the numbers handled by other NPAs. Without question this would pose a formidable task and I do not doubt that it could easily divert attention and resources from land management and other key issues. I do not find it surprising therefore that the Agency itself favours the delegation of at least some of the development control work to the existing local authorities. The way this might work and other concerns regarding possible changes to the existing planning arrangements, are examined in more detail in the Governance annex of the Part 2 report.
- 3.75 Of course, concerns regarding forward planning, development control arrangements and other planning issues, and the fear that that they would result in additional costs, confusion and complexity, are likely to be far less acute in respect of the more limited core chalk downland. Development pressures are likely to be far lower and the general absence of sizeable settlements would significantly reduce the development control workload. For example, in recent years about 13.5% of the planning applications

in West Sussex fell within land within the PSDNP, whereas only about 3% fell within the chalk downland areas.

3.76 That is not to say that exercising these responsibilities would be a straightforward task. Any joint working must involve a large number of adjoining planning authorities and the concerns regarding the sub-division of Districts, access to planning services, adequate representation and so on, would all need to be carefully considered to ensure no diminution in the quality of the planning services that the existing local planning authorities provide for the communities they currently serve. It almost goes without saying that an in-coming NPA would need to work hard to foster a culture of partnership with the existing authorities. While the detail of all of this is uncertain, I am satisfied that appropriate planning arrangements could be set in place to manage planning responsibilities across the core chalk downland. I am not convinced that the so-called planning burden represents an overriding in-principle objection. I return to this under the "Governance" annex to the forthcoming Part 2 report.

3.77 Before leaving this matter it may be helpful to comment briefly on a number of other planning concerns. Clearly it would be important for any in-coming NPA to ensure that in exercising its planning responsibilities proper regard is given to the duty to foster the social and economic well-being of the area. Objectors' are concerned that a National Park could lead to more restrictions on new development with detrimental implications for local communities, for example via higher house prices and fewer employment opportunities. Such concerns are wholly understandable and any land outside the existing AONBs would be subject to a more restrictive planning regime. However that is not the situation across most of the core chalk downland. By and large that land already has AONB status and therefore would be subject to virtually the same level of planning control (albeit that CD265 claims that the differences in the prior notification procedures for agricultural and forestry development are important). Indeed one of the benefits that the Agency anticipates could flow from National Park designation is a more flexible approach towards the provision of visitor accommodation/facilities. This, it is said, could provide significant benefits for the local economy.

Democratic deficit

3.78 Related primarily if not entirely to the planning responsibilities to be exercised by a NPA are concerns regarding a perceived lack of accountability and a so-called democratic deficit. Most of the

objections under these heads are directed at the arrangements for the administration and management of the wider PSDNP rather than simply the core chalk downland. To my mind such concerns are primarily to do with the way any National Park would be governed, rather than to whether the PSDNP (or some lesser area) is appropriate "in-principle" as a National Park. Accordingly, the concerns under this head are addressed in more detail under the "Governance" annex. For the moment I limit my comments to a few general remarks.

- 3.79 Firstly, it seems to me that concerns regarding a "democratic deficit" are in large part criticisms of the statutory arrangements regarding the format and membership of NPAs. While I can understand the concerns regarding any reduction in democratic accountability, loss of local decision making and so on, it is no part of my remit to appraise the statutory arrangements. These, after all, have been the subject of Government review in recent times.
- 3.80 Secondly, in considering "Governance" issues, it is easy to overlook the fact that NPAs are themselves largely comprised of locally appointed and nominated people.
- 3.81 Thirdly, and irrespective of its precise definition, I am not convinced that any concerns or difficulties regarding the management and administration of a core chalk downland area are of such moment that it would not be especially desirable to designate the land as a National Park. So far as I can recall no one has suggested that they are. I recognise, nonetheless, that the geography and scale of the PSDNP/chalk hills presents a number of difficulties that need to be carefully scrutinised if the concerns regarding a democratic deficit are to be addressed. Indeed they are likely to warrant special administrative provisions. The fact that the PSDNP contains part or all of 180 Parish Council areas is a clue to the complexity of the likely administrative arrangements.

G. OVERALL CONCLUSIONS

- 3.82 As recently as 1999 the Countryside Commission concluded that the core chalk downland in question did not meet the National Park criteria as presently defined and applied. While the area qualified in terms of its natural beauty and was accessible to centres of population, the Commission considered that it no longer had sufficient extensive tracts of open country providing

opportunities for open air recreation. A number of other concerns were also identified. Firstly, that if the South Downs was to be designated a National Park, the statutory criteria would need to be changed. This would make it difficult to resist demands for the designation of other nationally important landscapes such as the Chilterns and the Cotswolds. Secondly, that designation could lead to pressure to exclude areas of land currently designated AONB, if they did not satisfy the statutory criteria. The Commission also considered it desirable to leave planning functions with the existing local planning authorities.

- 3.83 In response the Government asked the newly formed Countryside Agency to reconsider its policy regarding the application of the statutory criteria to the task of designating National Parks. It also expressed the view that the traditional emphasis on open and rugged country was less important nowadays and that it wished to provide quality open air recreational experiences close to large centres of population.
- 3.84 It seems to me wholly reasonable and proper to consider afresh how the statutory criteria set out in the 1949 Act can best be applied to meet the needs and aspirations of modern society. This is the task, in effect, that the Agency's new policy sets itself. Apart from the recently designated New Forest, the other National Parks in this country were established over 50 years ago when economic and social circumstances were very different. While the South Downs have always been seen as a candidate National Park, primarily I believe because of their outstanding scenic attraction and their value as an open-air recreational resource, they do not have the remote feel and rugged identity of the existing upland National Parks. Man's presence is much more evident and pervasive in the South Downs and the ability to get away from it all is more restricted. On more than one occasion the South Downs has been found wanting when considered for National Park status.
- 3.85 The Agency's new policy assumes that land having AONB status is likely to satisfy the natural beauty criterion. It therefore focuses on the recreational criterion and the need to secure improved management arrangements. So far as the natural beauty of the core chalk downland is concerned, I see no difficulty with this stance. Without doubt it is an extensive and distinctive tract of landscape of especial value and importance. It meets the natural beauty test. I would add that its ability to satisfy the natural beauty test does not seem to me to depend on the acceptance of the Agency's new policy interpretation.

- 3.86 Satisfaction of the recreational opportunity criterion is more problematic. I have concluded, nonetheless, that the land in question offers a wide range of open-air recreational opportunities that can be experienced in a landscape of national importance. As mentioned previously, few dispute that the extensive and lightly settled chalk landscapes of the South Downs/Hampshire Downs are scenically attractive. In addition I am satisfied, in the light of the expert evidence and my travels around the area, that they also generally exhibit a sense of relative wildness and that they are naturally beautiful. I have arrived at that key conclusion notwithstanding that they contain limited amounts of open access land and the fact that they are located in the densely settled south-east and close to major population centres which must bear on any perception of tranquillity and remoteness. In sum, therefore, I am satisfied that in the light of the changed emphasis set out in the Agency's new policy that the statutory recreational opportunities criterion is satisfied.
- 3.87 I also consider that as a NPA could secure integrated planning and management arrangements and improved funding, it would more effectively address the 21st century challenges facing the chalk downland landscapes. This is critical given their undisputed value and the current and likely future scale of recreational demands and pressures. Furthermore, I am not persuaded that the existing local authorities, or some other management model such as a SCB, would provide a more appropriate or desirable mechanism for managing the land in question. In my view the "especially desirable" test is met.
- 3.88 In short, therefore, I consider that if the statutory criteria are applied in the light of the Agency's new policy, the designation of the extensive tract of core chalk downland that extends for over 100km from Eastbourne to Winchester as a National Park is warranted. In my view it is a landscape of national importance that offers visitors a wide range of high quality recreational experiences. I do not accept that its designation would devalue National Park currency, so to speak. It follows from this, as mentioned in paragraph 3.7, that in my view there are no overriding "in-principle" objections to the designation of a new National Park in this part of the country. Clearly it would be different in many respects to the existing family of mainly upland National Parks (and those differences are even more pronounced if one considers the more extensive PSDNP). But I do not accept that this is of itself an overriding objection. Indeed the designation of the New Forest, Pembrokeshire Coast, Broads and Lake District landscapes in times past indicates that there is already great diversity within the National Park family.

- 3.89 The case for including other non-chalk landscapes, sizeable settlements, the definition of a precise boundary, other related Orders and possible administrative arrangements, are examined in the Part 2 report.
- 3.90 Finally, for completeness, a few comments may be helpful in respect of the subsidiary matters identified by the Countryside Commission in 1999 – see para.3.82 above. Firstly, I am satisfied that the designation of the core chalk downland as a National Park does not necessarily require changes to the statutory criteria. In my opinion this landscape satisfies the requirements for designation set out in the 1949 Act. If my conclusion that the core chalk downland satisfies the statutory criteria encourages others to seek National Park status for other high quality landscapes, any such proposals should be assessed on their merits and in particular in the light of their ability to satisfy the statutory criteria. These include the extensive tracts and promotion of recreational opportunities requirements that do not currently apply to AONBs. Even so it is fair to add that the possibility that some existing AONBs might satisfy National Park requirements appears more likely in the light of the Agency's new policy. To my mind the change in emphasis introduced by the new policy makes the differences between the respective national designations less apparent.
- 3.91 Secondly, if land is not of the necessary quality, I see no reason why its de-designation as AONB should be seen somehow as an obstacle to National Park designation. That said I recognise that the possible de-designation of AONB land would be a concern if areas able to meet the natural beauty test but unable to meet the recreational criterion test were to be left "unprotected", so to speak. The implications for tracts of land where this might apply are considered further in the Part 2 report.
- 3.92 Lastly, as mentioned above, the Agency retains a preference for at least some planning functions to remain with the existing local planning authorities. In particular it considers that a scheme should be agreed to secure the delegation of day-to-day development control responsibilities. My comments on planning insofar as they relate to the "in-principle" issue are set out earlier in the report. In the "Governance" annex to the Part 2 report I address the matter in more detail.

ANNEX 1: In Principle objectors list

ID	Person/party	Representing/on behalf of	Company/organisation
2	Perry, Mr J		
3	Penn, Mrs J		
5	Norris, Mr G W J		
6	Jeffery, Mr A		
9	Pearson, Mr A R		
10	Alldrige, Mr E		
113	Inxight Software Inc		Inxight Software Inc
278	Mathers, Mr & Mrs D H		
597	Bilbrough, Mr P	Clymping Parish Council	
617	Harting Parish Council		Harting Parish Council
639	Famy, Ms P		
664	Moss, Mrs R C		
813	Friar, Mr C		
949	Pope, Mr & Mrs D		
1003	Lynchmere Parish Council		Lynchmere Parish Council
1066	Newick Parish Council		Newick Parish Council
1133	Janes, Mrs P A		
1134	Janes, Mr R C		
1135	Southbourne Parish Office		Southbourne Parish Office
1155	Cameron, Mr J		
1156	Whitaker, Mr B C		
1157	Coghlan, Mr T B L		
1158	Hanbury, Mr N J		
1236	Nixon, Sir E		
1244	Yarborough, G A		
1252	Hughes, Mr D H		
1253	Fisher, Mr K N		
1254	National Farmers' Union		National Farmers' Union
1361	East Chiltington Parish Council		East Chiltington Parish Council
1368	Mockett, Ms M		
1377	Stansted Park Foundation		Stansted Park Foundation
1382	Dickson, Mr & Mrs E D		
1418	Speed, Mr D		
1673	de Halpert, Mrs A		
1825	Fishbourne Parish Council		Fishbourne Parish Council
1846	Napier, Mrs G		
1881	West Sussex County Council		West Sussex County Council
1957	Exton Parish Council		Exton Parish Council
1962	Lock, Mr T G		
2008	Williams, Mr & Mrs S		
2025	Fernhurst Parish Council		Fernhurst Parish Council

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

		Glynde and Beddingham Parish Council	
2029	Small, Mr A		
2081	Crutchfield, Mr J		
2208	Aldrich, Mr D		
2240	East Wittering Parish Council		East Wittering Parish Council
2300	Crowd, Mr G		
2384	Duncton Parish Council		Duncton Parish Council
2398	White, Mr B J		
2415	Buriton Parish Council		Buriton Parish Council
2422	Bush, Mr R		
2431	Newton Valence Parish Council		Newton Valence Parish Council
2434	The Occupier,		
2437	Winchester City Council		Winchester City Council
2476	Waterson MP, Mr N		
2515	James, Mr S		
2522	Crocombe, Mr & Mrs J & P		
2529	Country Land & Business Association	Country Land & Business Association - South East	Country Land & Business Association
2614	Stride, Mr & Mrs G T		
2678	Westmeston Parish Council		Westmeston Parish Council
2687	Plumpton Parish Council		Plumpton Parish Council
2698	Chichester District Council		Chichester District Council
2708	Mid Sussex District Council		Mid Sussex District Council
2717	Cameron, Mrs J		
2732	Bosham Parish Council		Bosham Parish Council
2820	Upham Parish Council		Upham Parish Council
2823	Bramshott & Liphook Parish Council		Bramshott & Liphook Parish Council
2833	East Hampshire District Council		East Hampshire District Council
3055	Otterbourne Parish Council		Otterbourne Parish Council
3057	Froyle Parish Council		Froyle Parish Council
3065	Chichester Town Council		Chichester Town Council
3068	Wealden District Council		Wealden District Council
3082	Collier, Mr G	Mr J I P Hunt, United Kingdom Independence Party	
3093	Graffham Parish Council		Graffham Parish Council
3095	Wessex Society		Wessex Society
3135	Kingsmill, Mr G		
3150	Jenner, Mrs F E M		
3240	Stroud Parish Council		Stroud Parish Council
3260	Morris, Mr J M		
3273	Connolly, Mr V S T		
3287	Moorhouse, Mr K		
3293	East Sussex County Council		East Sussex County Council
3307	Lewis, Cmdr J E		
3332	Houseman, Mrs T		

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

3336	Barton Willmore Planning	Wates Landmark	Barton Willmore Planning
3342	Evans, Mr G		
3382	Billingshurst Parish Council		Billingshurst Parish Council
3383	Abbott, Ms H		
3395	Whitehill Town Council		Whitehill Town Council
3449	Humphrey, Mr & Mrs R B J		
3489	Milland Parish Council		Milland Parish Council
3529	Robertson, Mrs S J	South Hill Farm	
3534	Three Counties Planning	Horndean Plot Owners' Association	Three Counties Planning
3536	Bignor Parish Meeting		Bignor Parish Meeting
3553	Wood, Mr S D		
3618	Seaman, Mr & Mrs M & C		
3629	Linch Parish Meeting		Linch Parish Meeting
4416	Turner, Mrs J		
4496	Macavoy, Mr I		
4498	Hamlyn, Mrs J		
4534	Stopham Parish Meeting		Stopham Parish Meeting
4892	East Lavington Parish Council		East Lavington Parish Council
4897	Stedham with Iping Parish Council		Stedham with Iping Parish Council
4898	The Occupier,		
4962	Ravenscroft, Mr P		
4968	The Edward James Foundation		The Edward James Foundation
4985	Darley, Mr P J		
4991	Cuninghame, Ms E		
5699	Brough, Mr A		
5771	Tyrie, Mr A		

Annex 2 In Principle Supporters list

ID	Title - informal	Initials	Last name	Company/organisation
204	Mr	J A	Day	
205	Mr	T B	Constable	
206	Mr	J C	Griggs	The Ramblers' Association - Beachy Head Group
207	Mrs	A	Giggs	The Ramblers' Association - Beachy Head Group
208	Mr	M G	Bishop	
209	Mr & Mrs	R	Morley	
213	Mr	P J	Burrows	
218	Mr	A G	George	
219	Mr & Ms	M & T	Boice & George	
220	Mr	N J	Bending	
221	Mr	S	Wenman	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

226	Ms	A F	Lloyd	
227	Mr & Mrs	P K	Gordon	
229	Mr & Mrs	M J	Hogg	
232			The Occupier	
233	Mr	J	Martin	
4906	Mr	H	Largin	
4909	Mr	S M	Johnson	
4910	Mr	R W	Patten	Berkeley House Hotel
4911	Mr	M	Stene	
4913	Mr	J C	West	
4914	Mr	S R	West	
4915	Miss	H	Wells	
236	Mr & Mrs	K	Ashby	
239	Mr & Mrs	M	Pepper	
4891	Ms	K P	Monk	
4895	Mrs	P E	Redhill	
4900	Mr	F	Brown	
4901	Mrs	B M	Jones	
4902	Mr	P	Albertini	
4450	Ms	S	White	
4452	Ms	C	Brockbank	
4460	Mr	A	Mann	
4464	Lady	A	Dunt	
4465	Sir	J	Dunt	
4471	Mr & Mrs		Eburne	
4474	Mr & Mrs	P	Newey	
4483	Mr	B V	Broadbear	
4484	Ms	C	Paren	
4490	Mr	P	Wykeham-Martin	
4491	Mr	C N	Oakley	
4492	Mrs	P J	Oakley	
5740		D F	Brookshaw	
4495	Miss	J	Clarke	
4499	Mrs	R E	Carver	
3514	Mr	R	Wohlers	
4512	Mr	R D	Harrison	
4518	Mr	S	Cullen	
4519	Mr	P	Cullen	
4526	Mr	L	Maschner	
4527	Mr & Mrs	R	Phillips	
4528	Mr	H	Bulsteel	
4533	Mr	T	Broom	
4539	Ms	S	Cole	
4540	Ms	P	Remers	
4542	Dr & Mrs	R M	Topping	
4549				
4556	Mr	J	Place	
4557	Ms	C	Cooper	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

4940	Ms	A	Musgrave	
3259	Mr	H	Dier	
3263	Mr & Mrs	P	Vincent	
3265	Mr	R	Scragg	
3267	Mr	B D	Van Fewit	
3269	Mr	R	Matthews	English Nature
3274	Mr & Mrs	J	Gummerson	
3276	Mr & Mrs	P	Lanley	
3283	Mr	C	Meaney	
3288	Mr & Mrs	J	Gray	
3290	Mrs	V	Sollohub	
3300	Ms	A	Dickin	Coldwaltham Parish Council
4942			The Occupier	
4944	Mrs	S E	Munier	
4986	Ms	M	Bintcliffe	
4997	Mrs	F	Lambourne	
5000	Mr & Mrs		Hoptroff	
4946	Mrs	A	Dickin	Coldwaltham Parish Council
4948	Mr	G	Mayo	
4954	Mr & Mrs	P	Calcott	
4957	Mr	N E	Waters	
4961	Mr	R J	Elliott	
4963	Ms	J	Martin	
4967	Dr	S E	Hitchcock	
4972	Ms	F	Templeton	
4974	Ms	M	Garrett	
4978	Ms	F	Rawlinson	
4979	Mr	D H	Reed	
4981	Mrs	E	Clarke	
5014	Mr	B	Cocum	
170	Mrs	J	Elliott	
183	Mr	E W	Moore	
1	Mr	J	Marks	
4917	Mr & Mrs	A	de Peyer	
4919	Ms	M	Frow	
4923	Mrs	L	Seed	
4932	Mr	W R	Clark	
4935	Mrs	H R	Bailey	
4937	Mr & Mrs	C	Booty	
241	Mr	J	Stockdale	
246	Mr	B K E	Lane	
250	Mrs	M	Baker	
438	Mrs	P	Gledhill	
377	Mr	P	McCleen	
378	Mr & Mrs	S	Rodway	
379	Ms	S	Wallace	
380	Mr	R S	Humphries	
381	Mrs	S K	Ford	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

383	Mr & Mrs	F	Pidgeon	
384	Mr	G T W	Corber	
386	Sir	S	Barrett	
387	Mr	I	Poulson	
389	Mr & Mrs	T B	Butler	
390	Mr & Mrs	P V	Wyld	
391	Ms	E A	Sweeney	
392	Mr	C	Sedgwick	
394	Mr & Mrs	R	Allen	
450	Ms	E S	Spens	
683	Mr	J	Drover	
684	Dame	V	Vera	
686	Mr	J	Seaman	
687	Mrs	D A	Clarke	
447	Mr	I R	Phillips	
375	Mr & Mrs	P B	Archer	
376	Mr	D	Black	
253	Mr	D J	Durrant	
254	Dr & Mrs	G	Barnett	
256	Mrs	J A	Mayo	
258	Mr	E	Jepson	
260	Mr & Mrs	D	Hadman	
18	Prof	M A	Burr	
30	Mrs	P	Blake	
35	Mrs & Mr	D	Palmer-Brown	
47	Mr	C M	Clarkson Webb	
49	Mrs	E A	Wild	
50	Ms	D J	Prickett	
56	Ms	M	Pease	Cowden Conservation Society
57	Mr	J	Steele	
61	Mr	C	Brewerton	
67	Revd	P R	Williams	
75	Mr	R L	Chick	
77	Cllr	J	Clark	
91	Mr & Mrs	G	Bain	
103	Ms	J	Ramsay	
105	Mr & Mrs	P	Snartt	
108	Mr	D	Parsons	
110	Mr & Mrs	B	Rickard	
111	Mr	K	O'Keefe	
115	Ms	J	Gilmore	
116	Mrs	M	Motley	
117	Mr	H	Montgomery	
118	Mr	B	Clegg	
119	Mr	P C N	Poolman	
121	Mr	R	Bliley	
122	Mr & Mrs	B	Johnson	
128	Mr & Mrs	D	Pearce	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

131	Mr & Mrs	J	O'Neil	
134	Ms	T	Gower	
142		J P	Martyn	
143	Mr	S J	Collins	
148	Mr & Mrs	A	Gilmore	
150	Mr	D	Potter	
157	Mrs	P	Jackson	
162	Mr	R	Fenn	
163	Mr	I	Bullock	
168	Miss	P M	Chamberlen	
199	Mr	M	Roberts	Hampshire County Labour Group
200	Mr	M	Massie	
525	Ms	I	Rea	
526	Mr	D A	Johnson	
527	Ms	J	Warner	
529	Dr	C	Leggett	
530	Mr	R S	Kimmis	
539	Mr	M	Hepburn	
540	Mrs	H R	Lyne	
267	Mr	M J	Rawlings	
304	Mr	J	Welch	
314			The Occupier	
332	Mrs	D	Batchelor	
333	Mr & Mrs	P	McCausland	
359	Mr	G T	Dee	
361	Mr & Mrs	A P	Malone	
362	Mr	A K	Pearson	
336	Mr & Mrs	M	Antram	
363	Mr	M A C	Comber	
338	Mr & Mrs	R	Darley-Doran	
339	Mr	M	Elford	
340	Mr	R E	Scott	
341	Dr	J	Hodgkin	
343	Mr	J H	Cottrell	
346	Mr	J	Carrier	
347	Mr	R	Coatsworth	
348	Mr	J	Hornsey	
349	Ms	M J	Sansom	
351	Mr	R	Boniface	
353	Mr & Mrs	N	Beaton	
354	Mr	J	Lindsay	
367	Mr	P	Melline	
368	Mr	T	Dufty	
369	Cllr	I	Olney	Arundel Town Council
370	Mr	J C	Meador	
372	Mr	D M	Waller	
373	Mr	B J	Mayo	
374	Miss	S M	Smith	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

395	Mr	H	Dollin	Seaford Allotments Society & Leisure Gardens
396	Mr	E M	Wardle	
400	Mrs	J B	Morgan	
413	Mrs	J	Lucking	
414	Miss	M J	Collett	
415	Mr	J P	Davys	
416	Mr	B	Webb	
688	Mr	C A	Clark	
689	Mr	R H	Hollister	
691	Mr & Mrs	K W	Balcombe	
693	Mr	B J	Laker	
695	Mr & Mrs	R F	Donoghue	
700	Mrs	R	Laker	
703	Dr	M A	Norman	
710	Mrs	F	Gilbert	
798	Mr	R W	Martin	
799	Ms	D J	Martin	
800	Mrs	M M	Duckham	
801	Miss	M S	Dowell	
808	Ms	F E	Katz	
810	Mr	D R	Hutchinson	
811	Ms	J	Hutchinson	
812	Mrs	M K	Grant	
814	Mrs	J H	Peaston	
815	Mr	M	Marchant	
817	Ms	F E	Crowe	
820	Mr	P	Benham	
667	Mr & Mrs	G	Judd	
669	Dr	E M	Hildyard	
670	Mr	J D	Ames	
673	Mrs	V	Lewis-Jones	
674	Mr	A T	Jones	
676	Mr	S J	Newton	
890	Ms	D	Tschaikov	
891	Mr	B	Tschaikov	
892	Ms	A	Todd	
893	Mr	B	Todd	
894	Mr	P S	Smith	
895	Ms	G K	Logan	
903	Mr	J	Kieran	
904	Mr	G	Logan	
905	Mr & Mrs	K J	Fitch	
906	Ms	M K	Leggett	
907	Mr & Mrs	D	Slee	
452	Mr	M J	Blight	
454			The Occupier	
459	Mr & Mrs	A W	Charlesworth	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

461	Mr	P	Chi	
462	Mr & Mrs	J G	Hills	
466	Ms	H	Morris	
470	Mrs	M E	Wales	
491	Mr & Mrs	G	Franklin	
492	Mr	M	Hellet	
493	Mr	J	Ridley	
494	Mr	A	Orme	
495	Mrs	F M	Orme	
496	Mr	H	Tope	
498	Mr	M J	Denwood	
499	Mr	M	Roberts	
500	Miss	V A	Low	
502	Mr	M E	Wallace	
514	Mr & Mrs	R	Goold	
517	Mr	E A	Spencer	
518	Mr	W J	Briggs	
519	Mrs	P	Briggs	
520			The Occupier	
521	Mr	B	Myall	
523	Ms	S J	Williams	
504	Mr	I	Farquharson Taylor	
506	Mrs	P E	Proctor	
507	Mr	R P	Blows	
510			Wyatt Family	
511	Mr	M	Hagerty	
512	Ms	E	Rickman	Sayers Croft Trust
524	Mr	L J	Dean	
565	Ms	S	Brown	
566	Mr & Mrs	A	Gilliver	
577	Mrs	J M	Morrow	
578	Mr	D T D	Williams	
582	Dr	P	Lyne	
583	Dr & Mrs	K	Petyt	The National Trust
585	Mr	J	Claremont	
586	Mr	J	Stebbing	
587	Dr	R & A	Shelly & Farmer	
588			The Occupier	
594		C A	Charlesworth	
595	Mr	C	Dowty	
596	Mrs	T	Spencer	
598	Mrs	D	Laker	
599	Mr	C	Laker	
600	Mr	A B	Rye	
601	Mrs	J	Lumidbore	
604	Mr & Mrs	D	Curry	
605	Mr	D J	Harris	
606	Mr	J B	Robinson	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

607	Mr	P H	Bickerton	
543			The Occupier	
532	Mr	R	Glenn	
533	Mr	A	Howard	
537	Ms	R	Webb	
608	Mrs	E A	Bickerton	
609	Mr	J	Gregory	
610	Ms	P	Gregory	
611	Mr	M	Oakley	
612	Mr	A	White	
613	Mr	G J H	Stapley	
614	Mr	J	Hague	
615	Dr	C	Greaves	
616	Mrs	A	Freeman	
623	Mr & Mrs		Mannard	
625	Mrs	R J	Harvey	
624	Ms	N	Grange	
3401	Ms	A	Tingley	East Hampshire AONB Joint Advisory Committee
1239	Mr & Mrs	C	Wilkinson	
1241	Mr	D	Nixon	
1243	Mr	D	Barnes	
1245	Mr	G J	Burgess	
1246	Mr & Mrs	N	de Vulder	
1247	Mrs	J	Thompson-Lewis	
1248	Mr	A	Smith	
1249	Mr	P	White	
1250	Mr	N	Hammond	
845	Ms	M P	McGregor	
859	Mrs	J	Broadhead	
860	Mrs	K J	Knight	
861	Mr	J D	Duckham	
862	Mr	C D	Miller	
864	Ms	N	Blake	
865	Mr	N	Wilson	
866	Ms	F M	Wilson	
867	Mr & Mrs	M	Slee	
868	Ms	P	Turner	
869	Mr	R	Lewis	
871	Mr	M S	Grant	
873	Mr & Mrs	R C	Overton	
875	Ms	G	Monaghan	
876	Ms	J	Saunders	
877	Mr	J	Saunders	
881	Mr	J	Simister	
886	Mr	M A	Thorpe	
887	Mrs	G M	Thorpe	
3429	Dr	W	White	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

3430	Mr	J	Greed	
3431	Mr & Mrs	M	Kester	
3432	Mr	F N	Clay	
3433	Professor	M	Clemens	
3434	Mr	R	Liscoe	
3435	Mr & Mrs	C	Breen	
3436	Mrs	D A	Richardson	Brighton & Hove Archaeological Society
3437	Mr	W B	Barden	
3439	Mr	P A	Watson	
3441	Mr	P	Davies	Winchester Labour Party
3443	Ms	M	Hocking	
3444	Mr	D S	Baker	
3462	Mrs	E H	Hughes	
3465	Mr & Mrs	J	Kennett	
3467	Mr	N J	Mitchell	
3469	Mr	E	Farrar-Taylor	
3475	Ms	M	Piper	
3477	Dr & Mrs	H	Blake	
3481	Mr	J D	Remers	
3483	Mrs	B G	Smith	
3484	Ms	S	Jennings	
3485	Mr	C	Hitchcock	
3486	Mr & Mrs	A J	Clark	
3487	Mr & Mrs	J	Stratton	
3488	Ms	B J	Sprules	
3490	Miss	R E	Henley	
3494	Mrs	J D	James	
3496	Mr & Mrs	M	Buse	
3497	Mr	B	Smith	
3499	Mr	C	Gray	
3309	Mrs	M	Gates	
3310	Miss	B M	Price	
739	Mrs	A	Seifert	
1098	Mr	P M	Pendle	
1099	Mr	D J	Mills	
636	Mr & Mrs	A P	Smith	
637	Miss	L J	Manning	
649	Mrs	M	Ribbons	
659	Ms	J S	Pickles	
661	Ms	G	Eiloart	
666	Dr	C	O'Leary	
910	Mr	J	East	
915	Mr	P B	Fenton	
916	Ms	C	Halstead	
917	Mr	D F	Pike	
918	Mr	G J	Marrs	
926	Mr	S J	Nelson	
948	Mrs	A	Marshall	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

1080	Mrs	A	Alderson	
751	Mr	J M	Noe	
752	Mrs	W	Noe	
753	Mrs	P	Seymour	
754	Miss	S	Hodges	
755	Mr	B	Mawson	
757	Mr	J C	Weston	Liss Forest Residents Association
977	Mrs	C M	Collins	
981	Ms	J	Martin	
985			The Occupier	
990	Mrs	I	Howells	
995	Ms	M	Bradbury	
1002	Mr & Mrs	R S	Brown	
1004	Mr & Mrs	T	Collins	
1006	Mr	A R	Newberry	
1007	Mrs	E V J	Newberry	
1064	Ms	H	Buckingham	
1065	Mr	R	Buckingham	
1068	Mr	P	Windsor-Aubrey	The Upper Itchen Valley Society
1163	Prof & Mrs	J	Lord	
1164	Mr	R W	Allan	
1166	Mr	R	Ewing	
1179	Ms	J M	Baxter	
1185	Mr	P	Murphy	
1191	Mrs	P	Hill	
1192	Ms	E O	Bradley	
1195	Mr & Mrs	H G	Hyde	
1211	Mr & Mrs	J C	Pope	
1220	Mr	T	Holmes	
1221	Mr & Mrs	H L	Higgins	
1228	Mr & Mrs	B	Pennock	
1230	Mrs	A V	Williams	
1231	Ms	A	Wright	
1232	Mr & Mrs	E	Solleveld	
944	Dr & Mrs	D	Price	
943	Mr	B	Smith	
1297	Ms	H	Rowles	
1298	Mr	V	Russell	
1299	Mr	D	Redman	
1300	Mrs	S C	Jerrard	
1301	Mr	A J	Booton	
1320	Mrs	A	Dale-Harris	Greatham Parish Council
1370	Dr	M S	Curtis	
1375	Mr	C	Ulph	
1376	Mrs	M	Firth	
1422	Ms	D	Waddell	
1295	Mr	P	Russell	
	Mr			

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

1296	Ms	B	Charles	
951	Ms	S	Organ	
940	Ms	S	East	
937	Dr	A B	Watson	
932	Mr & Mrs	J	Hall	
931	Ms	J	Hoadley	
928	Mr	T	Minnikin	
1565	Mr	J S	Pullinger	
1566	Mr	B	Spraggon	
1568	Mr	R	Tinsley	
1569	Mr	S	Jackson	
1570	Mr	J I	Ford	
1573	Mrs	J M	Turner	
1574	Ms	J	Moor	
725	Mr & Mrs	M R	Isitt	
732	Mr & Mrs	M J S	Fisher	
761	Mr	J M S	Ekins	
762	Mrs	D E	Ekins	
763	Ms	J	Drewett	The Ramblers' Association - Chippenham
764	Mr	P	Duckworth	
765	Dr	M	Allnutt	
766	Ms	M	Allnutt	
767	Ms	T	Macleod	
768	Ms	M P	Buckle	
769	Ms	N	Chapman	
772	Mrs	P	Brannigan	
774	Mr	J	Flower	
775	Mr	P F	Pople	
777	Mr	C M	Ritchie	
778	Mr	K E	Stotesbury	
779	Ms	A A	Keast	
781	Ms	D C	Bullock	
782	Mr	S J	Hill	
783	Mr	J F	Page	
784	Ms	J	Royle	
785	Mr	A W	Thompson	
787	Mr	B	Clasby	
788	Mrs	J M	Clasby	
789	Mr & Mrs	A E & L D	Yeo & Byers	
792	Dr	P	Attwool	
796	Mr	T S	Hart	
797	Mr	T	Knight	
1019	Ms		Rabjohns	
1020	Ms	M M	Moore	
1022	Miss	D G	Carr	
1024	Mr	M J	Greenstreet	
1027	Mr	G K	Isted	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

1040	Mr	A	Vere-Krauze	
1041	Mrs	P	Krauze	
1042	Mrs	J	Angell	
1043	Ms	B J	Storey	
1044	Ms	G	Mawne	
1045	Mr	D	Mawne	
1047	Ms	V	Lewis	
1050	Mr	R	Purcell	
1054	Mrs	R M	Sanderson	
1055		R J	Gould	
1056	Mr	I R	Gould	
1057	Ms	M T	Hewitt	
1058	Mr	R W A	Mitchell	
1059	Mr	R	Vogt	
1060	Mr & Mrs	R	Wootton	
1112	Mrs	C	Dibden	
1115	Mr	R	Rolley	East Grinstead Town Council
1117	Mr	H	Comber	
1125	Mr & Mrs	B	Glover	
1126	Mr & Mrs	S	Goldhill	
1127	Ms	K	Washington	
1130	Mr	E	Turner	
1132	Mr	N	Kingsley	
1136	Ms	C J	Parish	
1137	Mr	R	Meyer	
1142	Dr & Mrs	E P	Echlin	
1143	Mr	K	Paren	
1145	Mr	M	Newlands	
1146	Mrs	J D	Blake	
1147	Mr	I F	Blake	
1149	Ms	H	Maclean	
1151	Ms	E	Wicken	
1161	Mr	P D C	Points	
1168	Mr	P	Perks	
1170	Mr & Mrs	P	Evans	
1171	Mr	S	Barnes	
1174	Mr	D H	Holmes	The Ramblers' Association - Central and East
1255	Mrs	M	Clutterbuck	
1256	Mr	L M	Clutterbuck	
1257	Mrs	O	Redman	
1258	Mr		Cussel	
1259	Ms	A C	Cussell	
1260	Mr	J	Cheesman	
1261	Ms	D	Voice	
1262	Ms	J	Webb	
1263	Mr	T	Pink	
1264	Ms	J	Cheesman	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

1265	Mrs	A	Dale-Harris	
1266	Mr	J	Dale-Harris	
1267	Ms	T	Gitsham	
1268	Mr	T	Voice	
1269	Mrs	S	Rudd	
1270	Ms	L M	Fudge	
1271	Mr	C	Geffen	
1272	Ms	R	Geffen	
1273	Mrs	P	Knocker	
1274	Mr	F L	Cross	
1275	Mrs	M	Cross	
1276	Mr	D	Rudd	
1277	Ms	V	Burrows	
1278	Mr	M	Burrows	
1279	Mr	T	Prothero	
1280	Mr & Mrs	N	Evan-Look	
1281	Mrs	D	Evans	
1282	Mr	E	Evans	
1283	Mr	C	Stephens	
1284	Mr	L A	Carr	
1285	Mrs		Booton	
1286	Mr & Mrs	W	Rogers	
1287	Ms	A F	Carr	
1288	Mrs	J	Tagg	
1289	Ms	A	Snook	
1290	Mr	J	Lodder	
1291	Mr	J	Clarke	
1292	Mr	P	Flack	
1293	Mr	A	Cheesman	
1294	Ms	V	Lodder	
1330	Mr	G W	Heard	
1332	Mrs	E	Witham	
1333	Ms	J	Billett	
1334	Ms	S M	Stock	
1336	Mr & Mrs	C M	Winch	
1338	Ms	I	Gray	
1339	Mr & Mrs	D	Herbert	
1340	Mr	P	Macliesh	
1341	Mr	K C	Piercy	
1342	Ms	W M	Strachan	
1343	Mr	R	Brown	
1350	Mr	R H	Newman	
1355	Mrs	C	Passingham	
1356	Mr	W R F	Urquhart	
1358	Dr & Mrs	J D	Edwards	
1359	Miss	J	Wallace	
1364	Mr	R A	Richardson	
1367	Miss	D P M	White	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

1378	Mrs	G J	Miles	Cocking Parish Council
1384	Mr	L J	Mackey	
1385	Mrs	F F G	Finucane	
1386	Mr	R	Finucane	
1387	Mr	N	Kendall	
1390	Ms	S J	Astbury	
1391	Mr	P	Orpen	
1395	Ms	B	James	
1893	Mr	C J	Smith	Havant Group of the East Hampshire Walking to Heath Initiative
1896	Mr	M	Bateman	
1898	Ms	A	Wigglesworth	
1899	Mr	O A	Evans	
1901	Mrs	N M	Elston	
1903	Mrs	A M	Rodrigues	
1904	Mr & Mrs	A	Harries	
1905	Mr & Mrs	M	Lees	
1907	Mr	A W	Bundy	
1908	Mr	N	Henry	
1912	Mr	P	Dunkley	
1913	Mrs	J M	Gourd	
1918	Mr & Mrs	K	Court	
1919	Mr	D	Goodwin	
1920	Mr & Mrs	B	Wright	
1922	Mr	T	Moon	
1955	Mrs	P A	Elkins	
1956	Mr	A	Elkins	
1967	Mr	I	Burhand	
1969	Ms	C	Drummond	
1970	Mr	J M	Matheson	
1971	Mrs	S	Callaghan	
1973	Mr	I D	Mallin-Jones	
1961	Mr & Mrs		Smith	
1397	Ms	S	Steane	
1398	Mr	C	Paine	
1399	Mrs	J	Barton	Lewes Railway Land Wildlife Trust
1400	Mr	P K	James	
1402	Mr & Mrs	E A	Ginn	
1406	Mr	C M	Baker	
1407	Ms	A	Robinson	
1409	Mrs	G	Hutchins	
1410	Dr	R	Ilbert	
1411	Mr	W	Graham	
1412		M & J	Stephens	
1415	Mr & Mrs	J	Douglass	
1576	Mr	D	Chilton	
1577	Mr	L W	Lee	
1578	Ms	K	Mitchell	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

1584	Mr & Mrs	D A	Jones	
1585	Mrs	R	Miles	
1586	Mr	P D	Miles	
1587	Mr & Mrs		Lucas	
1601	Mr	M	Hartley	
1626	Ms	E	Crawley	
1631	Ms	G	Davies	
1633	Mr & Mrs	J E D	Keeling	
1634	Mr & Mrs	J	Stannard	
1636	Mrs	C	Moss	
1637	Ms	J	Miller	
1638	Mr	B R	Hutchins	
1639	Ms	M	Bennett	
1640	Mr	M C	Bennett	
1641	Ms	E B	Pilliner	
1646	Mr	A M W	Grant	
1647	Ms	M	Willis	
1649	Mr	R J	Cleevely	
1654	Ms	S	Hodgton	
1655	Mr	R	Cave	
1656	Ms	K	Lanning	
1658	Mr	J A	Bennett	
1659	Ms	K	Bennett	
1661	Mr & Mrs	B S	Edmondson	
1662	Ms	E	Guy	
1663	Ms	R	Winship	
1664	Mr	B	Winship	
1665	Mr & Ms	D & J	Kelly Leigh	
1666	Mr	R F	Baker	
1667			The Occupier	
1669	Mr & Mrs	M	Pawlyn	
1670	Mr & Mrs	M	Richards	
1671	Ms	B	Finch	
1605	Mr	I R	Cheal	
1608	Mr	G	Mayhew	
1609	Mrs	D M	Healy	
1613	Mr	M H	Mugridge	
1614	Mr	D	Ashcroft	
1615	Mr	A	Fensome	
1617	Mr	G	King	
1620	Mr	K	Chesley	
1621	Ms	A	Chesley	
1623	Mr	A J	Clarke	
1674	Mr & Mrs	F	Wort	
1678	Mr	B	Biedermann	
1680	Mr	G	Loach	
1684	Mr	J	Richards	
1687	Mr	R J	Lorimer	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

1688	Mrs	J	Cooper	
1690	Dr	B A	Latham	
1691	Mr & Mrs	N A	Wheeler	
1692	Professor	R	Grimble	
1694	Miss	J	Petrie	
1697	Mr	G	Godwin	
1699	Ms	J	Palmer	
1706	Mr	M B	Jones	
1708	Ms	A	Stevens	
1723	Mr & Mrs	A T	Hill	
1724	Mr	R B	Brockhurst	Ringwood & Fordingbridge Footpath Society
1725	Ms	J	Phillips	
1727	Mr	J S	Moppett	
1766	Mr	I	Craig	
1767	Mrs	P	Pirie	
1771	Mr	W	Thuillier	
1772	Ms	A	Rehin	
1776	Mrs	C	Dibden	Chawton Parish Council
1777	Ms	J	Mack	The Ramblers' Association - Kensington, Chelsea & Westminster Group
1780	Mr & Mrs	R	Jude	
1781	Mr & Mrs	K	Beardsley	
1782	Ms	V	Jones	
1783	Mrs	L	McArthur	
1784	Mrs	H	Ross	
1785	Mr	H	Head	
1787	Mr	Q B	Lang	
1790	Mr	P	Philpot	
1795	Mr	P	Stainsby	
1796	Mr & Mrs	K J	Whiteman	
1797	Mr	A L L	Skinner	
1803	Prof	J M	Hooke	
1806	Mr	A H	Sexton	
1812	Mrs	D G	Dye	
1814	Mr & Mrs	N D	Hughes	
1816	Mr & Mrs	C	Lewis	
1818	Mr & Mrs	F	Heckscher	
1819	Mr & Mrs	M	Schutz	
1820	Ms	C	Fletcher Buckwell	
1822	Mr & Mrs	J	Thackray	
1826	Mr	D J B	Gatenby	
1824	Mr	N	Foot	
1831	Dr	D J	Drew	
1832	Mr	D	Belfield	
1833	Mr	P J	Bozon	
1838	Mr	R E	Matthews	
1839	Mr	J F	Moor	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

1840	Ms	A	Pannell	
1841	Mr	C G	Pannell	
1842	Mr	J	Paren	
1843	Ms	H	Paren	
1845	Mr	L	Benson	
1848	Drs	R A & SE	Gould	
1851	Ms	M	Hart	
1852	Ms	A	Jobbins	
1853	Mrs	S A	Clark	
1854	Mr & Mrs	R	Moleland	
1855	Mrs	P	Moose	
1856	Mrs	M	Jeffery	
1857	Mr	P J	Taylor	
1858	Mr & Mrs	D R	Teale	
1859	Mr	R W H	Aveson	
1861	Mrs	S M	Anderson	
1863	Mr		Milletts	
1874	Ms	L	Mansson	
1876	Mr	A G	Davies	
1975	Mr	R G	Gayfer	
1976	Mr	D H K	Harris	
1996	Mr	A R	Prescott	
1999	Mr & Mrs	M	Mingay	
2000	Mrs	Z K	Saunders	
2002	Mr & Ms	A J	Heap	
2003	Mr	R K C	Evans	The Ramblers' Association (Goldaming & Haslemere Group)
2004	Mr	M	Palmer	
2006	Mrs	I	Opie	
2007	Mr	R J	Bolton	
1923	Mrs	E	Synett	
1927	Mr	D	Gourd	
1928	Mr	J	Holloway	
1933	Ms	R	Rose	
2277	Mr & Mrs	B	Farncombe	
2278	Mr	A J	Gunton	
2279	Mr	P	Kent	
2288	Ms	S	Cook	
2295	Ms	S	Clay	
2296	Mrs	C	Lister	
2297	Ms	S	Axon	Epic Group plc
2224	Mr	A J	Sambrook	
2226	Mr	S	Morea	
2227	Dr	J	Ross	
2230	Mr	J	Jenkins	
2233	Mr	G	Wardale	
2236	Dr	J	Rodgers	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

2237	Mr	J	Hale	
2239	Ms	C	Heymanson	
2241	Ms	C	Shand	
2242	Mr & Mrs	J	Leonard	
2243	Mr	R	Chandler	
2244	Ms	C	Tongue	
2359	Mr	F	Baden-Powell	
2360	Ms	C	Baden-Powell	Pells Amenity Group Lewes
2197	Mr	R	de Winter	
2198	Mrs	L	de Winter	
2199	Mr	T	Martin	
2207	Mr	D	Crawley	
2212	Ms	F	Gladwyn	
2213	Mr	K	Carr	
2215	Ms	W	Morton	
2216	Mr	M	Phillips	
2217	Mr	C	George	
2218	Mr	M A	Ross	
2402	Mr	J C	Bucknam	
2403	Mr	M	Sayers	
2404	Mr	D	Vodden	
2405	Ms	J W	Craig	
2406	Mr	S	Hull	
2407	Mr	R A	Dean	
2408	Mr	D J	Dunford	
2411	Mrs	J	Earle	
2413			CPRE Hampshire	CPRE Hampshire
2414			CPRE Hampshire	
2416	Mr	P R	Harris	The Steyning Society
2417	Ms	D M	Lansdell	
2266	Mr	M	Holford	
2267	Mr	R	Hughes	
2268	Ms	J	Noltingk	
2271	Ms	U	Dean	
2275	Mr	E	Croft	
2380	Mrs	J	Gladwell	
2385	Mrs	J	Mettyear	
2386	Ms	S	Dudley	
2388	Mrs	R	Carter	
2389	Mr & Mrs	M E	Lee	
2390	Ms	R	Stanton	
2391	Miss	A	Bain	
2392	Mr	B G	Hovell	
2393	Mr	L A G	Green	
2394	Mr	A M	Fisher	
2399	Professor	W R	Ward	
2400	Mr	D K	Ray	
2307	Mr	L K	Robinson	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

2310	Ms	C	Gann	
2312	Mr	C	Baker	
2315	Mr	D F	Jarman	Kingston Parish Council
2325			DMH, Solicitors and Planning Consultants	
2326	Mr & Mrs	D	Oakley	
2327	Ms	E	Westbrook	
2328	Major	A C J	Wigmore	
2330	Ms	M	Lawlery	
2362	Prof	D C	Hanna	
2363	Mrs	S	Hanna	
2364	Mr	J A	Finch	
2365	Mr	S	Coffee	
2366	Mrs	D L	Midgley	
2368	Mr	D W	Ketteridge	
2371	Mr & Mrs	J	Mills	
2372	Mrs	D E	Williams	
2373	Mr	P R	Fenwick	
2374	Ms	M R	Loud	
2375	Mrs	R E	Powell	
2376	Ms	E	Ward	
2378	Mr & Mrs	S A	Longhurst	
1940	Mrs & Mr	L	Brunjes	
1943	Ms	A	Richards	
1947	Mr & Mrs	K W	Howard	
1951	Mrs	E P C	Robson	
2011	Ms	F	Simmonds	
2015	Mr	D	Lentaigne	
2018	Mr	D	Knott	
2019	Miss	A S	Hill	
2021	Professor	S	Anglo	
2024	Mr	G	Birrell	
2026	Mrs	E	Lindert	
2041	Mr & Mrs	J H	Mason	
2042	Ms	J	Livingstone	
2043	Mr	P	Livingstone	
2044	Mr	R	Bowery	
2046	Mr	D	Burgess	
2047	Mr	R M D	Tranter	
2055	Mr & Mrs	M R	Street	
2057	Mrs	J	Morrow	Steyning Ramblers
2062	Mrs	A P	Martin	
2063	Dr	G	Vines	
2064	Dr	F	Price	
2031	Mr	D	Gann	
2033	Mr & Ms	L	Cavendish	
2034	Mr	P K	Robinson	
2036	Mr	A	Griffin	
2071	Mrs	S	Butterfield	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

2072	Mr	P	Scott	
2073	Mr	H A	Fletcher	
2075	Mr	R R	Kimpton	
2079	Mr & Mrs	F	Tunley	
2080	Mr	I	Case	
2082	Ms	P	Griffiths	
2083	Mr	P J F	Mansley	
2084	Mr	N W	Greene	
2087	Mr	E M	Pullinger	
2088	Mr	M E	Huck	
2090	Mr	M	Dawsl	
2091	Mr & Mrs	A H	Crayden	
2094	Mr	J B	Yates	
2095	Mr	P	English	
2122	Mr	E O	Bannister	
2123	Mr and Mrs	G	Collins	
2125	Mr	J	Clark	
2140	Mr	D G	Kent	
2141	Mr	J M	Peterson	
2142	Mrs	P	Spicer	
2143	Mr	T C	Horsfield	
2144	Mr	C A	Thornton	
2164	Mr	J	Downe	
2165	Ms	F	Downe	
2166	Mrs	M G A	Jacklin	
2167	Ms	J	Lawson	
2168	Mr	A	Isted	
2171	Ms	J	Mortimer	
2172	Mr	M B	Owen	
2173	Mr & Ms	D	Jear	
2174	Mr & Mrs	R G	Bond	
2177	Mr	L J	Owen	
2178	Mrs	S J	King	
2179	Mr	M	Carroll	
2180	Mr & Mrs	B	Tucker	
2181	Ms	V	Alends	
2182	Mr	S	Cowell	
2183	Mr & Mrs	P	Delaney	
2184	Ms	H	Hallaul	National Trust - Kensington & Chelsea
2187	Ms	D	Vey	
2188	Ms	G	Schonzeler	
2190	Mr	J E	McLeary	
2192	Ms	M	Bain	
2193	Mrs	R	Richardson	
2194	Ms	M J	Roberts	
2331	Ms	C	Blackwell	The Co-operative Group - South East Region
2332	Miss	E	Hayward	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

2333	Mr	G H	Hollobone	
2336	Mr & Mrs	F G	Barker	
2337	Ms	P E	Wigmore	
2338	Mr & Mrs	J	Downes	
2341	Mr & Mrs	J	Creedon	
2343	Mr	J	Woolhouse	
2344	Mr	B	Bailey	
2345	Mr	I	Hassall	
2347	Mr	I G	Duffin	
2348	Ms	P	Crabb	
2352	Ms	A M	Bryan	
2803	Miss	J M	Wright	
2814	Mr	S H	Ball	Deepdene School
2817	Ms	R	Lingard	
2818	Mr & Mrs	D and P A	Read	
2825	Mrs	D M	Saunders	
2826	Mr	D G	Saunders	
2827	Mrs	J	Potter	
2828	Mr	R	Beadle	
2829	Mr & Mrs	D	Hawtin	
2830	Mr	H	Matthews	
2831	Mrs	J	Matthews	
2801	Mrs	M	Cooper	
2842	Mrs	M A	Paren	
2848	Ms	E	Knox	
2849	Mr	E	Westerman	
2850	Dr	L J	Wilson	
2853	Mr & Mrs	P	Crump	
2854	Mrs	M	Casey	
2855			The Occupiers	
2856	Ms	S C	Chiari	
2862	Miss	H	Lockhart	
2832	Mr	J R	Nolan	
2835	Ms	N	Bowman	
2836	Dr	F	Rose	
2837	Mr	P J	Rose	
2838	Mrs	P W	Rose	
2839	Mrs	A	Dunnell	
2840	Mr	N D	Paren	
2841	Mr	N D	Paren	
2424	Mr & Mrs	S	Bates	
2426	Mr	N	Gonvett	
2432	Mr	M	Shaft	
2438	Mr	P J	Pullinger	
2439	Mr	N	Gott	
2446	Mr	T	Light	
2447	Mrs	E F	Robinson	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

2448	Mr	A	Grace	
2462	Mr	E	Davies	
2463	Ms	C	Orchard	
2464	Mrs	A	Bellwood	
2465	Mr	N	Hearn	
2468	Mr & Mrs	M & S	Westmacott	
2474	Mr	A	Laker	
2475	Mr & Mrs	J	Westgate	
2503	Mrs	E	Peckham	
2504	Mr & Mrs	M & S	Buckingham	
2505	Ms	M	Leeson	
2506	Mr	K	Leeson	
2508	Mr	K	Young	
2513	Mr	C	Dean	
2523	Mr & Mrs	J & S	Feechan	
2524	Mr & Mrs	N & D	Wall	
2526	Mr	F	Thompson	
2535	Ms	L	Rivers	
2539	Ms	S	Otter	
2558	Mrs	A	Webb	
2563	Mr & Mrs	B	Chattock	
2569	Ms	L	Fairbank	
2570	Mr	B	Whitaker	
2572	Mrs	M	Todd	
2573	Mr & Mrs	D	Pattison	
2576	Mrs	M	Lewis	
2577	Mrs	J P K	Southwark	
2580	Ms	J S	Fan	
2581	Mr	P G	Kirk	
2586	Lady	J	Portal	
2587	Mr	J	Hasksley	
2588	Mr	M A	Berriman	
2590	Mr	E	Graham	
2591	Mr	M	Dove	
2593	Ms	B	Bloom	
2596	Mr & Mrs	K	Clark	
2597	Mr	C	Brereton	
2599	Mr & Mrs	D	Reed	
2602	Ms	L	Valman	
2604	Mrs	R	Robertson	
2605	Mr	C	Hipwell	
2607	Mr & Mrs	J R	Blyth	
2608	Mrs	S A	Tainched	
2609	Miss	M	Easton	
2610	Ms	E	Clasley	
2611	Ms	M E	Herdman	
2612	Mr	J C	Hicks	
2618	Mr	G A	Dean	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

2619	Mrs	M E	Lawrence	
2621	Ms	J	Rix	
2622	Ms	M	Badham	
2626	Ms	P	Anthony	
2654	Dr	R A	Finch	
2657	Mr	G H	Buchanan	
2659	Dr	M	Knott	
2661	Mrs	C G W	Goodall	
2662	Mr & Mrs	B	Fogden	
2663	Mr	P	Flatter	
2664	Mr	B	Mabon	Battle Ramblers
2668	Ms	S	Green	
2671	Mr	P C	Owen	
2672	Mrs	E	Rawlinson	
2684	Mr	S	Lambert	
3066	Mr	P	Snelling	
3067	Mr & Mrs	B A	Bangert	
3069	Ms	J	Peebles	
3072	Mr	P	Gripton	
3073	Mr	K	Armitage	
3074	Ms	J	Gripton	
3081	Mr & Ms	N and R	Ingram and Martin	
3094	Mr & Mrs	B	Chibnall	
3096	Mr & Mrs	J S	Maxwell	
2692	Mrs		Slattery	CPRE Mid Hampshire district Group
2758	Miss	M L	Elliott	
2760	Messrs	D & R	Bee	
2761	Ms	A	Bee	
2762	Ms	R	Bee	
2765	Mr	T A	Rumford	
2767	Ms	E	Banks	
2769	Ms	J	Bee	
2770	Mrs	B L	Stotesbury	
2771	Ms	B	Buchanan	
2773			The Occupier	
2774	Mr	H C	d'Olier-Lees	
2777	Mrs	W	Paine	
2779	Mr	F	Ryan	
2782	Mrs	R	Soden	
2901	Mr	R	Groves	
2902	Miss	M	Wilcockson	
2903	Mrs	V	Smith	
2904	Mr	M A	Smith	
2905	Mr	P	Elliott	
2906	Ms	H	Jonathan	
2907	Mr	M	Ople	
2908	Ms	A	Chalker	
2909	Mr	R J A	Brett	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

2910	Ms	J	Winchester	
2911	Mr & Mrs	D J	Denyer	
2912	Ms	C	Price	
2913	Mrs	A	Duncan	
2914	Messrs	A C & G C	Waddilove	
2915	Mr	C T	Britton	
2916	Ms	A-C	Ballard	
2917			Chiverton Family	
2918	Mr	T	Sellers	
2919	Mr & Mrs	P F	Worldidge	
2920	Mrs	L	Nolan	
2921	Mr	O	Ruffel	
2922	Miss	S	Beck	
2923	Mrs	L	Scott	
2924	Mrs	J	Ruffel	
2925	Mr & Mrs	C	Davis	
2926	Mrs	J	Crosthwaite	
2927	Ms	C	Ruffel	
2928	Mr	A	Ruffel	
2929	Revd	A	Smith	
2930	Ms	C	Hazlett	
2931	Ms	S	Kneller	
2932	Ms	T	Porter	
2933	Mr & Mrs	S	Sellers	
2934	Mr	C	Stephen	
2935	Ms	L	Mitchell	
2936	Ms	C	Sellers	
2937	Ms	D	Clarke	
2864	Mr & Mrs	B	West	
2867	Mr & Mrs	M and S	Swalwell	
2869	Mr	L	Harvey	
2870	Mrs	C M	Glyn	
2871	Ms	J	Burges	
2872	Mr	S J	Finney	
2873	Mr	P	Burges	
2874	Mr	P	Newell	
2878	Mrs	B	Serjeant	
2886	Ms	N	Lerner	
2888	Dr	K E M	Moody	
2889	Mrs	J	Goddard	
2891	Mr & Mrs	A	Evans	
2897	Mr	P	Kenney	
2750	Mr & Mrs	A M	Harris	
2751	Mr	R	Lumsden	
2755	Ms	M	Effenberg	Liss Village Design Group
2756	Mr	T	Grant	
2757	Mr & Mrs	G G A	Cumming	

INSPECTOR'S REPORT: SOUTH DOWNS NATIONAL PARK

2938	Mr & Mrs	A T	White	
2941	Mrs	G M	Weyndling	
2948	Mrs	C	Wade	
2950	Mr & Mrs	R	Jackson	
2951	Ms	M K	Hewitt	
2954	Messrs	A & S	Katharine & Morton	
2961	Mrs	Z M	Stemp	
2962	Ms	A	Ashe	
2964	Mrs	W H J	Green	
2967	Ms	J	Pringle	
2968	Ms	R	Baker	
2971	Miss	S J	Hart	
2972	Mr & Mrs	J	Braithwaite	
3017	Ms	S	Ford	
3019	Mrs	C M	Austin	
3024	Mr	J A	Heard	
3025	Mrs	B A	Heard	
3027	Mrs	P	Cameron	
3028	Mr	R	Pearson	
3035	Mrs	G	Baker	
3037	Mrs	J E	Barnett	
3041	Mr & Mrs	S A	Roberts	
3044	Mr	J C	Vint	
3046	Mr	C J	Smith	
3047	Mrs	K	Burney	
3049	Mr	T	Struthers	
3056	Mr & Mrs	N and J	Hall	
3058	Mrs	J	Hoare	
3059	Ms	S	Tanner	
3060	Ms	J	Lovis	
3061	Mrs	D M	Digby	
3062	Ms	E	Coombes	
3063	Ms	E	Graves	
3100	Mr	A	Janes	
3102	Ms	C	Cartwright	
3106	Mr & Mrs	T F	Healy	
3111	Mr	T O	Morley	
3124			The Occupier	
3125	Mrs	S	Challen	
3126	Mr	K M	Challen	
3128	Mr	D	Brewster	
3129	Mr & Mrs	A R	Cowan	
3132	Mr	R	Cook	
3134	Mr	J R	Irwin	
3136	Mrs	K V	Irwin	
3140	Mr	A J	Swales	
3141	Prof & Mrs	D G	Colin-Jones	
3142	Mr & Mrs	D L	Edwards	

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3145	Ms	A	Isted	
3148	Mr	C N	Perry	
3149	Mrs	E B	Tennent	
3155	Ms	S	Petri	
3156	Mr & Mrs	A	Taylor	
3157	Mr	A	Tapp	
3170	Ms	O	Robinson	
3171	Mr & Mrs	M T	Marwood	
3172	Dr & Mrs	P D	Partner	
3174	Mr	R G	Conrad	The Ramblers' Association - Beachy Head Group
3176	Ms	H	Arlidge	
3179	Mr	R	Keyzor	
3180	Mr & Mrs		Allison	
3186	Mr	M	McCarthy	
3187	Mr	M G	Wright	
3190	Mr	J	Funnell	
3191	Mrs	J P	Arthur	
3194	Mr & Mrs	I	Pinder	
3200	Mr	J S	Heatley	
3627	Mr	H	Palmer	
3628	Mrs	M	Coxon	
3630	Mr & Mrs	D	Wood	
5730				
4990	Mr		Black	
5003	Mrs	M O	Piazza	
5005	Professor	J	Layson	
5006	Mr	T	Locke	
5007	Ms	A	Locke	
5008				
2716	Mrs	A J	Aslin	
2720	Mr	G	Elliott	
2722	Mrs	L	Jessup	
2730	Ms	D	Wykeham-Martin	
2731	Ms	S	Hunt	
2734	Mr	B K	Chesterton	
2736	Ms	S	Thompson	
2738	Mr and Mrs	I N & C J	Harman	
2740	Mr & Mrs	C	Sutton	
2742	Mr	D	Lepper	
2746	Mr	J A	Best	
2976	Mr		Williams	
2977	Miss	F	Hall	
2979	Mr	P J	Bell	
2983	Mr & Ms	C J & C	Pitcher & Butler	
2984	Mr	R S	Waterman	
2986	Mr	M A	Turner	
2987	Ms	A	Moran	

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2988	Mr	D	Taylor	
2994	Mr	J L	Burns	
3526	Mrs	A M	Nelson	
3527	Mr	R C J	Nelson	
3531	Mr	N	Sweet	West Sussex Labour Party
3533	Right Reverend Dr	J A	Baker	
3537	Mr	C	Hiscock	
3539	Mr	R J	Martin	Bishopstone & Norton Preservation Committee
3541	Ms	A I	Napper	
3542	Ms	J	Farnan	
3545	Dr	A	Mangel	
3546	Mr	H M	Clarke	
3550	Mr	J	Durnell	Hampshire and Isle of Wight Wildlife Trust
3322	Ms	K B	Parrett	
3323	Mr	G	Parrett	
3349	Ms	B M	Cope	
3350	Mr	K B	Cope	
3351	Ms	M	Hodges	
3352	Ms	E M	Reitsema	
3353	Mr	A	Fellows	
2996	Ms	J L	Hunter	
3202	Mr	D A	Jordan	
3205	Ms	J	Waddilove	
3207	Ms	J	Pinney	
3209	Ms	J E	Owen	
3210	Ms	K I	Stewart	
3213	Ms	J	Fielder	
3217	Miss	G	Bauer	
3223	Ms	F B	Turner	
3224	Ms	C	Lumsden	
3230	Miss	K E	Price	
3235	Ms	C R	Bennett	
3238	Mr & Mrs	M	Shaw	
3410	Mr	A	Marshall	
3411	Mr	D G	Colebourne	
3413	Mrs	P	Dodsworth	
3414	Mr & Mrs	J	Hicks	
3415	Mr & Mrs	D A	Lovett	
3416	Ms	M	Townsend	
3419	Ms	M	Heaton	
3423	Ms	J	Joyce & family	
3427	Mrs	D	Long	
3315	Mr	R	Barrow	
3319	Mr	M	Brunner	
3320	Mrs	S E	Clarke	
3321	Mrs	J	Stewart	

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3354	Mr & Mrs	D	Curry	
3355	Mr & Mrs	W	Bradshaw	
3356	Ms	D	Dahl	
3359	Mrs	C	Dibden	
3369	Ms	S	Edwardes-Evans	
3371	Mr	P	Berry	
3372	Mrs	O	Nussey	
3374	Mr	A	de Jong	
3379	Ms	S	Paulsson	
3390	Ms	D	Sumann	
3391	Mr	R	Sumann	
3392	Ms	J	Barkway	
3393	Mr	M	Metcalf	The Hollywater Society
3394	Mr	A	Metcalf	The Hollywater Society
3503	Mr	A	McAllister	
3504	Mrs	M	McAllister	
3505	Ms	S	Payne	
3506	Ms	V	Payne	
3507	Mr	C	Payne	
3508	Ms	C	Miles	
3515	Mr	R A	Mullenger	
3516	Cllr	W E	Edmonds	Rodmell Parish Council
3611	Mr & Mrs	M & M	Chandler	
3614	Mr	P	Hale	
3615	Mr & Mrs	N & J	Armstrong	
3626	Ms	P	Goddard	
3631	Ms	E	Taylor	
3639	Ms	R	Foord	
3645	Mr	R	Rabbetts	
3658	Mr & Mrs	A	Malsher	
3662	Ms	L H K	Marsh	
3663	Ms	S	Denbigh	
3665	Mr	M J	de Jong-Smith	
3675	Mr	D W	Evans	
3681	Ms	M	Barber	
3690	Ms	P	Rose	
3691	Mr	C	Brooks	
3700	Mr & Mrs	R	Charlton	
3249	Mr	F	Hutton	
3250	Mr	P	Ransom	
4411	Ms	E	Lamb	
4412	Mr	M	Campbell	
4420			The Occupier	
4421	Ms	K	O'Dwyer	
4423	Mr & Mrs	M	Alderson	
4427	Mr	R J	Dorrington	
4428	Miss	A M	Betty	
4436	Ms	J	Wallace	Sussex Path finders Rambling Club

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4437	Mr	D M	Hardy	
4438	Mr	R G	Clist	
4443	Mr & Mrs	A	Hayes	
4448	Mr	A L	Sharman	
5733	Ms	R	Dans	
5734	Mrs	I	Roberts	
5735	Mr & Mrs	H D	Leff	
5779	Ms	R	Chambers	Council for National Parks
5790	Mr	I	Brookes	South Coast Against Roadbuilding (SCAR)

SOUTH DOWNS NATIONAL PARK

PART 2: BOUNDARY REPORT

PART 2 REPORT: BOUNDARY OBJECTIONS

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**

Abbreviations used in this report

PSDNP	Proposed South Downs National Park
AONB	Area of Outstanding Natural Beauty
SCB	Statutory Conservation Board
JAC	Joint Advisory Committee
NPA	National Park Authority
LPA	Local Planning Authority
SEERA	South East England Regional Assembly
LDA	Landscape Design Associates
CROW	Countryside and Rights of Way Act 2002
LDF	Local Development Framework
SDC	South Downs Campaign
MoD	Ministry of Defence
SSSI	Sites of Special Scientific Importance
SNCI	Sites of Nature Conservation Importance
NNR	National Nature Reserves
LNR	Local Nature Reserves
SAM	Scheduled Ancient Monuments
RIGS	Regionally Important Geological Sites

* *

INTRODUCTION

- 1.1 In the Part 1 Report, I considered the “in-principle” objections by reference to the chalk hills that extend from Winchester as far east as Eastbourne – land that is widely accepted as forming the core or essence of the PSDNP. I concluded that because of their natural beauty and the opportunities they provide for open air recreation, the chalk hills merit National Park status and deserve the additional resources, focus and integrated management that only a NPA can provide.
- 1.2 Having reached that conclusion it is now necessary to consider the extent of any new National Park, including its precise boundary. These matters are addressed in this Part 2 report together with the associated AONB de-designation orders and the proposed Arundel Variation Order. In addition, annex C to this report includes my conclusions and recommendations in respect of the possible administrative/management arrangements in the event that the Secretary of State decides to confirm the National Park Designation Order, that is the “Governance” of any new National Park.
- 1.3 The Agency sub-divided the near 500 kilometre PSDNP boundary into shorter more manageable lengths or sections to reflect differences in landscape character. In due course I consider the objections to the PSDNP boundary section by section in turn, section A through to W. Before embarking on this exercise the Part 2 report addresses a number of matters more general in their nature and application. These are in turn, the inclusion of non-chalk landscapes, settlements, a marine boundary, split parishes and boundary setting considerations. My conclusions on these general matters provide a context or background to my consideration of the detailed boundary objections.
- 1.4 While I consider these general matters as part of the Part 2 report, that is as essentially boundary issues, it should be noted that some are deemed to be of such significance that they virtually amount to overriding “in-principle” objections in their own right. In particular, perhaps, objections directed at the inclusion of Wealden and other non-chalk landscapes in the PSDNP. Indeed much of the material examined during the “chalk-only” inquiry sessions covered ground also addressed in the separate “in-principle” inquiry sessions. In practice this

could not be avoided as some of the concerns raised by objectors were relevant to issues considered in both sessions. I mention this at this time in order to clarify that although my conclusions on the "chalk-only" and other general matters are found within this report, these conclusions need to be read together with the earlier Part 1 report.

- 1.6 For each of the general matters that I address prior to my consideration of detailed boundary objections, I begin by identifying the key points raised by objectors and the Agency's response. This material sets the scene for my own conclusions and also allows me to introduce oral submissions and evidence additional to that contained in the written documentation.
- 1.7 For obvious reasons my conclusions draw upon the reports prepared by the Landscape Assessor – Mr Nigel Buchan. His main report forms annex A of my report(s). Amongst other things his report examines in detail the arguments raised by objectors regarding the satisfaction or otherwise of the statutory criteria. Although my report covers much of the same ground, and therefore overlaps the Assessor's report, I have resisted the temptation to summarise or otherwise rehearse the detailed material contained in his report. Mr Buchan also prepared a separate report at my request – this forms annex 2 to my report. This report considers the landscape of the A3 corridor and the Rother Valley. These are places where my site inspections and my reading of the background documentation led me to the view that for some additional scrutiny would be helpful.
- 1.8 Attached to this report are appendices containing details of the representations lodged during the period when the Orders and other material was on deposit, together with lists of core and inquiry documents (CDs and IDs respectively), Countryside Agency responses (CARS) and a record of those who appeared at the inquiry.

2.0 INCLUSION OF NON-CHALK LANDSCAPES

KEY POINTS RAISED BY OBJECTORS (NOTABLY BY WEST SUSSEX CC AND CHICHESTER DC – THE COUNCILS – IN THE EVENT THAT THEIR "IN-PRINCIPLE" OBJECTIONS ARE NOT ACCEPTED)

- (i) Approach

- The Agency's assessment of the statutory natural beauty and recreational opportunity criteria was flawed. In respect of natural beauty, some of the key criteria identified in the 2002 Landscape Character Assessment Guidance (CD57) – representativeness, wildness and tranquillity – were not formally assessed. The inter-relationship between the natural beauty and recreational criteria was ignored. The PSDNP does not have the traditional National Park characteristics of openness, wildness and remoteness that provide opportunities to “get away from it all”. These are highlighted in previous policy interpretations. Even if the chalk hills have these characteristics, which is disputed, the Weald and the coastal lowlands certainly do not.
- Previous consideration of the South Downs as a National Park from Dower onwards always concerned itself with the merits of the chalk hills of that name. Not until 1999 did the Agency claim that the 2 AONBs equated with the South Downs. Taking the 2 AONBs as a starting point for its Area of Search study was misguided inasmuch as both contain landscapes that do not have National Park characteristics and lie well beyond everyday understanding of the South Downs. Moreover, the Agency's acceptance that the 2 AONBs satisfied the statutory criteria was taken without any prior landscape assessment.
- CD57, rather, indicates that the first step in considering a potential new National Park is to select broad areas on the basis of their special value measured against a set of criteria. This exercise was undertaken by WSCC/CDC – the councils - in order to identify a more appropriate Area of Search – see 1881, sections 4 and 5 for details together with the associated HDA plans.
- The exercise revealed that key elements of the South Downs are their underlying chalk geology (Plan HDA17), rolling topography (Plan HDA18) and their land-use and vegetation. These were mapped to identify areas having the highly distinctive character of the South Downs. It is these areas that provide opportunities for a markedly superior recreational experience and more properly form an appropriate Area of Search. The same exercise also identified the areas devoid of South Downs character which clearly do not merit National Park status and those where further scrutiny would be required at boundary assessment stage – see Plans HDA20, A to E, and section 6 of Proof 1881 for written description. If this alternative approach is accepted, the definition of a precise boundary would then be a matter for the Agency.
- The key conclusion of the alternative Area of Search exercise is that the Wealden landscapes and the coastal lowlands

should be excluded from any new National Park. In particular because they do not have the characteristic natural beauty of the Downs and offer recreational experiences that are commonly available in other reasonably attractive farmed lowland landscapes. While the Downs display some of the characteristics of National Parks – relative wildness, openness and lack of settlement – the Weald comprises a much more enclosed and closely settled landscape with few opportunities to enjoy undisturbed long distance walks. It is also significant that some Wealden landscapes have undoubtedly deteriorated since they were designated as AONBs in the 1960s.

(ii) Unifying factors or links

- The inclusion of the Weald and other non-chalk areas in the PSDNP is justified by the Agency on the basis of a number of unifying factors which are said to link them to the chalk hills. The relevance of this concept is disputed albeit that it may have some value where downland characteristics are in transition. Contrary to the Agency's suggestion, the issue in dispute is not simply the deemed significance of the links in question.
- Geology was initially said to be the strongest link (CD49, para 32) but the relationship of the chalks to the clays and the Greensand is not unique to the PSDNP, it occurs across the remainder of the south-east of England.
- So far as visual links are concerned, while there is substantial intervisibility between the chalk hills and the Weald, the hills are equally visible from non-designated parts of the Weald as well as from virtually all of the coastal lowlands. The Agency relates the visual links to the concept of "borrowed character". But this is not part of the statutory criteria or even the latest national character assessment guidance (CD57). And although there are historic/cultural connections between the Weald and the Downs, these can be found throughout the whole country. The unifying links argument clearly does not justify the inclusion of an assemblage of different landscapes in the PSDNP
- At the inquiry the Agency put forward geomorphological links as also being of critical importance notwithstanding that it had not previously been identified as a key unifying link. But the claimed "scarpland theme" of the PSDNP cannot be easily read on the ground and the Wealden scarps themselves continue northwards into the Surrey Hills AONB. Indeed the evidence on this matter confirms that the Wealden parts of the PSDNP and the Surrey Hills AONB have much more in common than the Weald and the chalk hills; the latter area

having been designated as a separate AONB as a matter of administrative convenience.

(iii) New Forest National Park decision

- The Secretary of State's decision in respect of the New Forest National Park, issued while the South Downs inquiry was in progress, provides strong support for the claim that if there is to be a South Downs National Park it should be limited to the chalk hills. The Agency adopted the same approach in its promotion of both areas as new National Parks and the New Forest decision is clearly relevant to the outcome of the South Downs designation process. A detailed rehearsal of the objectors' case can be found in CD257 and Doc.1881/1/10 together with its written response to the Agency's case as set out in CAR641. Key points are summarised below.
- Firstly it is significant that the Inspector and Assessor both support the objectors' claim that while the quality of natural beauty required for AONBs and National Parks is the same, the type of natural beauty required for National Parks is different. The latter require a type of natural beauty based upon a distinctive character which contains relatively wild, remote and tranquil land. By contrast the Agency approach takes the natural beauty of land having AONB status as a given.
- Having readily accepted that the core of the New Forest had the necessary National Park qualities, the Inspector and Assessor compared the character of peripheral areas to the character of the core. If it did not possess this core character it was excluded even if it was of high landscape value – the Avon Valley on the western flank of the New Forest being an obvious example. In total the excluded areas amounted to 14% of the area promoted by the Agency.
- In adopting this approach the Inspector and Assessor reflected the view expressed by the Inspector at the earlier Dartmoor National Park Designation (Variation) Order Inquiry i.e. that land should be Dartmoor character and national quality. The existing National Parks may have variety and consist of more than one landscape character area but they are nevertheless coherent and distinctive entities. When Hobhouse was seeking variety and diversity he was referring to differences between National Parks not within them. Doc.1881/1/13 sets out the way in which this traditional approach to designation could be applied to help define a South Downs National Park.
- In respect of the statutory natural beauty criterion the New Forest Assessor concluded that the Agency failed to have

proper regard to its own best practice guidance on the assessment of landscape quality.

- Similarly, the New Forest Inspector and Assessor were dismissive of the Agency's approach to unifying links. The Agency relies on these to justify the inclusion of non-Chalk areas. It also mistakenly equates this concept with connectivity which is actually a different concept that was applied in the New Forest to gauge the relationship of land to the core character area.
- The inclusion of towns and large villages was also criticised as a matter of principle and a number were subsequently excluded. In the same way towns in the PSDNP such as Petersfield, Lewes, Midhurst and Arundel also fail to satisfy the designation criteria.
- With regard to the recreational opportunities criterion, it is evident that the Inspector and Assessor both found the Agency's reference to a markedly superior recreational experience to be problematic. In practice both recognised that the recreational experience of candidate areas had to relate to the character and qualities of the core area. Recreational experiences unrelated to these were discounted.
- Contrary to the case promoted by some objectors at the South Downs Inquiry, it is noted that the New Forest Inspector took recreational potential into account in certain carefully specified circumstances. While this interpretation is arguable in law, it appears that in the PSDNP this discretion was applied much more widely.
- So far as the "especially desirable" requirement is concerned, firstly the Inspector rejects the Agency's contention that this is not relevant at the boundary setting stage of the designation process. Similarly, he refutes the narrow interpretation of the test put forward by the Agency in respect of the PSDNP as confirmed by the fact that he takes account of considerations other than natural beauty and recreation.
- Conclusions relating to planning matters need to be seen in the light of the many differences between the New Forest and the PSDNP. The former is much smaller in extent with few large settlements and a modest population and only 2 local authorities affected to a significant degree. Given the different circumstances, conclusions regarding planning arrangements in the New Forest simply cannot be transposed to the PSDNP.
- In the virtual absence of any "in-principle" objections to the designation of the New Forest as a National Park, the Inspector and the Secretary of State had no difficulty concluding that a new National Park was appropriate. By

contrast there are many significant "in-principle" objections to the PSDNP.

AGENCY'S RESPONSE

(i) Introduction

- Although the WSCC/CDC objection to the inclusion of non-chalk landscapes is a fall-back position in the event that their in-principle case is rejected, much of their evidence challenges the very concept of a South Downs National Park. This response therefore has to be read together with the Agency's response to the in-principle arguments – see, for example, the comments on landscape diversity set out in section 5 of CAR 7 (summarised in section 2.7 of the earlier Part 1 report). Moreover the joint objection does not provide an alternative boundary for a PSDNP that can be assessed against the Agency's detailed boundary setting considerations, rather it promotes an alternative Area of Search study. This suggestion is therefore the focus of this response.

(ii) Approach

- In July 2000 the Agency agreed a revised approach to defining National Park boundaries (CD44). This saw the first step as being the identification of a broad area that met the statutory criteria – the Area of Search exercise. This was followed by the identification of a precise boundary. This latter step took close account of the Hobhouse boundary considerations (CD74) but also reflected more recent landscape character assessment guidance and the plan-led approach to town and country planning. In correspondence the Minister indicated that this was a "sensible way of proceeding". As the East Hants and Sussex Downs AONBs met the natural beauty criterion, the Agency concluded that it would be necessary for the Area of Search exercise to assess whether all or part(s) of both (or indeed non-AONB land) should be designated.
- CD57 provides guidance on the identification of broad areas for landscape designation. It does not distinguish between AONBs and National Parks nor state that the broad areas should be limited to an individual or particular character area. It notes that the broad areas identified in the national landscape character map (CD56) can be the basis for selection but recognises that character area boundaries need

not coincide with designation boundaries. The character areas provide a value-free description of an area but do not indicate the suitability of a landscape for designation.

- CD 57 is different in its detail to the earlier 1993 and interim 1997 guidance, but these differences do not affect the methodology or viability of the Agency's approach. While a sense of wildness and tranquillity were not part 1993 natural beauty criteria, these and other "intangible" elements were considered as part of the overall assessment – see CD58 and annex 1 of CD135 for example. Selective use of CD57 by some objectors has led to undue emphasis on characteristic natural beauty, openness and a sense of relative wilderness. The Agency, by contrast, considers that landscape quality is the key determinant of natural beauty.
- While the PSDNP is dominated by the chalk downlands it also contains a number of associated high quality landscapes with the potential to offer a markedly superior recreational experience.

(iii) Unifying factors

- The chalk hills are linked to adjoining areas of symbolic and beautiful English lowland countryside through a combination of so-called "unifying factors"; these include visual, historical, geological, cultural and ecological factors. Where the unifying links are weak, areas are excluded even where they are of high quality, for example the Pevensy Levels. The main issue between the Agency and the Councils is not so much the relevance of these factors as their significance.
- The basis for considering landscape quality and unifying links is set out in the Agency's approach to boundary setting (CDs 33 and 44). Subsequently, CD49 considered the case for including Wealden landscapes within the PSDNP.
- CD49 notes that the strongest link between the landscapes of the Weald and the chalk is geological, with chalk, clays and Greensand always occurring in sequence. At the inquiry this relationship was examined in more detail (CARs 347, 348, 351, 428, 429 and 476). Amongst other things this exercise revealed that a boundary based on underlying geology i.e. a chalk-only National Park, would be inappropriate and impractical. None of the existing National Parks is confined to an outcrop of a particular geological formation. Detailed evidence presented by the South Downs Campaign (CD217) looked at this matter in detail. Significantly this illustrates a variety of both landscapes and character within and between the existing National Parks. The Dartmoor Inspector may have emphasised the homogeneity and characteristic natural

beauty of Dartmoor but that is not the situation in most of existing National Parks. The South Downs would not be an exception to the rule in the way objectors' claim.

- While geology can contribute to physical character and natural beauty, the resulting landforms are probably more important as these are the features that are actually seen. In that regard the presence of a succession of Cretaceous scarp features within the PSDNP gives it a distinct and recognisable character – a “scarpland” theme. These features are not limited to a particular rock type.
- At the inquiry it was generally accepted that visual links and borrowed character were not limited to the chalk hills. Indeed the descriptions of some nearby national character areas in CD56 are littered with references to character derived (or “borrowed”) from the chalk uplands. It is not the case that the South Downs are perceived by everyone to be the chalk hills.
- It should be noted also that the Sussex Downs AONB, and to a lesser extent the East Hants AONB, both include chalk and Weald landscapes. Since their designation the chalk and non chalk areas have been managed in an integrated manner. While it is accepted that some AONBs were designated on a county basis, by and large they were designated on the basis of landscape character rather than administrative convenience. If the Surrey Hills and West Sussex Weald had been regarded as a characteristic landscape area they could have been designated as a single AONB.

(iv) New Forest National Park decision

- A detailed written account of the Agency's views regarding the application of the New Forest decision to the South Downs can be found in CARs 427 and 641. A brief summary of the Agency's case appears below.
- While the New Forest report and the Secretary of State's decision are of relevance to the PSDNP, it is important to recognise at the outset the notable differences in the geographic nature and designation history of the respective areas. The application of the Agency's general policy approach in the New Forest to the South Downs has to be seen in the context of these differences. It is also worth noting that in the New Forest most objectors were seeking to exclude land, in the South Downs most claimed that the designation boundary had been drawn too conservatively.
- As mentioned elsewhere, the existing National Parks embrace a wide diversity of landscape and the suggestion that each should be of a single distinctive landscape character

misinterprets the 1949 Act. As well as being the smallest, the New Forest National Park is the only one that lies within a single Country Character Area and, not surprisingly, it displays a high degree of homogeneity in terms of its landscape character. By contrast the PSDNP is more diverse and includes a collection of distinct character areas, chalk, Wealden, river floodplains and coast. Together these form the core landscape areas of the PSDNP, an assemblage of broad landscape character areas that fit together to form a constituent whole.

- So far as the statutory recreational criterion is concerned, the New Forest Inspector specifically commends the methodology adopted in the South Downs to assess a markedly superior recreational experience. This recognises that recreational opportunity is based on the natural beauty derived from the landscape in question. The New Forest decision is also entirely in accord with the Agency's approach towards the recreational potential issue.
- The 2 stage approach adopted by the Agency towards designation, that is the identification of a broad area of search then the identification of a boundary, was supported by the New Forest decision. Criticisms raised by the Inspector generally related to the application of the designation criteria to the New Forest and to the transparency of the area of search exercise. The suggestion that the Assessor at the New Forest either rejected or ignored the Agency's new policy approach is not accepted. Rather the Agency considers that the approach it adopted in the New Forest (and South Downs) is wholly consistent with the views expressed by the Assessor.
- When the Agency commissioned the area of search exercise for the PSDNP it took as a starting point the broad area recognised as being of national importance – the 2 AONBs. These included parts of 5 separate national character areas. These were in turn broken down into 9 landscape character areas. The landscape was considered afresh whereas the New Forest exercise took account of a number of relatively recent landscape assessments which had a strong influence on the outcome of the designation process.
- Unlike the Councils, the Agency regards connectivity and unifying links as one concept. They are not tests for the designation of land but are relevant considerations to be weighed in the boundary setting process. In the New Forest the Assessor consistently had regard to connectivity. While the Assessor criticised the weight given to the historical system of land management, in the PSDNP the Agency relies on links that are clearly manifest within the landscape. In particular, geology, geomorphology, and visual linkages.

These connect or link areas that satisfy the statutory criteria to the core chalk landscapes. It is worth noting that in response to early concerns regarding the inclusion of Wealden landscapes the Agency commissioned CD49. This confirmed that they satisfied the designation criteria.

- Finally, although few "in-principle" objections were lodged in the New Forest, the Inspector's report did consider whether a New Forest NPA should be established. He concluded that it should be. To that extent at least the "especially desirable" issue was addressed at the New Forest Inquiry.

SUPPORTING REPRESENTATIONS

Inspector's Note

- Many representations express broad support for a new South Downs National Park. I refer to these where they seem to me to add to the case presented by the Agency. It may be helpful at the outset to highlight the representations put forward by the South Downs Campaign (SDC). The SDC is the umbrella organisation representing 80 national, regional and local organisations. It submitted a series of papers and annexes as part of the "in-principle" debate addressed in the Part 1 report – Docs.3275/1 to 3275/3. The Part 1 report does not rehearse this material as it did not seem to me to add to the case presented by the Agency. Some of this material is, however, also relevant to arguments concerning the inclusion or otherwise of non-chalk landscapes. Accordingly, this material is also taken into account in this Part 2 report. Similarly I have also taken account of other papers produced by the SDC which seem to have a particular relevance to the non-chalk landscape issue. In particular, perhaps, the papers "Market Towns", "Geology and Biodiversity in the designated National Park", "Landscapes of National Parks" and its Opening and Closing statements (Docs.CD260, 3275/13/1, CD217, 3275/12/1 and CD262 respectively.)
- In addition to all of the above, the SDC appeared at the inquiry on many occasions, and also submitted written submissions, in support of the inclusion of additional land in the PSDNP. These site-specific boundary objections are addressed when objections to individual sections of the PSDNP boundary are considered.

INSPECTOR'S CONCLUSIONS Re. NON-CHALK LANDSCAPES

Introduction

- 2.1 In the previous Part 1 "In-principle" report, I concluded that the PSDNP contains an extensive tract(s) of land that warrants designation as a National Park and deserves the focussed management and resources that only a NPA can provide. That conclusion was reached by reference to the core or essence of the PSDNP, the chalk downland that stretches for over 100km from Winchester to Eastbourne; land which has the iconic chalk hills commonly known as the South Downs at its heart. The PSDNP, of course, extends beyond that core area and includes extensive non-chalk landscapes.
- 2.2 In considering the inclusion of non-chalk landscapes I see no need to revisit the arguments about such matters as the Agency's consultative arrangements, recreational potential or the extensive tracts test that are all addressed in the Part 1 report. Similarly I see no need to address the way the South Downs was perceived as a candidate National Park in the past. For current purposes it is sufficient to note that earlier consideration of the area as a potential National Park always focussed on the chalk hills.
- 2.3 Many of those opposed to the PSDNP "in-principle" argue that if there is to be a new National Park in this corner of the country, it should be limited to the chalk downland. Indeed, it is my impression that many of those who oppose the PSDNP might have supported the concept if it had been promoted on that basis. For obvious reasons it is necessary to consider the arguments relating to the inclusion of peripheral non-chalk landscapes before considering the objections to the detailed PSDNP boundary.
- 2.4 For convenience I address these arguments under a number of different heads before setting out my overall conclusions on the inclusion or otherwise of non-chalk landscapes. In addressing the arguments I refer to the New Forest National Park decision (CD204) as and where appropriate. In addition I include a few comments to help clarify my views on the importance and relevance of that decision.

2.5 It is also important to confirm at the outset that my conclusions regarding the way the Agency approached the designation process have been informed by the reports prepared by the Landscape Assessor, Mr Nigel Buchan. He attended all of the "in-principle" and "chalk-only" inquiry sessions and has had access to all of the relevant inquiry material. His reports form Annex A and B to my report. While my conclusions make frequent references to his reports in the interests of brevity I do not quote extensively from them.

Relevance of New Forest decision

2.6 The Secretary of State's decision in respect of the New Forest National Park Designation Order was issued while the South Downs Inquiry was sitting. Neither the Councils nor the Agency dispute that the decision (including the report prepared by the Inspector and Assessor) is relevant to the outcome of the South Downs Inquiry, albeit that the Agency and the Councils attach different weight to its importance. The decision is of especial relevance, it seems to me, because it includes a recent and thorough assessment of the Agency's policy approach to the application of the designation criteria. That approach was the same in the New Forest and the South Downs. Being the first major inquiry into the designation of a new National Park in the last 50 years it is difficult to exaggerate the importance of the exercise.

2.7 I note also that the conclusions reached in respect of New Forest took full account of current national guidance on landscape character guidance (CD57) and the Agency's new policy (CD43). In respect of these, at least, the New Forest case can be distinguished for the earlier consideration of the Dartmoor National Park Variation Order.

2.8 CAR641 explains why the Agency considers that the New Forest decision has only limited relevance to the outcome of South Downs inquiry. In particular the Agency draws attention to the many differences between the New Forest and the South Downs. In its view these differences mean that it is not possible to rely on conclusions relating to the way the policy approach was applied to particular tracts of land in the New Forest. In the Agency's view the Councils have taken insufficient account of the differences between the respective areas and the way these have influenced designation decisions.

- 2.9 I think these cautionary words are appropriate to a degree. Any comments regarding, say, the appropriateness of including particular areas of land in a New Forest National Park must be read in the context of the uniqueness of both the land in question and the wider Park. The fact that the summary tables setting out the Agency's approach to boundary definition in the New Forest and the South Downs are different in their detail confirms that potential National Parks have to be examined in the light of their particular circumstances. Even so I am not convinced that comments and conclusions regarding particular areas or boundaries should always be disregarded or discounted simply because each National Park has a unique character or landscape. A recommendation in respect of a particular area or boundary is likely to be informed by acceptance or otherwise of the Agency's approach to the interpretation of the statutory criteria, as well as its application. To take one example, the New Forest decision found it necessary to consider the merit or otherwise of including sizeable settlements in a National Park. To my mind this issue has a relevance to the PSDNP notwithstanding that individual settlements are all different.
- 2.10 I return to the New Forest decision as appropriate elsewhere in the report. For the moment I would mention that I am not convinced that it wholly vindicates the Agency's approach to the designation process. The concerns identified by the Landscape Assessor in the New Forest seem to me to be relevant to both the Agency's approach in the South Downs and its application to individual parcels of land. The Landscape Assessor makes the same point in annex 1.

Nomenclature

- 2.11 The chalk hills known as the South Downs broadly correspond with countryside character area 125 in the national character map (CD56). It is these hills that have been viewed as a candidate National Park on a number of occasions over the last 50 years. This is also the definition of the South Downs adopted by Peter Brandon in his fascinating book "The South Downs". The non-chalk landscapes within the PSDNP lie to the south and more especially to the north of them. It seems to me that by including these landscapes the Agency has defined a possible South Downs National Park that is different to the common perception of the area having that name. However, I am not convinced that this is of itself a significant problem and it certainly does not warrant the exclusion of the

non-chalk landscapes (or the chalk landscapes that lie outside the South Downs) simply to more accurately reflect its title.

- 2.12 In the final analysis, I see the title South Downs National Park as a useful shorthand description even though the designated area includes land that forms parts of other geographic areas. It might have been more accurate to describe the designated area as, say, the "South Downs, Weald and Coastal Lowlands National Park" but that is a very cumbersome and long-winded description. Moreover that title could itself be criticised as it suggests that the South Downs, Weald and the coastal lowlands in their entirety would have National Park status.

Area of search exercise

- 2.13 The definition of the PSDNP involved a 2 stage process. Firstly a broad area of search was identified taking account of the Agency's new policy, secondly a detailed boundary was defined. The area of search report - CD36 - describes the methodology used in the initial stage and sets out how the statutory criteria were interpreted to identify which areas might be suitable for inclusion in the PSDNP. Amongst other things CD36 recommended an area of search that included most of the East Hampshire and Sussex Downs AONBs together with some non-AONB land. By this time, of course, and in advance of the CD36 landscape character assessment, the Agency had already concluded that the 2 AONBs at least satisfied the natural beauty criterion (CD42). Section 3 of the Assessor's report considers the area of search exercise in some detail.
- 2.14 CD36 indicates that the option of National Park concentrating on the chalk landscapes was not favoured at that time because it was considered that it would be a relatively small geographical area with limited recreational opportunities and a low capacity to accommodate high visitor numbers and a wide range of user groups. It was also said that a National Park focussed on the chalk landscapes would to be divorced from gateway towns and difficult to plan. As I understand it, the broad thrust of the CD36 recommendation was accepted by the Agency at its Board meeting in March 2001 (CD41).
- 2.15 In his report the Assessor contends that the Agency placed undue weight on wider policy objectives at the area of search stage. In that regard I note that the area of search exercise did not restrict itself to an assessment of the statutory

criteria. Indeed the document suggests that access to sustainable transport modes, social inclusion, the provision of recreational opportunities and the accommodation of visitor numbers would all benefit from a widely drawn National Park. It adds that such matters should inform the decision making process. In practice it appears that these wider policy considerations did influence the decision to recommend an area of search based on the 2 AONBs and other land rather than the alternate "chalk- only" and "AONBs" options.

- 2.16 It does not necessarily follow that one of the latter options would have been favoured by the Agency if the wider policy considerations had been given less weight. The available evidence, notably CD41, also suggests that these wider considerations did not directly influence the Agency's area of search decision in any event. Even if I am wrong about that, I note that all of the written and oral evidence from the Agency was promulgated on the basis that land has to satisfy the statutory criteria if it is to be included in the PSDNP.
- 2.17 The Assessor's consideration of the area of search exercise in the light of the objections and the relevant guidance in CD57 appears in section 6 of his report. Briefly he identifies a number of concerns. In addition to concerns relating to the adopted methodology or approach, he also identifies a lack of transparency in the way the natural beauty and recreational opportunity criteria were both assessed. Similar concerns regarding the assessment process were raised by the Assessor at the New Forest Inquiry. In this instance the Assessor contends that the lack of transparency and the uncertainty that this engenders undermines the whole assessment process and falls short of recommended best practice. The significance of the deficiencies identified by the Assessor lead him to recommend at para. 6.85 of his report that some findings of the area of search stage in the designation process needs to be reviewed. In his view the area of search was drawn too widely initially and by including all of the 2 AONBs, the Agency made prior assumptions about the value of that land contrary to its own best practice guidance. Subsequent stages in the designation process did not adequately challenge that initial assumption. Generally I share these concerns and I return to the area of search question in my overall conclusions.

Assessment of natural beauty

- 2.18 The Assessor identifies a number of concerns relating to this issue. Having reviewed in detail the way the statutory criteria have been interpreted in the past he concludes that the traditional National Park qualities of tranquillity, openness, a sense of wildness and remoteness are still relevant today. In the South Downs these have to be weighed against the fact that designated land in lowland areas is likely to be less tranquil (but often more accessible) than that in upland areas. The test of relative wildness also has to be considered in relation to the pressures that exist in the south-east. Additionally he attaches weight to the importance of "characteristic natural beauty" in assessing whether land should be included in a National Park. By "characteristic" he refers to land having "an individual, distinctive and coherent identity". I return to this in paragraphs 2.29 to 2.35 below. In summary, therefore, the Assessor considers that the Agency has placed too little emphasis on National Parks being remote, wild and of characteristic natural beauty.
- 2.19 In my opinion none of the concerns identified by the Assessor in the preceding paragraph undermine the key conclusion in the Part 1 report, namely that the PSDNP includes an extensive tract of core chalk downland that merits National Park status. As mentioned previously, in my opinion this tract of chalk downland is an iconic landscape that has a special place in the nation's psyche. I consider that it has the traditional National Park qualities identified by the Assessor and also satisfies any characteristic natural beauty requirement. Importantly I consider that it meets the test of a "sense of relative wildness" which is highlighted in the Agency's new policy approach. Although this is not expressly part of the statutory criteria, in my view it is one of the key qualities that tend to distinguish National Parks from other scenically attractive landscapes. Indeed the concept of relative wildness can be traced back to Dower via the Edwards Report and other policy reviews in the intervening years.
- 2.20 However, it seems to me that the Assessor's concerns do argue against the inclusion of non-chalk landscapes in the PSDNP. Tranquillity, openness, a sense of wildness and remoteness are not qualities generally associated with the coastal lowlands or much of the more settled, intimate and enclosed Wealden landscapes. In my opinion these landscapes generally do not have the hallmark qualities necessary to satisfy the statutory criteria. This in turn affects their ability to provide a markedly superior recreational experience. I would add, for the avoidance of doubt, that my

conclusions in this regard are by reference to lowland landscapes generally; it goes without saying that the peripheral landscapes in the PSDNP are less open, wild, tranquil and remote than the upland National Parks in England and Wales.

- 2.21 While I share the Landscape Assessor's doubts regarding the presence of the necessary hallmark qualities within the non-chalk landscapes of the PSDNP, the Councils' assertion that they were overlooked in the Agency's landscape assessment is somewhat unfair. When CD36 was prepared, natural beauty was assessed in the light of the 1993 guidance – the relevant guidance at that time. That guidance did not explicitly refer to wildness, tranquillity and some of the other matters that appear in the current guidance. But the interim 1999 guidance was available in draft form at that time, and the Agency confirms that it had regard to it. Much of the material in the interim guidance was carried forward into the current guidance. I note also that the report *Assessing Landscapes for Designation* (CD58) specifically mentions that the assessment process took account of more intangible matters such as tranquillity and a sense of relative wildness.
- 2.22 Although it is difficult to be certain, it seems to me that the assessment process did not ignore or overlook the indicative criteria identified in current guidance for attaching value to landscapes, but it may not have taken them fully into account. Certainly there is little evidence to confirm that the ability of the non-chalk character areas to satisfy the up-to-date criteria was analysed in detail. I do not find the exercise in appendix 1 of CD135 to suggest otherwise persuasive. Uncertainty regarding the assessment of matters such as relative wildness and tranquillity support the Assessor's concerns regarding the transparency of the assessment process. If I am wrong about the Agency's assessment of more intangible matters, I would simply say that I doubt if it gave them sufficient weight in the boundary setting exercise.
- 2.23 Notwithstanding the doubts regarding the way natural beauty was assessed, I recognise that the non-chalk landscapes of the PSDNP contain land having high scenic attraction and land that is internationally recognised for its ecological value – see SDC submission "Geology and Biodiversity in the designated National Park" for example. By and large the non-chalk areas that are within the 2 AONBs continue to merit that status. Indeed it seems to me that they contain tracts of quintessential English countryside.

- 2.24 It should be noted, nevertheless, that the non-chalk landscapes within the PSDNP contain 2 sizeable areas where satisfaction of the natural beauty criteria is at least arguable. Having considered the Rother Valley and the A3 corridor in some detail (Annex 2 to this report) the Assessor recommends that they be excluded from any National Park as they fail to satisfy the natural beauty and recreational opportunity criteria.
- 2.25 The Assessor is not the first person to recognise that the natural beauty of these areas is compromised in certain respects. The Agency itself acknowledges that the Rother Valley is intensively cultivated and contains glasshouses, the busy A272 and the towns of Midhurst and Petworth. The A3 corridor likewise contains a significant amount of built development and is also notable as a major transportation corridor. Notwithstanding these points, the Agency favours their inclusion in the PSDNP: not so much because of an ability to satisfy the statutory criteria, but seemingly because of a concern that exclusion would effectively separate other undoubtedly high quality land from the core chalk hills and thus render their inclusion in the PSDNP inappropriate. In the Assessor's view, which I share, this stance is at odds with the Agency's stated approach to the need for land to itself satisfy the statutory criteria if it is to warrant inclusion in the PSDNP.

Variety of landscape character

- 2.26 The PSDNP includes all of countryside character area 125 – the South Downs – and parts of another 5 national countryside character areas (CD56). As I understand it the individual areas are all deemed to have a distinctive character when assessed at a regional or national level. This arises from the underlying geology, landform, land-use and other factors which in concert give each character area a particular identity or sense of place. The identification of distinctive character areas does not attempt to ascribe value or importance to the respective areas and the Agency sees no reason why a range of different landscapes is necessarily inappropriate for designation purposes so long as land satisfies the statutory criteria and is clearly linked or connected to the core area – essentially area 125 in this instance – in some way. I deal with the concept of unifying links later in the report.

- 2.27 So far as the inclusion of a variety of landscapes is concerned, it is evident from documents such as CD217 that most existing National Parks embrace more than one countryside character area. Although the PSDNP is fairly unusual in including all or parts of as many as 5 national countryside character areas, in principle I see no objection to a National Park extending across countryside character area boundaries. Nothing in CD57 indicates otherwise. Indeed, the chalk-only option preferred by many objectors would itself extend beyond area 125 to include chalk landscapes in Hampshire. On the other hand it also appears to me that virtually all current members of the National Park family have a distinctive identity that tends to reflect core landscape characteristics. The Agency's written submission CAR641, para 5.24, acknowledges the point. Hobhouse may have seen merit in variety but like the Assessor I interpret the remark as a reference to variety between National Parks not within them. As the Assessor notes, variety of countryside character is generally not a characteristic of English National Parks.
- 2.28 Of course the core character areas are not necessarily uniform or constant. So far as the South Downs are concerned, the description of countryside character area 125 in CD56 and the more detailed landscape assessments that are available, for example CD59, all indicate considerable variety and diversity within the chalk hills. But this variation and diversity exists within a landscape that at a national level has a distinct and coherent character of its own. This is a consequence of a wide range of factors including geology, ecology, landform, land-use, settlement pattern and cultural history.

Characteristic natural beauty

- 2.29 As mentioned previously, in his report the Landscape Assessor argues that characteristic natural beauty should be assessed in deciding whether land should be included in the National Park. The key characteristics or elements of the chalk downland identified in paragraph 6.94 of his report and listed on page 125 of CD56, are not those found in the Weald and other nearby non-chalk landscapes. These areas may have characteristic natural beauty but this is decidedly different from the characteristic natural beauty of the chalk hills. In the Assessor's opinion only the chalk downland areas have the distinctive and characteristic natural beauty appropriate for the PSDNP.

- 2.30 The Agency does not dispute that the chalk and non-chalk landscapes are quite different in their character and appearance and that the Weald generally has more in common with landscapes to the east and north. It must follow, it seems to me, that the coastal lowlands and the Weald generally fail the test set by the former Countryside Commission, and accepted without qualification by the Dartmoor Inspector, for including land in that National Park; namely that land should possess both Dartmoor character (i.e. South Downs for current purposes) and be of national quality (CD68, para 2.22). This is also the test recently adopted by the Assessor at the New Forest Inquiry (CD204, appendix 1, para 2.45) and accepted by the Secretary of State in that instance. It is also one of the tests that the Assessor considers apposite for assessing objections to the PSDNP – para.6.102. It is not a test that the Agency applied in the South Downs, so far as I am aware.
- 2.31 When National Park proposals have been scrutinised in recent times there has therefore been a reluctance to accept the inclusion of peripheral landscapes distinctly different in character from the core areas. Certainly the New Forest decision expresses the view that even land having high landscape quality might not merit inclusion if it does not have core landscape characteristics. The Landscape Assessor makes the same point in his report.
- 2.32 If the decision in respect of the PSDNP is to be consistent with the recent New Forest decision, the same approach must apply notwithstanding that they are very different in terms of their physical character and extent, historical context and so on. It is fair to note that some of the National Parks designated in the 1950's appear to have given this consideration less weight. For my part, I am not persuaded that the boundary setting process undertaken half a century ago is as instructive as that adopted in more recent times.
- 2.33 I also recognise that the East Hampshire and Sussex Downs AONBs both contain chalk and Wealden landscapes and have long been managed as single units. However I attach little weight to these points particularly as both AONBs and the adjoining Surrey Hills AONB appear to have been defined in large part on the basis of administrative convenience rather than any thought that they formed coherent character areas.
- 2.34 I note also the suggestion that the comments in paragraph 2.29 above (regarding the character and quality of National

Park landscapes) largely reflect the fact that Dartmoor and the New Forest are more homogeneous than some other areas having National Park status. To my mind that is something of a circular argument. When the decisions were taken on the proper extent of both Dartmoor and the New Forest National Parks, it was deemed appropriate only to include land having the necessary character and quality. Presumably the boundaries could have been drawn to include other peripheral landscapes having a different character and quality if the "Dartmoor" test had not been applied.

- 2.35 Before leaving this matter it may be helpful to comment briefly on CD217. This is a typically well argued and presented submission from the South Downs Campaign prepared, in this instance, with assistance from the Council of National Parks. Amongst other things it identifies examples of landscape variety to be found within the existing family of National Parks in England and Wales as well as in National Parks overseas. From this material it concludes that the boundary of the PSDNP should "encompass an assemblage of high quality lowland landscapes from different character areas". Even if this represents a reasonable description of the PSDNP, which is arguable given my understanding that the word "assemblage" relies on a strong link between the different areas, it is clearly different from the "Dartmoor" test which seeks to define a National Park with a clear identity and coherent character. It also departs from the long standing consensus that regarded the spine of chalk downland focussed on the South Downs as a potential National Park, not the landscapes to the north and south of it.

Assessment of recreational opportunities

- 2.36 CD36 sets out the methodology for assessing the statutory recreational opportunities criterion. Central to the Agency's approach is the policy test indicating that areas should be included in the PSDNP if they provide, or are capable of providing, a markedly superior recreational experience. Existing and potential recreation provision that might provide a markedly superior recreational experience was assessed by the Agency in each of the identified landscape character areas. At this point it may be helpful to mention that although this concept is not a feature of any national guidance, it seems to me to be a useful aid when assessing a landscape's ability to satisfy the recreational opportunities criterion.

- 2.37 The Assessor criticises some of the detail in the assessment, not least the fact that CD36 identifies leisure opportunities that fall outside any reasonable definition of open air recreation. He is also concerned that the assessment process was unnecessarily complex and less than transparent. Inevitably any uncertainty regarding the assessment process must undermine the Agency's claim that the respective landscape character areas all satisfy the recreational opportunity criterion.
- 2.38 Like the Assessor, I accept that the ability to provide a markedly superior recreational experience relies in large part upon the quality and value of the parent landscape. If the landscape cannot satisfy the natural beauty criterion, a markedly superior recreational experience will not be available. On the other hand, contrary to the assertion of the Councils, if the natural beauty criterion is satisfied it does not automatically follow that the recreational opportunity requirement is also satisfied. Recreational opportunity has to be assessed separately – existing recreational opportunities in the first instance then potential opportunities, for example those that could arise utilising the provisions of the CROW Act or as a result of improved management and investment.
- 2.39 A key characteristic of National Parks is their ability to provide opportunities for quiet outdoor recreational experiences in an extensive tract of land having a sense of relative wildness and remoteness. I am satisfied that the core chalk hills have that ability. The Assessor is of the same opinion and his report mentions that the chalk hills offer a sense of openness, relative wildness and an ability to "get away from it all" that neither the Weald nor the coastal lowlands come close to matching.
- 2.40 As mentioned in the Part 1 report, in arguing that the recreational opportunities criterion is not satisfied in either the chalk or non-chalk landscapes it seems to me that the Councils rely too heavily upon the relatively low proportion of open access land and the higher density of the footpath network. While the PSDNP would tend to be different from other National Parks in respect of these matters, the iconic quality of the chalk downland landscapes can provide recreational experiences of especial value, that is they can offer a markedly superior recreational experience. To my mind these experiences can be readily distinguished from those generally on offer within much of the Weald and the coastal lowlands, not least because these areas do not

generally exhibit the traditional National Park qualities of relative wildness and remoteness. While I accept that the Agency's recreational opportunities assessment took some account of such considerations, I am less convinced that it attached significant weight to them.

- 2.41 It is also worth noting that the importance of the chalk hills as a recreational resource is illustrated by the fact that they contain all but one of the honeypot sites identified in the Agency's recreational assessment. The one exception is Selbourne but this sits in a landscape that Hobhouse and others have viewed as an outlier of down country. By contrast I note that the former Countryside Commission considered that the west Weald is *"not at all open and offers few recreational opportunities which would demand National Park management."*
- 2.42 Before leaving this topic it may be helpful to mention that at my request the Agency prepared a paper summarising, amongst other things, the landscape characteristics and the related recreational experiences for each of the boundary sections – CD236. This reveals how different landscape character areas offer different recreational experiences. This document provided a helpful context to my consideration of the objections within each boundary section albeit that I make only passing references to it later in the report.

Unifying links

- 2.43 While the Agency accepts that the Wealden and coastal lowlands are not "South Downs character", it claims that the inclusion of what might be called peripheral land is justified if it satisfies the statutory criteria and has demonstrable unifying links to the core chalk landscapes that represent the essence of the PSDNP (CD70, para 43). This unifying links concept is not mentioned in the Agency's own guidance for assessing landscapes for designation but is adopted by the Agency as an aid to the application of the statutory criteria. The unifying links concept is therefore central to decisions regarding the inclusion or otherwise of some Wealden and other landscapes in the PSDNP. For my part I accept that the concept could be relevant to the boundary setting exercise so long as land satisfies the statutory criteria and exhibits obvious and demonstrable links to the core Downs.
- 2.44 Where the unifying links were deemed weak at the area of search stage, the Agency excluded land from the PSDNP even

if it otherwise satisfied the statutory criteria. The Pevensey Levels north of Eastbourne are mentioned as a case in point. Similarly, if peripheral land cannot demonstrate strong unifying links at the boundary setting stage, the Agency accepted at the Inquiry that it should be excluded. Consistent with this stance the Agency state that this is the main reason why many high quality landscapes in both the Weald and the coastal lowlands are not included in the PSDNP.

- 2.45 Before considering unifying links in turn, it may be helpful to mention that the Agency treat this concept and the concept of connectivity as one and the same. The Councils, rather, see them as separate concepts. Unifying links being a reference to more tenuous links to adjoining landscapes, an approach said to be misconceived in the New Forest report; connectivity being the term used in the same report to describe landscapes having distinctive characteristics and able to meet the natural beauty criterion. It seems to me that unifying links and connectivity could be interpreted differently in the way the Councils suggest. However, I am not convinced that this distinction is necessary for my purposes and I therefore limit myself to the description generally used in the South Downs documentation, namely unifying links.
- 2.46 The Agency identifies a number of matters that are said to link the non-chalk character areas to the chalk downs. Firstly it is said that the chalk outcrop is inextricably linked to the clays and Greensand formations to the north. The geological relationship of the chalk to the clays and Greensand laid down in the Cretaceous period is not in dispute. That said, this sequential relationship is not unique or even unusual; it extends well beyond the PSDNP and can be observed throughout the south-east of England. In these circumstances I find it difficult to accept that geology represents a compelling link between the non-chalk character areas and the chalk outcrop.
- 2.47 Topography is also said to be an important unifying link. Topographical features are readily recognised and as such I accept that they are easily understood by the public. Given that they are manifest in the landscape, I find it somewhat surprising that the scarpland theme that is said to link the Wealden landscapes to the chalk downs was not identified at a much earlier stage in the designation process. So far as I am aware this topographical characteristic is not mentioned in any of the Agency's key documents and only attracted especial attention towards the close of the inquiry. That is not

to say that it should be disregarded, but it does tend to colour any judgement as to its importance.

- 2.48 The scarpland theme is said to be evident across the PSDNP and represents one of the best examples of such a landscape in Britain. While there is no dispute that the main chalk escarpment – the Lewes Nodular Escarpment - is the dominant landform in the PSDNP, the Agency's expert evidence emphasised and illustrated the presence of secondary scarps elsewhere in the chalk as well as in the Upper Greensand and Hythe Formations. These form, it is said, a subdued northerly echo of the main chalk ridge. Even if that is a fair description, I am not convinced that the scarpland theme is as important a unifying link as the Agency claims. Where secondary scarps occur, they tend to be lower, less dramatic and have far less scenic impact. Moreover it is difficult to accept that the scarpland theme effectively links the Wealden landscapes and the core chalk downs when the secondary scarps in the Upper Greensand extend beyond the PSDNP boundary into the Surrey Hills AONB. The Landscape Assessor adds that in his opinion the Greensand scarps have a stronger relationship to the Surrey Hills than they do to the chalk ridge.
- 2.49 I would add that I note that the descriptions of the character areas in CD36 are littered with references to topographical features. However, these do little to support the argument that the "scarpland theme" is an important unifying link.
- 2.50 I now turn to historical/cultural links. I accept that for centuries there was a high degree of inter-dependency between the chalk hills and the adjoining tracts of countryside. The pattern of parish boundaries and the drove roads used to transport animals to and from seasonal pasture are testimony to this relationship. More difficult to accept is the suggestion that these historical arrangements effectively link the chalk hills to a particular tract of adjoining countryside. Historical and cultural links between adjoining areas are evident to a greater or lesser degree across the entire country. Certainly the Inspector and the Assessor did not seem to find arguments concerning cultural and historical links to be persuasive at the New Forest Inquiry. In that instance, I understand, the Agency argued they were of considerable importance.
- 2.51 The other unifying links deemed to be of particular importance are the visual links. Where these exist the Agency claims that

an area may “borrow character” from the core downland. The Assessor notes that this concept does not feature in current best practice guidance but accepts that it can be applied to justify the inclusion of non-chalk landscapes where such links are a key or dominant characteristic of the land. I am of the same opinion. This means, in effect, that I accept that where such landscapes are strongly influenced by the chalk outcrop they may satisfy the natural beauty criterion. I would add that it seems to me that this is probably a more important boundary setting consideration in the South Downs than the New Forest where it seems to have attracted little attention.

- 2.52 In accepting the relevance of visual links to the core chalk hills it is necessary to note that they tend to diminish in importance with distance. They can be very powerful close to the main escarpment, far less important when the chalk escarpment or other downland landscapes are viewed from further afield. The Assessor notes that “borrowed character” tends to be less strong over 4km from the main escarpment. That may be a useful measure (although I consider it to be on the high side) but much will depend on the specific circumstances. In this instance, for example, the Greensand ridges to the north of the River Rother tend to interrupt views and visual links between some parts of the western Weald that are included in the PSDNP and the chalk escarpment to the south.
- 2.53 It will be evident from the preceding paragraphs that, like the Landscape Assessor, I harbour serious reservations regarding the inclusion of extensive non-chalk landscapes in the PSDNP on the strength of unifying links to the core chalk hills. Even if I had concluded that the unifying links were individually or cumulatively sufficiently strong to effectively link these tracts to the core area, the land in question would still need to satisfy the statutory criteria. As mentioned elsewhere, I am not convinced that they do.
- 2.54 Before leaving this section, it may be helpful to clarify that my concerns regarding the inclusion of non-chalk landscapes clearly do not mean that I accept that this or any other National Park could or should be defined solely on the basis of its underlying geology. Geology strongly influences landscape character but the appropriate boundary in any situation has to take account of many other considerations. Apart from the practical limitations of geological mapping that the Agency highlights, it is obviously necessary to identify clear boundary features. These are likely to be man-made and as such would

tend to be unrelated to the underlying geology. I note also that in many places in the PSDNP the underlying chalk is actually overlain with more recent superficial deposits. There is no suggestion that these areas are necessarily inappropriate for inclusion on geological grounds.

- 2.55 Moreover, in this instance at least, the application of the borrowed character concept would almost inevitably lead to the inclusion of land beyond the chalk outcrop. Even the Councils accept that in certain circumstances the boundary could be drawn to include land that does not exhibit core chalk characteristics but enjoys a strong visual association with areas that do.

"Especially desirable" test

- 2.56 In the Part 1 "in-principle" report I concluded that the core chalk downland satisfied the "especially desirable" test set by the 1949 Act for designating land as a National Park. In my view it is not necessary to re-visit this matter in addressing objections to the inclusion of non-core landscapes. Concerns raised by objectors under the "especially desirable" umbrella are not of themselves grounds for excluding peripheral landscapes, in my opinion. Arguably this conclusion is not wholly consistent with the New Forest decision inasmuch as the Inspector's recommendation to exclude Lymington from the New Forest National Park appears to have been influenced by "especially desirable" arguments.
- 2.57 Be that as it may, it is readily apparent to me that a National Park more closely focussed on the core chalk landscapes would alleviate many of the concerns identified by objectors. In particular, as the chalk hills tend to be lightly settled, it would dramatically reduce the likely number of planning applications. Most of the 4,500 applications that are anticipated each year within the PSDNP are likely to concern land and buildings within towns and villages that lie outside the chalk hills. CD259, para 98, indicates that in the West Sussex, for example, the total number of applications received in the chalk hills in recent years has been less than a quarter of the number received in the non-chalk portion of the PSDNP.
- 2.58 If that sort of reduction could be anticipated elsewhere, it would leave a development control workload that might be managed by an in-coming National Park Authority without the need to establish a delegated scheme with all of the additional

costs, confusion and complexities that this would entail. Much more work would need to be done to establish if my optimism on this point is well founded. What is certain is that within the PSDNP as currently defined, the scale of the development control workload is such that some form of delegated scheme seems almost inevitable. Having to resort to delegated development control arrangements seriously undermines one of the main planning benefits that a new National Park Authority might provide. I return to this matter in annex C to the report.

Overall Conclusions on inclusion of non-chalk landscapes

- 2.59 Having reviewed the area of search exercise in the light of the objections, supporting representations and the relevant national guidance (CD57), the Assessor considers that elements of the Agency's area of search exercise should be reviewed. His recommendation is in part rooted in concerns regarding the transparency of the assessment process but also reflect concerns regarding the way the Agency interpret the statutory criteria. Not least he considers that the decision to include the Weald and the coastal lowlands departed from the long standing consensus regarding the general extent of a possible South Downs National Park, and also took insufficient account of traditional National Park qualities such as a sense of relative wildness and remoteness. In his view their inclusion also pays insufficient regard to the need to focus on landscapes having the characteristic natural beauty of the core landscape – in this instance the characteristic natural beauty of the core chalk downland.
- 2.60 Additionally he considers that the unifying links identified by the Agency do not generally warrant the inclusion of extensive tracts of land having distinctly different Wealden and coastal lowland characteristics. In sum, he doubts if the Wealden and coastal lowland landscapes generally satisfy either the statutory natural beauty or recreational opportunities criteria.
- 2.61 My conclusions in respect of the non-chalk landscapes in the PSDNP generally accord with those of the Assessor. Furthermore I consider that they tend to echo concerns raised at the recent New Forest Inquiry. If that had been to-hand when the South Downs exercise began, the PSDNP might have been defined differently. I attach significant weight to the New Forest decision and cannot accept the Agency's contention that it supports the Agency's approach in the

South Downs. As I read the documentation, concerns identified by the Inspector and Assessor in the New Forest exercise relate both to the approach adopted by the Agency and its application. Their conclusions were in turn endorsed by the Secretary of State. To take one example, the New Forest Assessor mentions at paragraphs 2.45 and 2.46 of her report that "*Whatever the diversity and quality of landscape character..... the critical test for boundary making is the presence of New Forest character and outstanding natural beauty of national or international importance.*" To my mind this is not the same as the Agency's emphasis on the quality of the landscape for boundary setting purposes and the use of unifying links to justify the inclusion of peripheral landscapes. Not all of the land in the PSDNP need exhibit core South Downs character but in my opinion it must demonstrate a close association with it.

- 2.62 The net effect of the above is, therefore, that I consider that the Agency cast the designation net too widely when it decided that the area of search should include all of the East Hampshire and Sussex Downs AONBs (as well as landscape character areas beyond the AONBs). Even if it is considered that these areas represented an appropriate starting point for the area of search exercise, in my opinion the detailed boundary should be much more closely focussed on the core chalk landscapes. The Weald generally lacks the necessary hallmark qualities and I am not convinced that the unifying links concept justifies its inclusion. It must also follow that I similarly do not favour the notion promoted by some that the PSDNP should contain additional land to provide a buffer or breathing space to protect landscapes from undue pressures.
- 2.63 The non-chalk landscapes in the PSDNP also contain areas of lower quality land, notably the Rother Valley and the A3 corridor. These physically separate the high quality Wealden landscapes from the core Downs. These considerations must raise further serious doubts as to appropriateness of including extensive tracts of non-chalk landscapes in the PSDNP.
- 2.64 I would add that even where the non-chalk landscapes in the PSDNP are high quality, to my mind they tend to sit more comfortably within the suite of AONB landscapes in this country rather than landscapes identified as National Parks. The fact that the designation order boundary includes over 27,000ha of previously undesignated land tends to support concerns regarding the extent of the PSDNP – see CD216, map 1.

- 2.65 I am less certain that my conclusions necessarily predicate a need for a wholesale review of the area of search exercise as suggested by the Councils. It seems to me that my concerns regarding the inclusion of peripheral landscapes often can be taken into account as and when objections are considered to the way the majority of the PSDNP's 500km boundary has been drawn. In effect, it becomes an additional consideration to take on board as part of the detailed boundary setting exercise. In practice, much of the land identified by the Councils for further scrutiny as part of their proposed new area of search exercise is subject to separate objections that need to be addressed in the boundary setting process in any event.
- 2.66 The position is less straightforward for boundary sections E through to H. These are the sections of the boundary that would be radically different if my conclusions and recommendation on non-chalk landscapes is accepted. Unfortunately none of the many objections that express a preference for a National Park largely limited to the chalk outcrop indicate precisely how the boundary between sections E and H should be re-drawn. Even if my detailed recommendations regarding the remaining lengths of the boundary are accepted in their entirety, inevitably the progress of the designation process would be delayed to allow a new boundary between sections E and H to be defined. It goes without saying that the failure to identify an alternative "chalk-only" boundary is unfortunate albeit that I do not accept that any such objection(s) should be disregarded as a consequence.
- 2.67 Delay to the completion of the designation process is obviously undesirable and I recognise that it would impose additional demands on the Agency's time and resources. My conclusions regarding non-chalk landscapes also have significant implications for the decisions to be taken in respect of the associated AONB De-Designation Orders.
- 2.68 As a consequence of the above, my conclusion (and recommendation) that the PSDNP should be focussed more closely on the core chalk downland landscapes is in many respects the worst possible for the Secretary of State. A recommendation not to confirm the designation order would have been consistent with the former Countryside Commission's recommendation in 1999 and, if accepted, would have brought the process to an abrupt end; support for

the Agency's approach to the inclusion of peripheral landscapes would, if accepted, have allowed the designation process to move forward apace with attention focussed on possible relatively detailed amendments to the PSDNP boundary.

- 2.69 Nevertheless, on the basis of the evidence put forward in writing and considered at length at the inquiry, I am persuaded that if there is to be a new National Park in this part of the country it should be more closely focussed on the iconic chalk landscapes that extend from Eastbourne to Winchester. A National Park on this basis would include significantly less land in West Sussex. The implications for Hampshire and East Sussex would be less dramatic.
- 2.70 If that is accepted, it follows that neither the Designation Order nor the Arundel Variation Order should be confirmed in advance of a decision on a more appropriate boundary. The AONB De-Designation Orders should also await a decision regarding a revised boundary.

INSPECTOR'S RECOMMENDATION

- 2.71 That the length of the PSDNP boundary included in boundary sections E through to H be reviewed to exclude lower quality landscapes and non-chalk landscapes other than where the latter have a strong visual link or other association with the core chalk Downs. [I return to this matter under Section E.]

3.0 SETTLEMENTS

Key Points Raised by Objectors

- The many sizeable settlements in the PSDNP cannot possibly satisfy the statutory criteria. They contain a significant amount of built development and are not penetrated by the surrounding landscape to a significant degree.
- Existing National Parks have a much lower resident population.
- The New Forest decision to exclude Lymington and Ringwood supports the exclusion of settlements such as Petersfield, Arundel, Lewes, Midhurst and Petworth from the PSDNP.

Agency's Response

- The key issue is not whether a town can itself satisfy the statutory criteria but whether it sits within a sweep of land that does. It would be wrong to exclude settlements simply because they are over a certain size.
- The New Forest Inspector supported this approach indicating that a town should “blend in” or “be penetrated” by surrounding countryside. In some instances the Inspector concluded that they did not and accordingly recommended their exclusion.
- CD33 sets out the Agency’s approach towards the drawing of boundaries in relation to settlements and importantly distinguishes between those that might be considered large and those that are more modest in size.

INSPECTOR'S CONCLUSIONS

- 3.1 There is general agreement that sizeable settlements such as Petersfield, Arundel and Lewes would be unlikely to satisfy the designation criteria. In addition to large numbers of houses they contain commercial, civic and other built development that would almost certainly fail any “natural beauty” test. Moreover, it seems to me that the larger the settlement, the more likely it is to fail. In his New Forest report, the Inspector goes so far as to say that it would be very difficult for a settlement the size of Lymington to satisfy the designation criteria. Petersfield and Lewes are larger than Lymington and both have populations well in excess of that found in any of the settlements that lie within other National Parks in this country. In addition, the PSDNP contains a number of other settlements that are large by National Park standards.
- 3.2 It seems to me that the cautionary comments regarding the inclusion of sizeable settlements in a National Park are well founded. Even so, I am not convinced that towns or other settlements above a certain size or population threshold should be automatically excluded from the PSDNP or, indeed, any other National Park. To adopt such a simplistic approach could lead to a “hole” within a tract of land that satisfies the designation criteria and in the PSDNP could result in a National Park pepper-potted with “holes”. Bearing this in mind it seems to me that if a settlement lies within a sweep of countryside that clearly meets the designation criteria, its inclusion probably would be justified. East Dean is an obvious example of a settlement that fits this description. This conclusion is subject to the rider that I consider that the

assessment of whether the sweep of countryside meets the designation criteria should itself take account of the influence of the settlement on the land in question; not least the extent to which adverse or intrusive built development impacts on adjoining landscapes. The degree to which countryside penetrates a settlement and the strength of any visual or other associations would be additional considerations.

3.3 Where a sizeable settlement lies at or very close to the boundary, its exclusion is more likely to be appropriate. I say that even if, say, it contains a wealth of important historic buildings and other cultural assets. In the PSDNP this point assumes especial relevance for the following reasons. Firstly, because many of the larger settlements are located in landscapes that do not form part of the core Downs, there is a greater likelihood that the surrounding countryside will not be able to satisfy the statutory criteria. Secondly, because the chalk outcrop is generally narrow and elongated in shape, inevitably many of the larger settlements lie at or close to the PSDNP boundary.

3.4 It seems to me, therefore, that the inclusion or otherwise of individual settlements in the PSDNP has to be assessed in the light of their landscape context and their individual circumstances. It is not simply a matter of size. While the Agency's approach to the inclusion or otherwise of settlements in the PSDNP relies on a seemingly complex appraisal matrix, CD70 clarifies that the fundamental issue is the relationship of a settlement to the wider landscape. Whatever its intrinsic qualities, a settlement should not be included in the PSDNP unless it is fully situated within a valued landscape. I am of the same opinion. This stance also broadly reflects the approach applied to this issue in the New Forest. There it led to the inclusion of some settlements and the exclusion of others. It should be noted that although I see no particular difficulty with the approach, my views on the inclusion of individual settlements in the PSDNP is often different to that of the Agency. My conclusions and recommendations in respect of individual settlements appear within the relevant boundary sections.

INSPECTOR'S RECOMMENDATION

3.5 That the inclusion or otherwise of larger settlements in the PSDNP be determined by reference to the approach described above.

4.0 MARINE BOUNDARY

Key Points raised by objectors (Notably South Downs Campaign (SDC), Eastbourne Borough Council, Brighton & Hove Local Community Wildlife Groups Forum and Brighton Urban Wildlife Group)

- The Agency's understanding that a National Park cannot include marine areas beyond low water mark (MLWM) is disputed. In short this interpretation ignores the possibility of including a marine area within a National Park under section 101 of the 1949 Act. Detailed reasoning in support of this legal argument can be found in Doc.3275/34/3 and its accompanying appendices, Doc.3275/34/4 and Doc.3275/34/5.
- A description of SDC's proposed marine boundary and accompanying maps can be found in Doc.3275/34/1.
- If the legal case is not accepted, the Secretary of State should consider the possibility of designating an open marine boundary.
- Detailed evidence regarding the value of the marine environment and its ability to satisfy the statutory criteria appears in Doc.3275/34/1, 3275/34/2, 3245/34/4, 3275/34/6 and 4548/1/1.

Agency's Response

- It is not possible to include a marine area below MLWM as the National Park would then extend outside England, contrary to the statutory requirements of section 5(2) of the 1949 Act. CARs 364 and 365 and CD210 sets out the detailed reasoning.
- Even if that is not accepted, section 101 of the 1949 Act would not give the in-coming NPA any additional statutory powers or functions beyond the MLWM.
- A Marine Areas Research Project commissioned by the Agency (CD48) indicates that in only one instance has an area beyond MLWM been included in a National Park and that occurs in the Lake District National Park due to the particular relationship of rocks at Kokoarrah to the MLWM.
- The Agency accepts that where the marine environment abuts cliffs and foreshore that form part of the PSDNP it satisfies the statutory criteria. Further it does not dispute that the PSDNP

would be enhanced if the marine area beyond MLWM formed part of the PSDNP. Unfortunately this cannot be achieved under the provisions of the 1949 Act. Primary legislation would be required and that would delay confirmation of the Designation Order.

INSPECTOR'S CONCLUSIONS

- 4.1 As I understand the legal arguments, the Agency contends that it is not possible to include the marine environment beyond MLWM in the PSDNP as it would extend the National Park outside England, contrary to section 5(2) of the 1949 Act. The SDC and others argue, on the other hand, that this ignores the possibility of including a marine area by virtue of section 101 of the 1949 Act. This section brings Crown land within the scope of the Act. Crown land is currently deemed to include the seabed (and the waters above it) up to the limit of territorial waters – now a 12 mile belt as a consequence of the 1987 Territorial Sea Act. The marine area beyond the low watermark is therefore said to be available for designation as a National Park.
- 4.2 It is a matter of law as to whether the PSDNP can include the marine environment beyond MLWM. For my part I note that section 5(2) refers to National Parks as “extensive tracts of country in England” (my emphasis). SDC accepts, I understand, that this definition would exclude a marine area beyond MLWM. Nonetheless, SDC provides a carefully researched case that relies on the section 101 provisions in respect of Crown Land. Unfortunately I do not find the provisions of section 101 helpful. To my mind these provisions essentially concern circumstances where land has already been designated as a National Park.
- 4.3 Even if I am wrong about that, the marine environment would need to satisfy the statutory criteria set out in the 1949 Act, including the “extensive tracts ...in England” test. I find it hard to accept that Crown land would be exempt from that requirement. If that was the intention of the legislation I would have expected the point to be clearly expressed in some way. Clearly Crown land outside England is unable to satisfy that extensive tracts test. I am not convinced, therefore, that there is a legal basis for including marine areas beyond MLWM in the PSDNP.
- 4.5 I derive no pleasure from this conclusion. The evidence submitted by the SDC and the other objectors on this matter

reveals that much of the marine environment beyond MLWM along this stretch of coast is of considerable importance. Part of this coastline is itself defined as a Heritage Coast and the cliffs and foreshore are designated as SSSI for biological and ecological reasons. The wave-cut platform along this coast is a high quality landscape in its own right and the Agency accepts that marine area is of geological, archaeological, ecological and historic value. In addition the Agency generally recognises that the recreational value of the marine area is exceptional. Part of the proposed marine area is also the Seven Sisters Voluntary Marine Conservation Area.

- 4.6 The available evidence convinces me that the PSDNP would be enhanced if it was legally possible for the marine environment to be included. So far as I am aware the Agency does not dissent. Certainly it did not dispute that the intrinsic qualities of the marine area identified by the SDC and others could satisfy the statutory natural beauty and recreational opportunities criteria.
- 4.7 It is disappointing but hardly surprising that the possibility of including marine landscapes within National Parks appears not to have been appreciated by those responsible for the provisions of the 1949 Act. Elsewhere the merit of marine National Parks has long been recognised. In the Biscayne National Park in Florida, for example, 95% of the National Park is under the water in Biscayne Bay. To my mind the possibility of primary legislation to address the constraints of the 1949 Act warrants serious consideration.
- 4.8 In the meantime there is one measure that may alleviate to a degree the concerns raised by objectors. The Agency recognises that as the MWLM shown on Ordnance Survey maps is difficult to identify in practice and does not provide an easily distinguishable physical boundary, it might be beneficial for the maritime boundary to be depicted as "open" to the sea for those lengths of coast and foreshore that satisfy the statutory criteria. This is not the way the maritime boundary is more commonly defined in National Parks in the country and it is not the way the recently New Forest National Park boundary is defined, but it would reflect the arrangements for defining the Sussex Heritage Coast, the Seaford to Beachy Head SSSI and the North York Moors National Park. I support an open sea boundary albeit that the statutory powers and functions of an in-coming NPA would extend only to the MLWM. Amongst other things an open boundary recognises

that MLWM or any other marine boundary will change over time.

- 4.9 The lengths of coast and foreshore that might be subject to an open sea boundary are identified later in the report as and when the objections to the PSDNP boundary east of Brighton are addressed. The Agency argues, of course, that the PSDNP should not reach the sea at any point between Brighton and Newhaven.

INSPECTORS RECOMMENDATIONS

- 4.10 (1) That the maritime boundary to the sea be left "open" where the adjoining cliffs and foreshore satisfy the statutory criteria in the 1949 Act.

(2) That consideration be given to statutory provisions that would allow marine areas beyond MLWM to be part of a National Park.

* *

5.0 SPLIT PARISHES

Key Points raised by objectors.

- The fact that the boundary of the PSDNP splits so many parish boundaries will increase the already considerable workload that parish councils have to carry as they will need to work with 2 planning authorities each with different policies and administration.
- Splitting parishes would be divisive and could undermine social cohesion. Communities will be divided if only part of a parish is within the National Park.
- Parts of a parish may benefit from greater protection but the excluded areas could be subject to additional development pressure.

Agency's Response

- Land within a National Park has to satisfy the statutory criteria. As Hobhouse recognised, it would not be right to include land that did not meet the criteria for administrative or other reasons.
- Research commissioned by the Agency (CD50) indicates that 57% of the parishes in the PSDNP were split by the boundary,

rather less than the number split by the AONB boundaries (64%). A separate undergraduate study (CD196) revealed that it was also less than the proportion split in National Parks generally (75%).

- CD50 also concluded that split parishes did not cause significant problems in 2 existing National Parks, Pembrokeshire Coast and the Peak District. The more broadly based undergraduate study generally confirmed those findings.

INSPECTOR'S CONCLUSIONS

- 5.1 During the Agency's consultation process about 20 parish councils, together with some district and county councils and a number of individuals, expressed concerns about the fact that the PSDNP boundary split parishes. As currently defined, the PSDNP boundary would split 102 of the 182 parishes that are partly or wholly within the designated area. Having to work with 2 rather than a single planning authority must create some additional work for hard pressed parish councils albeit that the limited evidence to hand (CD196) suggests that it would not be significantly more. While I do not doubt some parish councils might struggle to cope with any additional workload, the available evidence does not persuade me that this issue should assume greater or especial importance in the boundary setting process. Fewer parishes are likely to be split if my recommendation regarding the inclusion of peripheral landscapes is accepted but I recognise that this hardly amounts to a compelling point.
- 5.2 So far as the concerns regarding the splitting of communities is concerned, it seems to me that this is little different to the existing situations where they are split by the AONB boundaries. This may have social and economic implications – as it often does when a tract of land is subject to a form of protective designation - but I am not convinced that as a point of principle it should lead to the total exclusion or inclusion of parishes. Wherever the boundary is drawn it is inevitable that there will be situations where, say, some residential property is within the designated area, whilst other nearby property is excluded. This happens at East Chiltington, Westmeston and elsewhere but I am not convinced that it should override or outweigh other boundary setting considerations. If the PSDNP boundary was drawn to either include or exclude parishes (or communities) in their entirety it would lead, on the one hand, to the inclusion of

land unable to satisfy the statutory criteria or, on the other, to the exclusion of land that clearly could.

- 5.3 When considering boundary objections later in the report I sometimes recommend an amendment that leaves more (or less) of a parish within the National Park. Any such recommendations reflect my conclusions on the satisfaction or otherwise of the statutory criteria, not to address any split parish concerns. I would add that I can see why a boundary running through a town or some other settlement might be undesirable but the Agency's approach to boundary setting (CD31, Table 1, 2g) addresses this particular point. Splitting a settlement is a very different matter to the splitting of a parish or other administrative area in my judgement.
- 5.4 Therefore, while the splitting of parishes is clearly a widespread concern, in my opinion the Agency's approach to the use of parish or other administrative boundaries to define the National Park is well founded. I am not convinced that they should be sought for boundary setting purposes although there will be circumstances where they may represent an appropriate boundary, for example where they coincide with a clear physical feature such as a road or watercourse.

INSPECTOR'S RECOMMENDATION

- 5.5 That the PSDNP boundary should not be amended simply to avoid splitting parish boundaries.

* *

6.0 BOUNDARY SETTING CONSIDERATIONS

Key points raised by objectors (Notably West Sussex County Council and Chichester District Council)

- Having identified the need to determine in broad terms that an area of land meets the statutory criteria, the Agency's approach identifies a number of considerations to be taken into account in drawing a National Park boundary – see CD31, Table 1. Some of these detailed considerations give rise to concern.
- The first of the concerns set out in 1881/1/1 is in respect of 2a - the inclusion of land of high landscape quality. As explained elsewhere, it is important to take account of characteristic landscape beauty otherwise the National Park would include the suite of adjoining AONBs. And in respect of

2b, the reference to differing landscape character should be in the context of the chalk hills with their strong coherent character. Concerns in respect of a markedly superior recreation test (2c) are detailed elsewhere.

- Regarding 2d and 2g, settlements that are unable to satisfy the statutory criteria should be excluded. The PSDNP includes several.
- The reference to easily distinguishable physical boundaries in 2e is agreed but this should not extend the National Park into transitional areas that do not meet the statutory criteria.
- The Agency's approach to the suitability of administrative boundaries (2f) and committed development (2i) is accepted. That said the Agency's decision to promote the Arundel Variation Order appears not to take this guidance into account.
- Unsightly development at the edge of the National park should always be excluded as it clearly fails the natural beauty test. The reference in 2h to the possible screening of unsightly development would not justify inclusion.
- Features of scientific, historic or archaeological value (2j) should only be included if they satisfy the statutory criteria.
- Table 1, item 3 is clearly at odds with the statutory requirements. All land must satisfy the natural beauty and the recreational opportunities criteria.
- The item 4 reference to the boundary within transitional areas is noted but it is important to recognise that the boundary should be drawn at the high quality end of the transition. Some objectors criticise the transitional areas concept as it seems to allow lesser quality land at the margin of the National Park to be included.

Agency's Response

- The Agency's approach to the definition of National Park boundaries was agreed in 2000 (CD44). This took close account of the Hobhouse considerations but also took account of changes in the assessment of landscape character and the introduction of a plan-led approach in town and country planning. The Minister indicated that the new approach "*represents a sensible way of proceeding*"(CD84).
- The Agency's approach to the inclusion of land of high landscape quality and of differing landscape character, as well as the markedly superior recreational experience, is set out in detail in the respective Position Papers and relevant response proofs. No further comments on items 2a, 2b and 2c are deemed necessary at this time.

- So far as 2d and 2g are concerned, the Agency considers that the inclusion or otherwise of settlements will largely depend on the ability of the surrounding countryside to satisfy the statutory criteria. The inclusion or otherwise of settlements therefore needs to be assessed on their individual merits.
- The defined boundary always follows clear and identifiable physical features. Roads are often used but the boundary could follow hedgerows, ditches and other countryside features.
- The Agency's approach to the use of administrative boundaries is addressed elsewhere, in particular in the section on split parishes. The claim that the approach in respect of committed development is at odds with the Arundel Variation Order is not accepted and is addressed in detail later in the report.
- So far as 2h is concerned, it is accepted that unsightly development at the edge of the National Park will normally be excluded but there may be occasions when the possibility of adopting mitigation measures might lead to a contrary view.
- Features of scientific, historic or archaeological importance were taken into account in the assessment process as all can make a contribution to landscape character and quality.
- Table 1, item 3 was clarified at the New Forest Inquiry to indicate that not all land need satisfy 2a and 2c to the same extent but there should be a high degree of concurrence
- So far as item 4 is concerned, the identification of an appropriate boundary in transitional areas is often finely balanced. CD51 sets out the detailed methodology for defining the boundary in such areas.

INSPECTOR'S CONCLUSIONS

- 6.1 In this section I set out my views on the concerns raised in respect of the Agency's approach to the boundary setting exercise. In that regard CD70 contains a helpful account of the way the approach was formulated and applied in the South Downs. The following conclusions do not lead to recommendations as such, but are intended to help clarify the way I address site specific boundary objections later in the report.
- 6.2 The approach set out in Table 1 of CD31 attracted relatively little objection. By and large those seeking changes to the defined boundary do not criticise the Table 1 approach so much as its application. Clearly the application of the Agency's approach is a matter to consider on a site or

boundary specific basis. Moreover, many of the issues that are raised in respect of Table 1 are addressed elsewhere. I see no need, therefore, to revisit the arguments concerning the importance or otherwise of characteristic natural beauty, the importance of landscape variety and the value of the markedly superior recreational experience concept. That said, the detailed wording of 2b in Table 1, and possibly 2a, are not wholly consistent with my conclusions regarding the interpretation of the statutory criteria. Bearing in mind the above, and the fact that the concerns regarding the inclusion of towns and other settlements and the merit of parish and other administrative boundaries are addressed in sections 3 and 4 respectively, my comments on the Table 1 concerns are limited to the following.

6.3 I begin with item 2a. Page 38 of CD31 explains how the Agency assessed the ability of land to satisfy the natural beauty criterion. It lists the following 6 matters:

- Landscape as a resource
- Scenic quality
- Unspoilt character
- Sense of place
- Conservation interests
- Consensus

These broadly reflect the considerations identified in the current best practice guidance for determining nationally important areas (CD57) though they do not highlight more intangible matters such as wildness and tranquillity to the same degree. To my mind this is less important than one might imagine for Table 1 purposes, as these matters are more relevant to the task of assessing broad tracts of landscape rather than as an aid to the definition of a precise boundary. In my conclusions and recommendations on an appropriate boundary for the PSDNP I have generally assessed the ability of land to satisfy the natural beauty criterion by reference to the matters identified by the Agency. These are not weighted to reflect relative importance but it may be helpful if I mention that I attach especial importance to scenic quality and unspoilt character. In certain circumstances conservation interests also seem to me to merit particular weight.

6.4 So far as item 2c is concerned, I have previously mentioned that I consider that the markedly superior recreational experience concept is a useful aid to an assessment of

whether land satisfies the statutory recreational opportunities criterion. That said it may be helpful to mention that it seems to me that when assessing whether land provides such an experience, the Agency generally sets the bar rather close to the ground. I can recall few instances where land that satisfies the natural beauty test is excluded from the PSDNP because it fails the recreational opportunities test. The lack of stringency in applying the test is reflected by the fact that an extensive tract of land that offers no public access and therefore no opportunities to "get away from it all" is deemed to meet the criterion (land south of Arundel) as is land where public access is subject to severe time restrictions (Woolmer Forest). In practice, therefore, in considering boundary objections I have tended to apply the concept more stringently than the Agency.

- 6.5 With regard to item 2e, I accept that it is important to ensure that the boundary of any National Park can be easily identified on the ground. So far as I am aware the entire boundary of the PSDNP coincides with some sort of feature that has a physical presence. That said I am aware of situations where the boundary is difficult to discern and I note that on occasions the Agency promotes a complex and somewhat convoluted boundary through open countryside based on ditches and fence lines, ignoring other much more obvious and easily identifiable physical features such as a nearby road.
- 6.6 Item 2h properly notes that unsightly development at the edge of the National Park should be excluded. There may be occasions when screening or some other mitigation measure might reduce the adverse visual impact but this would rarely justify its inclusion. The natural beauty criterion has to be satisfied at the time of assessment not at some future date when it might be less conspicuous. Screening or some other mitigation measure may be relevant where it would soften or otherwise alleviate the influence of unsightly development on the adjoining countryside.
- 6.7 Regarding 2j, I consider that features of scientific, historic and archaeological at the margins of the National Park should be included in their entirety wherever possible, subject always of course, to the satisfaction of the statutory criteria.
- 6.8 My understanding of the item 3 reference in Table 1 is that not all land must satisfy the statutory criteria. At a macro level that must be wrong as land needs to satisfy both the

natural beauty and the recreational opportunities criteria. I note, however, that the New Forest Inspector's covering letter to the Secretary of State clarifies that the reference should state that not all land must satisfy the criteria to the same extent. As I understand it, this means that while broad tracts need to comply with both statutory criteria, smaller parcels of land within that tract may fail to satisfy one (or both) criteria. On that basis I see no difficulty with the item 3 reference. It would be wholly unreasonable to expect every parcel of land within an extensive tract to be of outstanding quality.

- 6.9 Likewise, I have no particular difficulty with item 4 of Table 1 as worded. In the final analysis the selection of an appropriate boundary within a landscape in transition is likely to be a finely balanced judgement and in many instances will depend on the particular site circumstances. The comment that the boundary should be towards the high quality end of the transition reflects the view expressed in CD51 that the boundary has usually been drawn "*conservatively close to the core of the National Park*". If the boundary within transitional landscapes is drawn with that point uppermost in mind, it reduces the risk that the National Park could include lesser quality land. In practice the boundary should be drawn through transitional landscapes in a manner that would leave the high quality land within the boundary but exclude the pockets or areas of lesser quality land.
- 6.10 As mentioned previously, my conclusions in respect of the Agency's approach to the boundary setting exercise, and the other general matters that I have addressed in section 6, are taken into account in the consideration of the detailed boundary objections. This forms the next section of the report. These objections are considered section by section in turn, section A through to section W.

7.0 INDIVIDUAL BOUNDARY SECTIONS

Inspector's Note:

Within each of the boundary sections identified by the Agency in CD23, sections A through to W, I identify the tracts of land or the lengths of the PSDNP boundary that are subject to objection – over 150 in total. Some objectors argue that the lengths of boundary in question are conservatively drawn, others claim that the boundary should be pulled back to exclude lesser quality land that it is said fails to satisfy the designation criteria.

For each sub-area I briefly set out the gist of the case put forward by objectors, then set out the Agency's response and any supporting representations where they add to the case made by the Agency. In the interests of brevity I do not normally identify objectors or supporters by name unless identification is helpful and necessary for some reason. All are, of course, logged in the appendices attached to the report. My conclusions follow the statements of case and I round off each section with a recommendation. As and when I recommended a change to the boundary shown in the designation/variation Orders this is illustrated in the plans that accompany the report.

One final point: where objectors identify preferred alternative boundaries in writing or on ordnance maps, I have taken these into account. In many instances, however, the alternative boundaries favoured by objectors are only described in general terms. Where this happens I have usually accepted the Agency's understanding of an objectors' case.

SECTION A (see CD23 for extent)

Introduction

7.1 The objections to the boundary in section A are considered under the following headings:

- Edge of Winchester
- Land west and south of Winchester
- St Cross Hospital/ Winchester College
- Bar End, Winchester
- Durngate and Hyde sites

Eastern Edge of Winchester

Case for objector

- 7.2 Land east of the M3, including Winnall Down Farm, should be excluded from the PSDNP to allow for the possible long term development of Winchester. The City is identified in the Hampshire Structure Plan as an appropriate location for strategic growth and the inclusion of land east of the M3 in the National Park would reduce possible growth options. The plan attached to CAR222 shows a more suitable boundary for the PSDNP although others are feasible; for example it could follow the existing AONB boundary between Winchester and New Alresford.
- 7.3 The land in question is outside the AONB and is not subject to any other protective landscape designations. It stands alongside the busy M3 and extensive areas of recent development at the eastern edge of Winchester. The Itchen Valley may be high quality but it already benefits from a range of protective designations. North of the B3404 there are limited recreational opportunities due to a general lack of footpaths and the area does not exhibit a sense of tranquillity, remoteness or relative wildness. It does not, therefore, offer any markedly superior recreational experiences.

Agency's response

- 7.4 Winchester's growth need not be hampered by the PSDNP as alternative development options have been identified elsewhere via the development planning process.
- 7.5 The chalk landscape east of Winchester suffers from its proximity to the urban edge of the City and the M3 but not to an extent that warrants exclusion from the PSDNP. It has an excellent rights of way network that connects Winchester to the wider Downs.

Inspector's Conclusions

- 7.6 The chalk landscape to the east of the M3 at Winchester is part of the Western Chalk Uplands character area. The northern edge of this tract includes the Itchen Valley which I address separately later in the report under section B. The downland landscape extending north from the A31/B3404 to the Itchen Valley is not within the AONB and is not subject

to any other protective landscape designations so far as I am aware. At my site inspection I noted that the western edge of this tract abuts the busy M3 and is also adversely affected, albeit to a lesser extent, by the presence of commercial development alongside the motorway. The southern edge contains the school, hospital and other built development along the B3404. While this ribbon development is visually intrusive, away from the B3404 and the M3 corridor this lightly settled tract of rolling chalk landscape is largely free of landscaped detractors and is of high scenic attraction. Photographs provided by both the Agency and the objector clearly illustrate its high quality and distinctive character. It offers exhilarating panoramic views across open downland and in my opinion satisfies the natural beauty test. It follows that I support the decision to include land beyond the AONB boundary in this instance. I would add that although opportunities to experience this exposed and elevated landscape are somewhat limited, on balance I accept that it meets the recreational opportunities criterion also.

- 7.7 I am satisfied, therefore, that the land to the east of the M3 in Section A is properly included within the PSDNP. In my opinion it satisfies the designation criteria notwithstanding the ribbon development alongside the B3404. This conclusion could have implications for the long term growth of Winchester as National Park status must make any prospect of significant built development on all or part of the land east of the M3 less likely. However, in the absence of any representations from the County and District Authorities indicating a possible future need to develop this land, I attach limited weight to the point particularly as major growth areas have been identified elsewhere at Winchester outside the PSDNP. I am conscious, in any event, that the possible long term growth requirements of Winchester (or anywhere else) are not generally deemed relevant to the designation process except insofar as the Agency's boundary setting exercise takes account of development plan allocations. The evidence submitted on Mr Cowen's behalf regarding the way the boundaries of other National Parks are often pulled back from built-up areas does not outweigh my conclusions regarding the land in dispute.
- 7.8 The remaining objections in respect of Section A all focus on the appropriateness of the boundary to the west of the M3. Arguably the motorway itself would form a clear and readily identifiable boundary to this western end of the National

Park. This notion has some merit but it would leave the area of AONB centred on the superb St Catherines's Hill outside of the PSDNP as well as parts of the River Itchen floodplain. Both enhance the PSDNP although the ability of the floodplain to always satisfy the statutory criteria is less clear cut as much of it is bounded by built development which inevitably detracts from any sense of relative wildness and/or tranquillity. I am conscious, however, that the notion of the M3 forming the western boundary of the National Park has not been promoted by any objector so far as I am aware. Kings Worthy Parish Council refers to the M3 as a clear and obvious boundary, but the alternative boundary it promotes actually includes land to the west of the road.

Inspector's Recommendation

- 7.9 That land east of the M3 at Winchester should remain within the PSDNP.

* *

Land west and south of Winchester

Case for objectors

- 7.10 Winchester Landscape Conservation Alliance and others note that Winchester is an historic settlement of international importance. All of its adjoining landscapes should be within the SDNP, including the chalk downland to the west of the City. Views out of the National Park would suffer if this land is left unprotected.

Agency's response

- 7.11 While there are areas of high quality land west of Winchester, they are effectively separated from the core Downs by the extensive areas of built development.

Inspector's Conclusions

- 7.12 Winchester is an historic City of international repute set within landscapes of undoubted quality. However, I am not persuaded that the PSDNP should be modified to include landscapes to the west and south of the City as suggested by objectors. To my mind these landscapes read as part of

the wider Hampshire, Wiltshire and Dorset Downs and are effectively separated from land that is more commonly deemed to form part of the South Downs by the M3 motorway and extensive areas of built development.

- 7.13 I note also that the land south of Winchester includes the redundant Ministry of Defence facility known as Bushfield Camp. This land does not satisfy the statutory criteria in its present condition and the limited information to-hand suggests that the redevelopment proposals are for development of a type that would be ill suited to a National Park. The adjoining Compton Down is possibly a more realistic candidate for inclusion but again I am not convinced that it reads as part of the wider South Downs. Accordingly, I consider that the City forms an obvious and logical end-stop to the already long and relatively narrow PSDNP. The fact that the South Downs Way ends at Winchester tends to confirm that the City marks the obvious western end of any new South Downs National Park. If the PSDNP was to extend west and south of Winchester where would it end?
- 7.14 Finally, the fact that land to the east of the City is within the PSDNP does not mean that land to the west and south also should be included. The inclusion of landscapes adjoining Winchester is not an all or nothing basis.

Inspector's Recommendations

- 7.15 No change to the designation order boundary.

* *

St Cross Hospital/Winchester College

Case for objectors

- 7.16 The River Itchen is a distinctive and rare chalk stream. The objection sites identified by Winchester City Council and others warrant inclusion in the PSDNP as they make a contribution to the River Itchen landscape which should be protected in its totality.
- 7.17 Both sites (sites 10 and 11 in obj.2437/2/1) are of historic and townscape importance, not least because the land at St Cross Hospital provides the setting for a building complex of national importance.

Agency's Response

- 7.18 Land at Winchester College and south of St Cross Hospital has a formal managed appearance and does not form part of the sweep of flood plain that is included in the PSDNP.

Inspector's Conclusions

- 7.19 Although outside the East Hampshire AONB, the Agency considers that the Itchen is a superb example of a chalk river and that its floodplain is largely unspoilt, intact and tranquil. By and large I agree. However, 2 relatively small parcels of land at Winchester College and St Cross Hospital are excluded from the PSDNP. Both lie in the floodplain to the west of the river and are mainly used for formal sports. While they are seemingly of considerable recreational value, formal sports pitches do not offer open-air recreational experiences that are relevant to the purposes of the 1949 Act. Furthermore both parcels have a formal and managed appearance and, to my eyes at least, are more properly regarded as an integral part of Winchester's built-up area rather than the more naturalistic sweep of flood plain meadow alongside the Itchen. Accordingly, although the objection sites are both attractive in their own right and are clearly of considerable historic and townscape importance, I am not persuaded that the boundary of the PSDNP should be modified to include one or both. The claim that their exclusion from the National Park would make them vulnerable to development pressure does not alter that conclusion. This argument is not, of course, a basis for including land in a National Park under the 1949 Act.

Inspector's Recommendation

- 7.20 No change to the designation order boundary.

* *

Bar End

Case for objectors

- 7.21 Land at and close to Bar End merits inclusion as it provides important view of an Iron Age Fort, level walks and is part of

a wildlife corridor linking the chalk downland to the water meadows.

Agency's response

- 7.22 Planning permission has been given for a park and ride site able to accommodate 600 vehicles. This has now been implemented.

Inspector's Conclusions

- 7.23 Whatever the merits of the land in question at an earlier date, the recent park and ride scheme clearly rules out its inclusion in the PSDNP.

Inspector's Recommendation

- 7.24 No change to the designation order boundary.

* *

Durngate/Hyde sites

Case for objector

- 7.25 Both sites are open in character and part of the Itchen floodplain. The Hyde site is a Site of Importance for Nature Conservation (SINC) and stands alongside the historic Pilgrims Way route from Southampton to Canterbury. If these sites are left out of the National Park their future would be uncertain as they would lie outside of the built-up area of the City as defined in the Review Winchester Local Plan and the National Park.

Agency's Response

- 7.26 The Hyde site includes a contractor's premises with outbuildings and a recycling facility. It fails the natural beauty test. Durngate consists of 2 relatively small parcels of land. The first includes residential properties which give it an urban appearance, the second comprises a derelict property and scrubby grassland. Neither site satisfies the natural beauty test.
- 7.27 Protecting land from possible development is not relevant to the national park designation process. If development is

deemed inappropriate for any reason it is a matter for the separate development plan/development control process to address.

Inspector's Conclusions

- 7.28 The Hyde site identified by the City Council reads as part of the sweep of generally unspoilt open land that makes up the Itchen floodplain. I note that the land in dispute is designated as a SNCI and is bounded by a right of way that is part of the well-used and historic Pilgrims Way route from Southampton to Canterbury. A small area at the northern end of the site is used for some fairly low key storage activities but as this land is quite well screened I am not convinced that the development justifies the exclusion of the whole site. A further concern is that the northern boundary identified by the Agency does not seem to me to correspond to any physical feature on the ground and as such is contrary to the Agency's own boundary setting guidelines. On balance I consider that the land in question should be included in the PSDNP.
- 7.29 The Durngate sites are much smaller and their exclusion is easier to understand given their edge of settlement character. The more northerly site contains a small complex of agricultural style buildings, some residential property and some evidence of landscape fragmentation. In my opinion it clearly fails the natural beauty test. The other site is a more realistic candidate for inclusion but it is strongly influenced by its proximity to the built-up area and, on balance, I consider that it also should be excluded from the PSDNP. I note the concern that the future of sites situated between the edge of the built-up area and the PSDNP would be uncertain, but this point does not persuade me that they should be brought into the PSDNP. Land at the margin of the National Park has to satisfy the statutory criteria if it is to merit inclusion.

Inspector's Recommendation

- 7.30 That the PSDNP boundary be amended insofar as it would include the Hyde site.

* *

SECTION B (see CD23 for extent)

Inspector's Note.

The only objections to the boundary within section B concern land at Ladycroft to the west of New Alresford. However, it is also appropriate at this time to address West Sussex County Council and Chichester District Council's claim that the floor of the Itchen Valley should be excluded.

Ladycroft

Case for objectors

7.31 By adopting the A31 and the B3047 as the boundary to the west of New Alresford, the PSDNP excludes an historic and attractive portion of the Itchen Valley; land that clearly merits inclusion in the PSDNP on its merits. The land in question includes an SSSI and forms an important gateway to the National Park. By selecting the A31 as the boundary, Ladycroft is separated from its parent community at Tichborne.

Agency's response

7.32 The land in dispute is separated from the wider sweep of downland to the south by the elevated A31 by-pass.

Inspector's Conclusions

7.33 Ladycroft contains a handful of dwellings that are separated from the much larger nearby settlement of New Arlesford by the River Itchen and its associated water meadows. This small section of river landscape lies outside the PSDNP, unlike the length to the south of the A31 and to the west of the B3047. I am not surprised that objectors' consider that the exclusion of this small portion of the Itchen Valley is inappropriate particularly as it appears to have both historic and nature conservation value. I note also that Ladycroft is a convenient place to access the network of important footpaths that allow the nearby hills to be visited and enjoyed.

7.34 On the other hand Ladycroft sits close to an elevated section of the A31 New Arlesford by-pass. This substantial piece of highway infrastructure tends to physically and visually

separate Ladycroft from the wider downland landscapes to the south and west. While this is an instance where the relative merits of the alternative boundaries are fairly evenly balanced, in the final analysis I consider that the A31 and the B3047 are correctly identified as the appropriate boundary of the National Park. I am not convinced that the main sweep of downland to the south should extend beyond the A31 to include the land in dispute. I appreciate that this arrangement separates Ladycroft from the remainder of Tichborne Parish to the south. But, as mentioned earlier in the report, I do not accept that it is necessarily inappropriate or unacceptable for the PSDNP boundary to "split" a parish.

Inspector's Recommendation

7.35 No change to the designation order boundary.

* *

Itchen Valley east of M3 Motorway

Case for objectors

7.36 Unlike the Meon, Arun, Adur and other rivers further to the east, the Itchen is a characteristic Hampshire river running through the Hampshire Downs. It contains a line of small settlements and should be excluded from the National Park.

Agency's response

7.37 The Itchen Valley contains a number of small and attractive historic settlements and the SSSI and SAC designations reflect its nature conservation value. It satisfies the natural beauty test and also offers a range of high quality recreational experiences such as quiet riverside walks and trout fishing.

Inspector's Conclusions

7.38 In my conclusions on the section A boundary to the east of Winchester I mention that the non-AONB landscapes to the north of the A31 should be included in the National Park. To my mind this area forms part of a lightly settled and high quality chalk landscape that is characterised by rolling hills and secluded dry valleys. The same description applies to

the tract of chalkland that extends as far east as New Alresford (and beyond).

- 7.39 So far as the Itchen Valley itself is concerned, I recognise that the River Itchen does not cut through the South Downs in the way that the Meon and some other rivers do. However, the underlying geology is chalk and this very attractive valley landscape has strong visual associations with the chalk hills to the south. There are a number of settlements within the valley, but they are all small scale, very attractive and often of historic importance.
- 7.40 Moreover the valley has a strong sense of seclusion and tranquillity and I am in no doubt that it offers a range of markedly superior recreational experiences, including some of the best trout fishing to be found in this country. On balance, therefore, I am persuaded that both statutory criteria are satisfied and that the valley warrants inclusion in the National Park on its merits. Few objectors argue otherwise.

Inspector's Recommendation

- 7.41 No change to the designation order boundary.

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SECTION C (see CD23 for extent)

- 7.42 The objections to the boundary in section C are considered under the following headings:

- Land at West Tisted
- Alton
- Land at Alton south of A31 by-pass
- Farringdon

Land at West Tisted

Case for objector

- 7.43 West Tisted Parish Council claims that the boundary should be modified to run from Stoney Brow to Ropley Wood. Adopting that boundary would bring the entire parish into the PSDNP. The additional land that would be included is

equal or better than the landscape situated to the east of the A32; land that is already included. It is also relevant that the landscape in question offers a range of recreational experiences as well as having features of cultural interest.

Agency's response

- 7.44 The land in dispute is outside the AONB and lacks the scenic quality required to meet the natural beauty test.

Inspector's Conclusions

- 7.45 The land in dispute at West Tisted falls within the East Hampshire Downs character area, one of the 4 chalk based character areas that form the core of the PSDNP. Unlike most of the character area, the land in dispute falls outside the AONB. In broad terms this area might reasonably be described as a raised chalk plateau with a landscape of large fields and sporadic blocks of woodland. As I see it this tract of land is part of the downland landscape that forms the core of the PSDNP.
- 7.46 The Agency claims it is less scenically attractive than the nearby land to the east of the A32 which is included in the PSDNP. Even if that is correct, and I think it is arguable notwithstanding that it contains a higher proportion of woodland, it seems to me the land identified by the Parish Council is a visually attractive, tranquil and largely unspoilt tract of landscape. On balance I consider that it satisfies the natural beauty test. If the natural beauty test is met, the Agency does not dispute that the area has a good density of footpaths and bridleways that offer a range of markedly superior recreational experiences. On balance, therefore, I support the inclusion of additional land at West Tisted in the PSDNP.
- 7.47 I am also conscious that the Agency boundary at this point is very convoluted and difficult to follow on the ground. By contrast the boundary favoured by West Tisted Parish Council is far more straightforward and more easily understood. This may not be a significant point but it is a consequence of my conclusion that the area satisfies the statutory criteria. For the avoidance of doubt I would add that my assessment pays no regard to the claim that the amended boundary should be adopted as it would not "split" West Tisted Parish.

Inspector's Recommendation

- 7.48 That the designation order boundary be amended to that suggested by the West Tisted Parish Council.

* *

Alton

Case for objectors

- 7.49 The boundary should be modified to include the market town of Alton. If Petersfield merits National Park status, so must Alton. Alton sits within a tract of high quality landscape and has a long association with the South Downs. The town has a rich heritage and contains many features of architectural and historic interest, including important associations with Jan Austen. Much of the land abutting the town is subject to unwelcome development pressure which National Park status could deflect.

Agency's response

- 7.50 Alton is separated from the wider PSDNP by the A31, power lines and other items of community infrastructure. The town has a population in excess of 16,000 and sits within a wider landscape that has no significant unifying links with the core chalk hills.

Inspector's Conclusions

- 7.51 At the outset it is necessary to note that the summary of case set out above does not do justice to the detailed and carefully researched presentation put forward by the Alton Society and Alton Town Council. The case for including Alton in the PSDNP could not have been more persuasively put. Amongst other things the material submitted by the objectors illustrated Alton's fascinating history; not least it alerted me to its Jane Austen associations and the root of the "sweet Fanny Adams" expression. Even though Alton has been subject to some mundane modern development in recent years, I have no difficulty accepting that it is a special place with a rich heritage and a wealth of very fine historic buildings.

- 7.52 Unfortunately, I am not persuaded that the boundary of the PSDNP should be modified to include the town. Alton has a population approaching 17,000 which is more than any settlement in any of the existing National Parks. Any town of that size is clearly going to struggle to justify its inclusion in the PSDNP particularly as it stands at or close to the boundary rather than deeply embedded within the designated area. In the final analysis I do not consider that it would be sensible, or indeed appropriate, to extend the PSDNP beyond a major highway – a very obvious and readily recognisable boundary - in order to bring such a sizeable settlement within the PSDNP.
- 7.53 I make no comment on the claims that Alton has superior National Park credentials to Petersfield. Settlements are all different and have to be considered on their individual merit in the main, not be reference to other settlements.
- 7.54 One final matter. I note the widespread concerns regarding the prospect of future large-scale housing development at Alton. Whether or no these concerns are well founded, I do not accept that the boundary should be drawn in a way that aims to deter or diminish the prospect of further housing development. Many might disagree, but in my view that is not a consideration that should form part of the boundary setting exercise. Decisions regarding the acceptability or otherwise of additional development are matters to be resolved via the separate development plan/development control process.

Inspector's Recommendation

- 7.55 No change to the designation order boundary.

* *

Land near Alton south of the A31 by-pass

Case for objector

- 7.56 The tongue of land that extends south from the A31 to Hall Lane east of Upper Farringdon should be brought into the PSDNP. It is an area of outstanding natural beauty and offers a range of recreational experiences. Adopting the A31

as the boundary, an obvious and natural line, would help ensure that Alton did not expand south of the A31.

Agency's response

7.57 The land in question is part of the middle and northern heaths sub-area of the Hampshire Hangers and Wealden Greensand character area. It does not have the same degree of intimacy and enclosure as some other parts of the sub-area and in the Agency's view it does not satisfy the statutory tests.

Inspector's Conclusions

7.58 The land in question is outside the East Hants AONB. It is intensively farmed, generally devoid of woodland and crossed by electricity transmission lines. To my eyes it does not have the landscape quality of the adjoining areas. I am not persuaded that it meets the natural beauty test and I am unaware of any recreational opportunities of especial value. Major highways can provide easily recognisable physical boundaries but in this instance I do not accept that this length of the A31 should form the local boundary. Adopting the A31 would bring a large tract of lesser quality land within the PSDNP. And as mentioned under the previous heading, again I do not accept that the boundary of the National Park should be drawn in a way that might make future built development at Alton or anywhere else less likely.

Inspector's Recommendation

7.59 No change to the designation order boundary.

* *

Farringdon

Inspector's Note:

In a letter dated 31.1.2003 Mr GD Stratford sets out his opposition to the inclusion of both Upper and Lower Farringdon and nearby land in the PSDNP. CAR 585 is the Agency's response to the letter.

I note, however, that the objector submitted a second letter dated 23.5.2003 clarifying his objection. In this he indicates that if there

is to be a PSDNP it should not extend further north than the A272. So far as I am aware the Agency has not responded directly to this suggestion. Of course much of the land north of the A272 and east of Petersfield would be excluded from the PSDNP if my recommendation that the National Park be more closely focused on the chalk hills is accepted. To a degree at least I therefore support Mr Stratford's argument. Having already dealt with the issue in some detail earlier in the report I do not propose to now re-visit it. On the other hand this does not mean that I accept that the A272 should form the northern boundary or limit of the PSDNP. Indeed in my earlier comments on objections to the boundary in section A and B, namely land west of Petersfield, I set out my support for the inclusion of large tracts of land to the north of the road.

Bearing the above in mind, the following paragraphs therefore deal with the case as initially presented albeit that the objector's concerns seemingly relate to a much more extensive tract of land.

Case for objector

7.60 Upper and Lower Farringdon are both dormitory villages. They are surrounded by productive land which is intensively farmed in a manner quite different from that adopted on the Downs.

Agency's response

7.61 The land in question has a high quality intact landscape that is highly characteristic of the East Hampshire Downs. Upper Farringdon itself is an attractive rural settlement; Lower Farringdon is of lower quality but does not significantly detract from the broad sweep of qualifying land. The locality has a good footpath network which offers markedly superior recreational experiences.

Inspector's Conclusions

7.62 The land to the north of Upper and Lower Farringdon has an undulating landform reflecting the underlying chalk geology. The mature intensively farmed agricultural landscape is interrupted by linear corridors and blocks of woodland. Although this area is outwith the East Hants AONB, to my mind it is scenically attractive landscape with few detractors and overall meets the natural beauty test. This area also has a reasonable network of footpaths and includes the listed parkland at Chawton Park with its Jane Austen associations. On balance I consider that it also meets the

recreational opportunities test. The fact that this area contains a couple of small rural settlements does not persuade me that it fails to satisfy the statutory criteria. The settlements in question are both small and attractive and sit easily within the wider landscape. In sum I support the Agency's decision to include this area of non-AONB land within the PSDNP.

- 7.63 Finally, I note that West Sussex and Chichester argue that the eastern edge of this area should be excluded from the PSDNP. I am not convinced that this would achieve much particularly as the land in question contains some attractive woodland including Peck Copse which is a Site of Importance for Nature Conservation (SNCI).

Inspector's Recommendation

- 7.64 No change to the designation order boundary.

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SECTION D (see CD23 for extent)

Introduction

- 7.65 The objections to the boundary in section D are considered under the following sub-areas:

- Land at East Worldham
- Land west of Blackmoor
- Alice Holt Forest
- Selbourne Outlier
- Lode Farm

Land west/north-west of East Worldham

Case for objectors

- 7.66 Land to the north-west of East Worldham as far as Clay's Farm, and possibly beyond, merits inclusion. It contains sunken lanes, historic buildings, footpaths including the long distance Hangers Way and land that is of nature conservation value.

- 7.67 Additionally, the boundary at East Worldham should be modified slightly to include additional land at Shelley's Barn.

Agency's response

- 7.68 West of the Hampshire Hangers the landscape becomes less undulating with less woodland and the heathland character is lost to more intensive arable cultivation. It may have an excellent rights of way network that offers good recreational opportunities but it does not meet the natural beauty test.
- 7.69 The land at Shelley's Barn was initially excluded from the PSDNP but as this had the effect of splitting East Worldham the boundary was subsequently modified to include all of the land identified by objectors.

Inspector's Conclusions

- 7.70 The land north-west of East Worldham forms part of the Middle and Northern Heaths landscape character sub-area. It lies to the west of the high quality Hampshire Hangers and beyond the boundary of the existing AONBs. It is generally open and intensively farmed and nowadays has limited woodland cover. To my eyes the wider area between Alton and the Hangers is a tract of pleasant countryside but not one of high scenic attraction. That said I do not doubt that it is of some ecological value, albeit that none is formally identified as such so far as I am aware, and I also note that it contains features of historic and cultural value. In sum, therefore, while this area is pleasant countryside with some features of interest, I am not persuaded that it satisfies the natural beauty test. It follows that it cannot provide markedly superior recreational experiences either albeit that the area has a good rights of way network.
- 7.71 Although the PSDNP boundary initially excluded land at Shelley's Barn, at a later stage in the designation process it was included. As I understand it, the concerns raised by objectors in respect of this corner of the village are therefore satisfied. Given that the Agency's maps are at a 1:25,000 scale it is not surprising, perhaps, that the decision to promote a minor change to the boundary was seemingly overlooked by objectors.
- 7.72 Before leaving this section it should be noted that my conclusions in respect of land at East Worldham assume that the PSDNP extends north of the B3004 to the Binstead area.

However, later in the report I separately recommend that the B3004 should be adopted as a more appropriate National Park boundary. If that recommendation is accepted it would mean that East Worldham would not be within the PSDNP. This would also apply to the land at Shelley's Barn as well as the land to the north west of the village.

Inspector's Recommendation

- 7.73 No change to the designation order boundary unless my recommendation that the B3004 forms the northern boundary of the PSDNP is accepted. In that event that the designation order boundary be amended to exclude East Worldham (and other land north of the B3004).

* *

Land west of Blackmoor

Case for objectors

- 7.74 Land to the west of the village of Blackmoor satisfies the statutory criteria and should be included in the PSDNP.

Agency's response

- 7.75 Although the objector does not provide a plan in support of the objection, it appears that the land in question is now within the PSDNP having originally been excluded.

Inspector's Conclusions

- 7.76 Like the objector, the Agency is now satisfied that the tract of land west of Blackmoor should be included in the PSDNP. To my mind the ability of this non-AONB land to satisfy the statutory criteria is far from certain. However, given the Agency's acceptance that it is of the necessary standard and the lack of a specific objection to its inclusion, I have resisted the temptation to recommend otherwise.

Inspector's Recommendation

- 7.77 No change to the designation order boundary.

* *

Alice Holt Forest

Case for objector

7.78 Mr J Templeton argues that this is a high quality afforested landscape. It provides a range of open-air recreational activities including a series of trails leading out from the Woodland Forest visitor centre. The area of search exercise (CD36) noted the tranquil and varied character of the area and its easy accessibility to major population centres, but it was later excluded from the PSDNP primarily on the grounds of landscape fragmentation caused by roads and recent development. The forest is traversed by the A325 but as the road passes through a heavily wooded landscape it is not visually intrusive. The impact of the road does not warrant the exclusion of land that is identified as having special landscape and nature conservation value in the East Hampshire District Local Plan.

Agency's response

7.79 Alice Holt Forest is fragmented by roads and development that diminish the overall quality of the landscape. Furthermore the Agency is not convinced that it has sufficient association with the core Downs to justify its inclusion in the PSDNP. Taken together these considerations indicate that the natural beauty criterion is not satisfied. It follows that it cannot provide a markedly superior recreational experience albeit that the area provides opportunities for open-air recreation.

Inspector's Conclusions

7.80 Alice Holt Forest is part of the wider Wealden Greensand landscape character area. It lies immediately to the north-east of the so-called Binsted Peninsula, a finger of land that is included in the PSDNP even though it projects well beyond the existing AONB boundaries. To my eyes Alice Holt Forest is a scenically attractive and generally tranquil tract of landscape. If it met the natural beauty test, it is generally agreed that it would provide a markedly superior recreational experience. In the light of the above I accept that Alice Holt Forest might warrant inclusion if it displayed close associations with the core landscapes that make up the PSDNP. I am not satisfied that it does. Indeed, because of this concern I separately recommend that the more northerly part of the Binsted Peninsula also be excluded

from the PSDNP. If that recommendation is accepted, it must follow that Alice Holt Forest is also excluded.

Inspector's Recommendation

7.81 No change to the designation order boundary.

* *

Selbourne Outlier

Case for objectors

7.82 As part of their "chalk only" case West Sussex County Council and Chichester District Council argue that the extension of the core South Downs that lies roughly north of the A272 and west of the A3 (T) should be subject to further scrutiny. North of Selbourne the same objectors argue that the land should be excluded from the National Park. The latter area lies outside the AONB and the landscape is said to be less dramatic and more settled.

Agency's response

7.83 The Wealden Greensand landscape character area is a unique and distinctive landscape that defines the western end of the Weald. In particular it includes a precipitous east facing escarpment which has an almost continuous cover of woodland.

Inspector's Conclusions

7.84 Although identified for further scrutiny, the objectors' recognise that the Selbourne outlier could warrant inclusion in the National Park. They note that it has characteristic downland topography and dramatic chalk scenery and together with the South Downs forms an extensive tract of downland landscapes. I see no reason to disagree. While it may not be part of the core Downs, the Selbourne outlier with its Chalk and Greensand escarpments is without question a dramatic and high quality landscape. It enjoys AONB status and Hobhouse included the land up to Selbourne in his suggested South Downs National Park. In my opinion this landscape provides markedly superior recreational experiences and I support the inclusion of the Hobhouse land in the National Park unreservedly.

- 7.85 North-east of Selbourne the case for inclusion is less clear-cut in my view. This land was not included in the Hobhouse proposal and the majority lies outside the AONB. Even so, to my eyes at least, the distinctive hanger landscapes immediately beyond the AONB are very distinctive and of high scenic quality. I am in no doubt that they satisfy the natural beauty test. This area also has a good rights of way network that provides excellent opportunities for a range of open-air recreational activities. South of the B3004 the network includes the important Hangers Way long distance footpath. The network also serves Shortheath Common Nature Reserve which is an SSSI with good public access and visitor facilities.
- 7.86 Bearing the above in mind, it seems to me that the National Park could properly include at least part of the tract of non-AONB land that lies north of Selbourne. More precisely I consider that the B3004 represents an appropriate and clearly recognisable northern limit to this part of the National Park. Land south of the road satisfies the statutory criteria whereas the land to the north is increasingly removed from the core South Downs and the hanger landscapes within the peninsula seem to me to be rather less imposing. On balance I therefore favour the B3004 as an alternative boundary to the National Park. This would leave the best of the Hampshire Hangers and associated landscapes within the PSDNP, including those situated closer to the core Downs. In making that recommendation it should be noted that the B3004 is not expressly put forward as an alternative boundary by any objector so far as I am aware.
- 7.87 It may be helpful to note that Tarmac Southern Ltd's objection in respect of land at Lode Farm, Kingsley, also refers to the tract of non-AONB land north of Selbourne.

Inspector's Recommendation

- 7.88 That the designation order boundary be amended to exclude land to the north of the B3004.

* *

Lode Farm

Case for objector

- 7.89 Tarmac Southern Ltd. notes that the Agency itself claims that the existing AONBs are likely to form the basis of the PSDNP. Certainly the East Hampshire AONB boundary represents an appropriate boundary to section D. However the Agency has chosen to include a peninsula of land that extends about 8km north of the AONB towards Alton and Haslemere. While this Binstead peninsula contains attractive woods/hangers it also contains other land of lesser quality; land that clearly fails the natural beauty test. In the light of the Secretary of State's decision in respect of the New Forest National Park, and in particular the reasoning and conclusions leading to the exclusion of the Avon Valley, the non-AONB land in the peninsula should be excluded in its entirety. In particular, perhaps, because it does not display sufficient connectivity with the core South Downs and too much of it fails the natural beauty and recreational opportunity tests.
- 7.90 If the National Park is to extend significantly north of the AONB it should at least exclude the fields north of Rookery Farm and south of the B3004. These are ordinary fields under pasture and offer no public access. Moreover, they have mineral reserves that could be worked as a logical extension to the nearby Lode Farm extraction site.

Agency's response

- 7.91 The hanger landscapes that mark the western limit of the Weald are a particularly distinctive feature of the so-called Binstead peninsula. The land immediately to the east is more open and provides part of the foreground or setting to the more elevated hanger woodlands. The hanger landscapes cannot be looked at in isolation, they have close geological and historical links to the adjoining land. Together they form a wider sweep of landscape that satisfies both the natural beauty and recreational opportunity tests. The peninsula may not have AONB status but it is important to remember that the AONB was designated over 40 years ago following a far less thorough appraisal and without the benefit of modern landscape assessment expertise.
- 7.92 The objector's reliance on the New Forest decision has to be viewed with caution. The New Forest and the South Downs

are very different to one another in many respects. The New Forest is far more homogeneous and has limited diversity at a broad scale whereas the South Downs is a more extensive area containing a number of broad scale character areas. The constituent parts which make up the South Downs are connected to the core by unifying factors, a point accepted in the New Forest decision.

- 7.93 The fields north of Rookery Farm that the objector claims should be excluded from the National Park are little different to others that would be included. The objector's suggested boundary simply reflects land ownership arrangements. In any event it should be noted that the designation process does not exclude land simply because it has potential for future mineral extraction. If at some future date a national need for further mineral extraction is identified, National Park status would not necessarily be a bar to further extraction.

Inspector's Conclusions

- 7.94 In my earlier comments on the Selbourne Outlier I indicated support for the inclusion of the portion of the so-called Binstead peninsula that extends beyond the AONB boundary as far north as the B3004, but not to the inclusion in the National Park of the land lying to the north of the road. To a degree, therefore, I share the objector's concerns regarding the appropriateness of including land in the National Park that lies well beyond the AONB boundary. In part my conclusions on this matter were influenced by the New Forest decision. While my preferred boundary would lead to the exclusion of the hanger landscapes to the north of the B3004, it would include those to the south of the road as well as the SSSI's at Binswood and Shortheath Common. It seems to me, therefore, that this arrangement would leave the best of the Binsted Peninsula within the PSDNP.
- 7.95 Of course my conclusions in respect of this length of boundary do not satisfy the objector's desire to exclude the collection of fields that lie between Rookery Farm and the B3004. These would continue to be within the proposed National Park. Looked at on their individually merits, I accept, firstly, that these fields are not of especial scenic attraction and, secondly, that they do not offer any degree of public access. However, I agree with the Agency that decisions regarding the appropriate boundary cannot be made on a field by field basis. Rather it is necessary to

consider the merits or otherwise of a broad sweep of landscape. Looked at in that way, the fields in question are part of a generally unspoilt sweep of countryside that forms the setting to the more elevated hanger landscapes to the west. While the boundary of this and any other National Park has to be scrutinised carefully to exclude damaged or otherwise poorer quality land, I am not persuaded that this requirement, such as it is, should lead to the exclusion of the fields identified by the objector.

- 7.96 I note the concerns regarding possible future mineral extraction at this location but there is no compelling evidence to-hand indicting that this would be acceptable to the relevant authorities. So far as I am aware, the land in question is not allocated for mineral extraction or any other related development in any of the existing (or emerging) development plans. I am not persuaded that this land should be excluded from the National Park on the basis that it may have potential for future mineral extraction.

Inspector's Recommendation

- 7.97 That the designation order boundary be amended only insofar as it excludes land north of the B3004.

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SECTION E (see CD23 for extent)

Inspector's Note.

In my earlier comments in the section on the "Inclusion of non-chalk landscapes" – see section 1 - I expressed the view that the National Park should be more closely focussed on the core chalk landscapes. If that recommendation is accepted a wholesale review of the boundary from section E through to section H is required. In part this recommendation took account of the Assessor's conclusion that neither the A3 corridor nor the Rother Valley to the east of Petersfield satisfies the designation criteria.

I am conscious, however, that the Secretary of State may conclude that the A3 corridor, the Rother Valley and the non-chalk landscapes to their east and north respectively, should be included in the National Park. Accordingly, I have addressed the objections to the detailed designation order boundary from

section E through to section H even though I recommend the adoption of a very different boundary.

Introduction

7.98 The objections to the boundary in section E are considered under the following heads:

- Petersfield, Liss and the A3 corridor
- MoD land at Woolmer Forest and Longmore Inclosure
- Hollywater
- Bramshott and Ludshott area
- Land west of Liphook
- Bordon area

Petersfield, Liss and the A3 corridor

Case for objectors

7.99 West Sussex County Council, Chichester District Council and others argue that Petersfield and Liss, the intervening land and the land south of Liphook does not have the same high quality landscape as the wider National Park. Urban development and transport infrastructure detract from its scenic quality, inhibit recreational opportunities and undermine any sense of tranquillity or relative wildness. Petersfield itself is a large town with a population in excess of 13,000. The Secretary of State's decision in respect of the New Forest National Park confirmed that even attractive towns of that size are unlikely to meet the designation criteria.

7.100 Unlike Petersfield, Liss lacks an historic core and does not have attractive built fabric. The Agency's itself recognises that the case for including Liss is borderline. In practice it fails the natural beauty test and offers little in the way of recreational experiences.

7.101 The Agency's claim that the A3 has only a localised impact is disputed. Not all of the road is in cutting and the linkages across the road are inevitably affected by the high traffic levels.

Agency's response

7.102 Section E is typified by the Hampshire Hangers and Wealden Greensand landscape character type. South of Liss Forest the landscape, including the A3 corridor, is within the East Hampshire AONB. At the Area of Search stage it was noted that there had been some loss of landscape quality at Petersfield and Liss due to recent developments and that the wider A3 corridor should be subject to scrutiny at a later stage. That exercise was undertaken in due course and concluded that Petersfield met the designation criteria but that the case for Liss was more borderline. On balance, however, it was considered that as the nearby Longmoor Inclosure met the designation criteria, Liss should also be included. Like Petersfield, Liss is an integral part of a wider sweep of high quality landscape that offers tranquil, remote and intimate recreational experiences. While the busy A3 fragmented and disrupted the corridor landscape the adverse impact does not itself justify the exclusion of the wider corridor.

Supporting representations

7.103 CD260 sets out the South Downs Campaign's support for the inclusion of a number of market towns in the PSDNP. All are said to lie within a broad sweep of high quality landscape and all are said to be of historic value with visual linkages to surrounding countryside. In respect of Petersfield it is noted that it lies close to the main chalk spine at a point where the scarp slope changes to a north/south axis. The town is readily visible from Butser Hill, the highest point on the chalk hills, but is barely discernable from other vantage points. A feature of the town is the way the surrounding countryside penetrates the town. Petersfield may have a sizeable population but size is not of itself relevant to the inclusion or otherwise of a settlement in a National Park.

Inspector's Conclusions

7.104 It seems to me that from the outset the designation process found the A3 corridor problematic. Apart from visual and aural intrusion associated with the busy A3, the corridor carries the main Portsmouth-London railway line as well as the B2070 with its associated sporadic development at Hill Brow and Rake. Inevitably these tend to fragment the landscape and undermine any sense of remoteness or tranquillity. In addition the corridor contains Petersfield which is larger than any of the towns that lie within other

National Parks in England and Wales as well as Liss and the satellite settlements of West Liss and Liss Forest. The adverse impact that development has had on the landscape quality of the corridor was recognised at the Area of Search stage (CD36).

7.105 In his detailed assessment of the corridor the Assessor notes that Petersfield generally exhibits a high quality townscape with an historic core and has strong visual links with the escarpments to the south and west. That is also my perception. It is, however, a large town by National Park standards and the commercial, industrial and other peripheral development that has taken place in recent years is visible from the A3 and elsewhere. Liss and its satellites contain less built development but to my eyes these settlements are overall of lesser townscape value and are predominantly suburban in appearance. In addition the corridor contains the landscape detractors associated with the military presence at Woolmer Forest and the Longmoor Inclosure to the north. I recognise that the hangers woodlands to the west of the road corridor are very impressive and that the wooded landscape to the east is also of high scenic attraction. However, I do not accept that the intervening land satisfies the designation criteria and it seems to me to be too extensive to be regarded as land that is subsumed or "washed-over" by a sweep of otherwise high quality landscape.

7.106 Accordingly, even if my conclusions regarding the inclusion of non-chalk landscapes are not accepted, in my opinion the boundary should be re-drawn to exclude the A3 corridor. It is not the size and number of settlements within the corridor, the highway infrastructure or even the heavy military presence, so much as the cumulative impact that these all have on this portion of the Wealden Greensand character area. In the absence of suggestions as to how a detailed boundary excluding the corridor should be drawn, I am only able to show a revised boundary in general terms – see Plan A in Volume 3.

Inspector's Recommendation

7.107 That the designation order boundary be amended to exclude the A3 corridor.

* *

Woolmer Forest and Longmoor Inclosure

Case for objectors

7.108 The Ministry of Defence (MoD) and others argue that the PSDNP boundary should be modified to exclude the Longmoor training estate. The MoD emphasises that it has an important and wide ranging role in the delivery of defence capabilities as detailed in Doc.2496/1/2. For example the Woolmer Forest (mainly the live firing ranges) was used on 341 days in 2004 for training over 25,000 personnel and the dry training and urban training complex to the south of the A3 was used for training over 50,000 personnel on 347 days the same year. Whilst MoD policy has a presumption in favour of public access to the defence estate, subject to operational and military training uses, the land in question is not within the AONB, has a limited rights of way network and the many military training activities detract from the natural beauty of the area. Any sense of relative wilderness or tranquillity is diminished by the live firing ranges and the associated security arrangements and the presence of substantial accommodation blocks and other built development.

7.109 Any additional public usage consequent to designation could constrain or conflict with the training activities. The fine balance between military usage and environmental considerations could be disturbed unnecessarily. Designation would also raise concerns regarding the Ministry's duty of care to military personnel and members of the public.

Agency's response

7.110 The portion of the training estate south of the A3 has been within the PSDNP from the outset whereas the land north of the road, Woolmer Forest, was initially excluded. This was on the grounds that although it met the natural beauty criterion, public access was limited due to military training activities. As a result, it did not offer opportunities for a markedly superior recreational experience. A subsequent review of the public access arrangements led to the decision to include the land.

7.111 The Longmoor training estate comprises an extensive sweep of high quality heathland with a strong sense of place that is recognised as being of international ecological importance.

It is not strongly associated with the chalk downs but is clearly part of Wealden Greensand landscape character area which in turn has close associations with the chalk downs. While the estate land is used for a range of military activities these tend to have a limited and localised impact. Overall the estate is considered to meet the natural beauty test. Public access is subject to some restriction but outside training times the estate offers opportunities for markedly superior recreational experiences. These opportunities could be enhanced by National Park status.

Supporting representations

7.112 The South Downs Campaign, Hampshire County Council and a host of local councils and organisations support the inclusion of Woolmer Forest and the Longmoor Inclosure in the National Park. Whitehill Town Council likewise, albeit that it considers that the PSDNP should be limited to the chalk hills. Together these areas are said to form the most important area of lowland heathland in south-east England outside the New Forest and are recognised as being of international importance for their natural environment. Although bisected by the A3, the area provides a sense of wildness comparable to any other part of the PSDNP. Notwithstanding the restrictions on public access, the land offers markedly superior recreational experiences. Although the MOD claims that the firing ranges were in use on 341 days in 2004, local surveys – see Doc.3275/6a - suggest live firing takes place on far fewer days and that when it occurs, the public are not denied access for the whole day. If training undertaken beyond the live firing ranges was deemed incompatible with recreational use, signs could alert the public to any potential problems.

Inspector's Conclusions

7.113 It seems to me that my conclusions that a South Downs National Park should be more closely focussed on the chalk hills, and that the A3 corridor does not satisfy the designation criteria in any event, must weaken the case for including the MoD's Longmoor training estate in the National Park. If much of the A3 corridor is outwith the National Park, any unifying links between land east of A3 and the core chalk hills would become far more tenuous.

7.114 I recognise, nonetheless, that the training estate includes land of very considerable ecological and aesthetic value.

Extensive tracts have a remote feel and a strong sense of place. Virtually all of it is designated as SSSI quality and it is also a candidate SAC. The important heathland habitats are likely to be enhanced by the positive programme of land management that is well underway. In large part the special qualities of this landscape are due to the long history of relatively low-key military use. On the other hand the military use of the land does itself have implications for National Park designation. The Longmoor estate contains a significant amount of built development including large accommodation blocks and an Urban Training Complex. Associated infrastructure, live firing ranges, fencing and other security and training arrangements also impinge on the quality and intactness of the landscape. Unless the pattern and level of training use at Longmoor changes, this situation is likely to continue for the foreseeable future. No changes of significance are anticipated so far as I am aware.

- 7.115 Overall, the Assessor concludes that the natural beauty test is not satisfied because of the amount of intrusive built development and the activities and infrastructure associated with the military presence. I consider that conclusion applicable to the land south of the A3 – the Longmoor Inclosure – where the military presence is very obvious, but possibly not to Woolmore Forest which lies to the north of the road. While the intermittent use of the live firing ranges in the latter area inevitably impacts on any sense of tranquillity, I am less convinced that the security fencing, red flag arrangements and other paraphernalia represent significant landscape detractors. Furthermore, I am not convinced that military activities are necessarily unacceptable within a protected landscape or that they necessarily conflict with National Park purposes.
- 7.116 My concerns regarding the ability of the Woolmer Forest area to satisfy the designation criteria relate more to the recreational opportunities criterion. Other than the month of September when maintenance usually takes place, for very understandable public safety reasons the public are properly denied access to the majority of this area for large periods of time. Red flags and accompanying signage alongside the 26 access points alert the public to live firing sessions. The MoD claims that the ranges are operational most days between 07:30 hours and 16:30 hours although evidence submitted by the South Downs Campaign and the figures presented by the Agency indicate a much more variable use.

- 7.117 It is difficult to reconcile the differences between the MoD and the other survey evidence. I cannot be certain but I suspect that these differences largely occur because public access to the land is denied for only parts of some days and the anticipated use of the firing ranges may not always take place. This may mean that a day logged as a live firing day in the MoD material would be logged differently in the other survey evidence. If I am right, it is not entirely surprising that the MoD figures relating to the annual use of the firing ranges in 2004 appear at odds with other survey evidence compiled over a shorter periods of time. In practice it appears to me that there are severe time restrictions on public access to this land though possibly less than the raw MoD data suggests.
- 7.118 I do not doubt that regular visitors to the area understand the intermittent access arrangements and vary their walks and other recreational visits accordingly. Visitors from further afield attracted to land having National Park status are less likely to understand the complicated access arrangements. Bearing all of the above in mind, and accepting that the available evidence is hardly conclusive, on balance I am not persuaded that Woolmer Forest offers markedly superior recreational experiences given the time limitations on the public use of the land.
- 7.119 Given my conclusion that the land south of the A3 does not satisfy the natural beauty criterion, it follows that it cannot provide a markedly superior recreational experience either. In the event that the landscape quality of this land is viewed differently, that is that it is deemed to meet the natural beauty test, my comments on the recreational experiences that are available are as follows. Firstly I note that public access to the land south of the A3 is not subject to the same live firing restrictions. This land is, nonetheless, used for a miscellany of other training activities which can involve simulated military conflict with pyrotechnics and the use of heavy vehicles with their associated noise and disturbance. These activities were vividly illustrated in the MoD presentation to the inquiry. While the pattern of usage will depend on the particular training needs, the scale and range of the military activities must undermine the quality of the recreational experiences that this land can offer. In short, while I do not doubt that the land south of the A3 is viewed as an important recreational resource by those who know and visit it, I am not convinced that it satisfies the statutory recreational opportunities criterion.

Inspector's Recommendation

7.120 That the designation order boundary be amended to exclude the Longmoor training estate.

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Hollywater

Case for objectors

7.121 Hollywater is situated immediately to the north-east of Woolmer Forest. The locality has changed little in centuries and is rich in flora and fauna.

Agency's response

7.122 It is accepted that the area is attractive but it is not of outstanding quality and it has insufficient unifying links with the core chalk hills. The area is fragmented by built development and lacks any visual links with the hangers to the west.

Inspector's Conclusions

7.123 Woolmer Forest is included in the National Park, arguably a case could be made for the inclusion of the National Trust land at Padfield Common and possibly other nearby land at Hollywater. Having concluded that Woolmer Forest should be excluded, I see no basis for including any of the land to the north of it.

Inspector's Recommendation

7.124 No change to the designation order boundary.

* *

Bramshott and Ludshott area

Case for objectors

7.125 The Bramshott and Ludshott area, indeed the whole Parish, satisfies the designation criteria and should be included in the National Park. This area probably contains more

“conservation land” than anywhere else in the search area. In addition to the River Wey Conservation Area, large tracts are designated as SSSI and the area also benefits from a fine rights of way network. The heathland habitats have a sense of relative wildness and are linked to other commons to the south that are within the PSDNP.

Agency's response

- 7.126 Land beyond the AONBs is only included in the PSDNP where it has strong links to the chalk hills. Bramshott and Ludshott Commons and other land nearby is of high landscape quality and also offers superior recreational experiences but it has weak associations with the chalk outcrop and is more closely associated with the Surrey heaths to the north. Moreover the area is largely separated from land that satisfies the designation criteria by the A3 and the sizeable settlement of Liphook.

Inspector's Conclusions

- 7.127 It is generally agreed that Bramshott and Ludshott Commons, the River Wey and other areas of land nearby, are all of high landscape quality and are able to offer a range of superior recreational experiences. But these areas have very weak associations with the chalk hills and I do not accept that they even benefit from indirect visual or other unifying links via the hanger landscapes to the west of the Upper Rother Valley. I agree with the Agency that the area is remote from the core Downs and is much more closely associated with the Surrey heaths. Even if I had concluded that Woolmer Forest should be included in the PSDNP, I would not support the inclusion of the landscapes situated to the north of Liphook.
- 7.128 Liphook itself is a fairly large town with a population in excess of 8,000 and the fact that it tends to separate the Bramshott and Ludshott Commons area from the landscapes further south is another reason to resist their inclusion in the PSDNP. I would add that I consider that the Agency correctly excluded Liphook from the PSDNP albeit that it has an historic core and could serve a gateway function. I note the suggestion that if Petersfield merits inclusion in the PSDNP so does Liphook, but as explained elsewhere in the report I do not favour the inclusion of Petersfield either.

7.129 Bramshott and Ludshott Parish Council reiterate the widely held concern regarding the PSDNP boundary “splitting” parishes. My conclusions on this matter appear earlier in the report – see section 5. In sum I am not persuaded that this issue should influence the boundary setting exercise.

Inspector's Recommendation

7.130 No change to the designation order boundary.

* *

Land west of Liphook

Case for objector

7.131 On behalf of Mr FR Northcott it is noted that the Agency accepts that the PSDNP boundary at the Silent Garden site at Liphook should be amended. The Agency's amended line excludes the housing site in its entirety and accordingly overcomes the objection on this point.

7.132 The Silent Garden site itself is at the south-eastern end of a broader tract of land that likewise should be excluded from the PSDNP. The land in question is not within the AONB and the Agency accepts that Liphook is not surrounded by land of high landscape quality. It may lie within the middle and northern heaths landscape character area but in practice it is intensively farmed and of very limited ecological value. Moreover it offers no public access and has no potential for recreational use. It therefore fails to satisfy the designation criteria. Rather than take the National Park hard up to the edge of the settlement, the PSDNP boundary could be pulled back and instead follow well established and recognisable landscape features. This arrangement would provide an opportunity for the town to expand.

7.133 Part if this broader tract is being promoted as a site for housing, education and public open space purposes via the Local Plan process. The outcome of this is as yet unknown. However Liphook has good sustainability credentials and the proposed housing site compares well to competing housing sites at the edge of the town.

Agency's response

- 7.134 The objection land is part of a wider sweep of landscape that is considered to be of high scenic value. It has a distinct sense of place derived from the mosaic of woodland and pasture associated with nearby Foley Manor. The public can obtain markedly superior recreational experiences from the use of the local rights of way network. This includes the footway along Longmoor Road which allows views across the tract in dispute.
- 7.135 While the Agency's approach to boundary setting takes account of development plan allocations, there is no certainty that the proposed site will achieve that status.

Inspector's Conclusions

- 7.136 The PSDNP generally extends to the urban edge of Liphook. It therefore includes land that lies outside the AONB. This wider sweep contains blocks of attractive woodland as well as the parkland landscape in the vicinity of Foley Manor and few landscape detractors of any consequence. That said I accept that the land identified by Mr RF Northcott is not itself of especial landscape quality. In the main it consists of a number of large fields in arable use and land that is part of the grounds at Bohunt School. Public access is also limited. The footway along Longmoor Road may lie within the PSDNP but it appears to run along the highway verge and is largely separated from the open countryside by a dense hedgerow. In my opinion it cannot be regarded as an important recreational resource. There is another footpath along the edge of the Silent Gardens site but views of the objection land from this route are largely screened by intervening woodland.
- 7.137 Bearing the above points in mind, it could be argued that the PDNP would lose little if the objection land was to be excluded. However, I consider that the judgement as to whether this land satisfies the designation criteria has to be made in the context of the wider sweep; it is not sensible or practicable to draw the boundary on a field by field basis. In my judgement the wider sweep warrants inclusion in the PSDNP if, contrary to my recommendation, the Agency's approach to the inclusion of non-chalk landscapes is accepted.

- 7.138 I recognise that the boundary favoured by the objector could provide Liphook with some elbow room that would allow the town to expand in a southerly direction in years to come. That might seem a useful safeguard, particularly as housing delivery is a contentious issue in East Hampshire, but the fact remains that this is not part of the Agency's approach to boundary setting. Indeed it is difficult to see how the designation process could possibly take this matter into account in a consistent and meaningful way. In my judgement decisions regarding the scale and location of future development are more appropriately made via the separate development planning processes. I would add that I do not accept that the national guidance on the definition of Green Belts boundaries is helpful or indeed relevant for National Park designation purposes. If I am wrong about that, I consider that it would be inconsistent to have a buffer area at the edge of Liphook to allow for possible future housing or other community needs, but not at any of the many other settlements that are likewise situated at or close to the edge of the PSDNP.
- 7.139 Of course the above comments need to be qualified in the event that all or part of the objection land is identified for housing and/or other purposes at the conclusion of the current Local Plan process. In that event, the boundary of the PSDNP would need to be amended to exclude any land allocated for development.
- 7.140 I make one final point. The PSDNP boundary cuts through Bohunt School and places the managed school grounds within the PSDNP. As the grounds seem to be primarily used for formal sports purposes I consider that the boundary should be amended to exclude this land given that the 1949 Act specifically excludes land used for organised games.

Inspector's Recommendation

- 7.141 No change to the designation order boundary other than to exclude the Silent Garden housing site and the grounds attached to Bohunt School.

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Bordon area

Case for objector

7.142 Walldown Preservation Society identifies several places in the vicinity of Bordon that should be included in the PSDNP. These include Deadwater Valley, The Warren, Slab Common, Oakhanger Stream and Broxhead Common. Many have SSSI status and some are also of archaeological importance.

Agency's response

7.143 The objection land in the vicinity of Bordon that is identified by the Society has no significant visual or unifying links with the wider South Downs. The quality of many of the areas, for example The Warren and Slab Common, are also influenced by extensive built development in the Bordon area. It is acknowledge that some of the objection land is of scientific value but this does not of itself justify the inclusion of land of lesser landscape quality.

Inspector's Conclusions

7.144 My conclusions regarding the parcels of objection land in the vicinity of Bordon accord with those expressed by the Agency. While several of these areas have special scientific and other qualities I am not convinced that they should be included in the PSDNP which is, after all, primarily a protective landscape designation. In particular I am conscious that built development at Bordon, often associated with the military presence in the town, has a significant adverse impact on the landscape quality of nearby areas of open countryside.

Inspector's Recommendation

7.145 No change to the designation order boundary.

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SECTION F (see CD23 for extent)

Introduction

7.146 The objections to the boundary in section F are considered under the following headings.

- North of Haslemere
- Sturt Farm, Haslemere
- Land at Camelsdale

North of Haslemere

Case for objector

7.147 The boundary should be amended to include land north/north-east of Haslemere including the famous Devils Punch Bowl. It is of high scenic attraction and offers a range of recreational opportunities. The additional land could also take in Bramshott and Ludshott Commons.

Agency's response

7.148 It is accepted that the broad tract of land situated north/north-east of Haslemere is of high scenic value. This is reflected by the fact that it lies within the Surrey Hills AONB. However this area has very weak links to the chalk outcrop that forms the core of the PSDNP. Consequently it is excluded from the designated area.

Inspector's Conclusions

7.149 I agree with the Agency. The land is of high landscape quality but it has weak associations with the chalk hills, significantly less than other areas of land which I recommend for exclusion for this very reason. My conclusions regarding Bramshott and Ludshott Commons appear earlier in the report – see paragraphs 7.117 to 7.122.

Inspector's Recommendation

7.150 No change to the designation order boundary.

* *

Sturt Farm, Haslemere

Case for objector

7.150 The boundary should be amended to include Sturt Farm.

Agency's response

7.151 Sturt Farm lies to the north of Camelsdale and is thus separated from the wider PSDNP to the south by that settlement. Camelsdale has grown over recent years and there is now little to separate it from the sizeable settlement of Haslemere.

Inspector's Conclusions

7.152 Mr P Gregory has not provided an alternative boundary for the PSDNP, so far as I am aware, but it appears that he seeks the inclusion of land that lies to the north-east of the A287 at Camelsdale. This land is almost encircled by built development which effectively separates it from the high quality landscapes to the south. It follows, it seems to me, that the inclusion of Sturt Farm can be contemplated only if Camelsdale is also included. For the reasons set out in the following section of the report I am not convinced that it should be.

Inspector's Recommendation

7.153 No change to the designation order boundary.

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Land at Camelsdale/Hammer

Case for objectors

7.154 Lynchmere Parish Council, the Lynchmere Society and others emphasise that Camelsdale is separated from the urban sprawl of Haslemere by the River Wey. The river forms the county boundary between Surrey and West Sussex and should be adopted as the appropriate and easily recognisable boundary for the PSDNP. Adopting the Wey would bring the whole of Lynchmere Parish into the PSDNP. At present the PSDNP boundary follows an erratic course through the parish and as such would tend to divide the community and create administrative difficulties. De-designation of the AONBs would also leave some land unprotected if left outside the PSDNP. Moreover the PSDNP boundary excludes a number of important areas of open space including 2 recreation grounds, a registered common,

Shottermill Ponds and areas of woodland. Overall about 50% of the land that would be brought within the PSDNP if the Wey formed the boundary is currently free of built development.

Agency's response

7.155 The AONB boundary splits the settlements of Hammer and Camelsdale. The Agency's guidelines for defining the PSDNP boundary aim to avoid this. Settlements are therefore included or excluded in their entirety. Having scrutinised the area carefully, the Agency considers that as Hammer and Camelsdale have both grown over recent years neither now warrants inclusion in the National Park. There is now little to distinguish them from the nearby much larger settlement of Haslemere. Adopting the River Wey as the PSDNP boundary would lead to the inclusion of land that clearly does not satisfy the statutory criteria.

7.156 There are pockets of open land alongside the River Wey but they have weak unifying links with the high quality landscapes to the south. These areas, rather, read as part of the urban context and tend to serve the local communities.

Inspector's Conclusions

7.157 The available evidence indicates that many of those who reside in Hammer and Camelsdale do not consider either settlement to be part of Haslemere. At one time they were clearly self contained settlements and they remain in different administrative areas. I can understand also the reasons why the local communities do not wish to see themselves as part of the county area to the north. Nonetheless, and accepting that it might upset local sensibilities, it seems to me that physically and perceptually Hammer and Camelsdale have now virtually merged with Haslemere. In my view the Agency has properly drawn the PSDNP boundary to exclude the existing areas of built development (subject to the area mentioned in paragraph 7.144 below). The boundary also reflects the Agency's concern that the PSDNP boundary should not split settlements. In saying that, adopting the River Wey as the boundary would also overcome the split settlement concern.

7.158 I recognise that the boundary as drawn excludes areas of green space that lie close to the River Wey. This is an

attractive and pleasing river corridor and I do not doubt that the various green spaces identified by objectors are much appreciated by local residents. However, some are used for formal sports purposes and all but one are separated from the high quality Greensand ridges to the south by built development. Adopting the River Wey as the boundary would bring the green spaces into the PSDNP but it would also require the inclusion of the intervening built-up areas. As mentioned above, I do not favour their inclusion in the PSDNP.

7.159 One of the green areas identified by objectors is not separated from the wider landscape to the south by intervening built development. The land in question is the area of woodland west of Hammer Lane that is within the AONB. To my mind this area reads as part of the wider high quality Greensand landscape. On balance I favour the inclusion of this woodland area in the PSDNP. This would also take the block of housing at Hammer Hill into the National Park but I do not see this as an overriding concern. This housing area should be regarded as an isolated pocket of built development standing within a wider sweep of landscape that satisfies the designation criteria.

7.160 I note the concerns regarding the splitting of this newly formed parish but for reasons set out elsewhere in the report, I do not consider this to be relevant for boundary setting purposes – see section 5. Finally, I recognise that if the Agency's boundary is adopted and the AONB is de-designated, it would leave areas of land in this locality without a protective landscape designation. This may be deemed unfortunate but at the end of the day if land is to be included in the PSDNP it should satisfy the designation criteria.

Inspector's Recommendation

7.161 No change to the designation order other than to include land west of Hammer Lane.

* *

SECTION G (see CD23 for extent)

Introduction

7.162 The objections to the boundary in section G are addressed under the following headings:

- Kirdford and Plaistow area

Kirdford and Plaistow area

Inspector's Note

The majority of the objectors to the boundary in section G indicate that they wish to support the joint case put forward at the inquiry by The South Downs Campaign, Plaistow Village Trust, Kirdford Conservation Society and the Sussex Wildlife Trust and others – for convenience referred to hereafter as the Trust. This case was supported by a volume of detailed evidence including a landscape assessment and seeks an amendment to the boundary to include an additional 38 sq km of Low Weald countryside. Fortunately, much of the factual material put forward by the Trust, if not the value to attach to it, is not challenged by the Agency.

At an earlier point in the designation process a rather wider area was favoured by certain members of the Trust. That has been superseded by the joint case although it is not clear if all of the individual objectors who support the Trust appreciate the change. Other objectors simply argue for the inclusion of land in and around Kirdford and Plaistow without specifying precisely the land they wish to see included. In these circumstances I have dealt with these objections as part of my consideration of the case put forward by the Trust. In addition, in my conclusions I address the objections that argue for the inclusion of additional land in the Kirdford/Plaistow area but seemingly favour the inclusion of a slightly different tract of land.

Case for objectors (the Trust)

7.163 The land in question is remote, tranquil and largely unspoilt. It includes the best bit of the Low Weald character area and is part of an extensive tract that satisfies the designation criteria. The alternative boundary identified by the Trust follows a number of easily identifiable features on the ground.

- 7.164 With regard to the natural beauty test, a landscape appraisal confirmed that this land is similar to other nearby land that is within the PSDNP. It may not have AONB status but it has long been recognised in a planning policy context as an area warranting special protection. The area contains few settlements, a high proportion of woodland and has visual links south to the chalk outcrop of the South Downs and west to Black Down. Kirdford and Plaistow are both small and attractive settlements that sit easily within the wider landscape. The Agency itself included this area within its Area of Search albeit that it considered that the portion around Kirdford required detailed scrutiny at detailed assessment stage. It was at this latter stage that the objection land was excluded from the PSDNP.
- 7.165 To help evaluate the natural beauty of landscapes the Agency identify a range of criteria. Taking these in turn, the Agency itself accepts that parts of the objection land are scenically attractive. All of the sub-areas assessed in the Trust's landscape appraisal were deemed to be at least of high/medium scenic quality. Higher scores would have been given if more long distant views were available. But distant views are not a special quality of the Low Weald landscapes, rather they are noted for their tranquillity and intimacy. Judged in the context of the Low Weald character area, the scenic quality of the objection area clearly merits inclusion.
- 7.166 So far as the other criteria are concerned, there is no dispute that the landscape is generally unspoilt and provides a feeling of remoteness and tranquillity that is recognised as being rare in the South-East. It is also representative of the Low Weald landscapes, indeed it is arguably the best part of the Low Weald. The Agency itself recognises that it has a sense of relative wildness. So far as the remaining matters are concerned, the Trust's evidence on the historical interest of the area, including the links to the Downs, and the evidence regarding cultural associations is not challenged. Further support for the inclusion of the objection land is provided by the nature conservation value of the area. It is one of the most important areas in Europe for bats and one of the most important areas in the South-East for butterflies. Additionally it contains a high density of hedgerows of which many are ancient in origin as well as ancient woodland and areas of unimproved grassland. Not surprisingly the land in dispute contains many SSSIs and SNCIs which in concert form an interlinked matrix of habitats that link to other designated areas within the PSDNP.

- 7.167 Without doubt the natural beauty criterion is met and the Agency accepts that if it is, the recreational opportunity criterion is likewise. The area offers good recreational opportunities and contains an exceptionally good network of paths, bridleways and quiet local roads. These link with long distant routes leading into the core Downs.
- 7.168 The objection land also enjoys strong unifying links to other character areas within the PSDNP. Like the area to the west, also formerly part of the Leconfield Estate, the land-use is a mosaic of fields, woodlands and shaws. The historical and cultural links to the core Downs are strong, as strong as any other part of the Low Weald, and the vernacular architecture and building materials often reflect those found within nearby settlements that lie within the PSDNP. The area also benefits from the geological link between the chalk outcrop and the Weald, a link less evident in the area to the east of the objection land. Visual links to the Greensand ridges and the chalk escarpment are readily available albeit that the Agency affords them limited weight.
- 7.169 At the Local Authority Consultation Stage the Agency justified the exclusion of the land in dispute on a number of grounds. So far as any additional fragmentation and lack of distinctiveness is concerned, this area is not different to the land to the west in terms of topography, woodland cover and openness. The Agency argues that in transitional landscapes a judgement has to be made as to where poorer pockets of land undermine the quality of the wider landscape. But in this instance no pockets of any consequence are identified. The Agency's claim that the transition begins to the east of the A283 is disputed. In the Trust's view it begins much further east on an approximate line between Kirdford and Plaistow.
- 7.170 The Agency now seemingly place especial weight on the absence of "borrowed character". This may be a relevant concept, but it should not lead to the exclusion of land that satisfies the designation criteria. It is, after all, only one of the factors used when assessing the importance of unifying links. The concept has only assumed particular importance at a late stage in the designation process. In any event, even if views of the Greensand ridges weaken eastwards this is offset by the increasing influence of the Chalk hills.

Agency's response

- 7.171 The PSDNP boundary in section G was drawn to include a significant amount of land outside the Sussex Downs AONB. This was deemed appropriate as the land is of high landscape quality, visually linked to the Greensand ridges and includes Ebernoe Common, an internationally important area for nature conservation. This is, nonetheless, a landscape in transition.
- 7.172 It is recognised that the land in dispute contains attractive countryside with a high degree of tranquillity. That said the landscape evidence put forward by the Trust itself indicates that in places it is only of medium/low quality which hardly suggests it represents some of the nation's finest landscapes. In this respect it lacks the striking quality and distinctiveness of the other parts of the Low Weald further west.
- 7.173 While the objection land contains a number of important ecological sites it should be noted that the woodland areas that are situated north of Plaistow actually extend well into Surrey. The integrity of much of this woodland has also been eroded by more recent conifer plantations. The historical and cultural features identified by the Trust are not in dispute but it is important to recognise that they also extend well beyond the objection area. Indeed it could be argued that these features tend to more effectively link the objection land to the adjoining areas to the north and east.
- 7.174 The Wealden Greensand and Low Weald landscape character areas are not chalk landscapes but they exhibit strong associations with the chalk outcrop in terms of their geological, cultural and visual links. These associations weaken as one travels eastwards; the influence of the Greensand lessens and the area becomes more open and fragmented with a less distinctive character and quality. The quantitative analysis undertaken by the Trust does not necessarily reflect these qualitative changes. For example, the quantitative assessment of woodland fails to reflect their quality and/or character. In the Agency's view, the objection area has weak associations with the core areas and cannot be regarded as part of a closely linked assemblage of South Downs landscapes.
- 7.175 It is accepted that the objection area provides intimate and diverse recreational experiences. However, they are not

markedly superior due to the declining landscape quality and the weak links to the designation order land to the west and south.

Inspector's Conclusions

- 7.176 The area in dispute is part of Low Weald landscape character area. It has a gently undulating landform, few settlements and a patchwork of generally small fields and small scale woods and coppices. It has a good rights of way network and offers a range of recreational experiences. The Agency accepts that if the natural beauty criterion is met, the objection area would satisfy the recreational opportunities criterion also. I am of the same opinion and accordingly see no need to detail or appraise the material submitted by the Trust in respect of this matter.
- 7.177 The objection area covers about 38 sq km and broadly corresponds to one of the "key" transitional areas at the edge of the PSDNP that are identified in CD51. These are areas where landscape quality and character is said to be undergoing change. In section G the transition seems to me to extend from about the A283 eastwards to a roughly north-south line between Ifold/Loxwood and Wisborough Green. East of the latter line the landscape is of lower quality, west of the A283 it is of high value and comparable to the adjoining AONB land. There may also be a transition from north to south across this area but this is far less relevant to the Trust's objection. A key point to recognise when drawing the boundary within transitional areas is that should be drawn within the transition. This involves a judgement as to where any landscape detractors or land of lesser quality undermines the wider sweep that otherwise satisfies the designation criteria.
- 7.178 Drawing an appropriate boundary in transitional areas is always problematic. In this instance the Trust argues that the boundary has been drawn conservatively and excludes landscapes that satisfy the designation criteria. In support of this argument a landscape assessment was undertaken using best practice guidance. This concluded that the overall landscape value in 3 of the 4 sub-areas was high and high/medium in the remaining sub-area (the south-eastern area). To my mind the overall sub-area assessments are a little difficult to understand given that the assessment of scenic quality and landscape condition is generally assessed as high/medium only and that the rating for some of the

other criteria, for example wildness and rarity, is everywhere deemed to be low. The statutory natural beauty criterion is not all about landscape quality but it is a key consideration and the landscape assessment hardly confirms the Trust's assertion that the landscape of the objection area is of consistently high quality.

7.179 Having said that, I consider that the objection area is by and large an attractive tract of generally unspoilt and tranquil countryside with few landscape detractors. During my site inspection I visited places within the objection area that are very beautiful and special by any standard. Even so, the comment of one Trust witness that the area was "special because of its ordinariness" provides a telling clue as to its overall landscape quality.

7.180 I have far less difficulty accepting that the objection area is of considerable nature conservation value. Amongst other things it contains many ancient and species rich hedgerows, ancient woodlands and areas of unimproved grassland as well as a host of sites that are designated for their nature conservation value. It also contains habitats that are important for their wildlife value, not least it is one of the most important areas in Europe for bats. Ebernoe Common is their main breeding and roosting site but they forage over a much wider area. It is also an important area for several woodland species of butterflies and birds. In large measure their presence is due to the high level of habitat continuity. Measures such as the landscape restoration initiative at the Butcherlands site are also intended to enhance many wildlife habitats. At the least, and this is not disputed by the Agency so far as I am aware, the objection area is of higher nature conservation value than land to the east and is similar in value to areas that are included in the PSDNP.

7.181 Other material is also said to illustrate that the area is comparable to the landscapes to the west that are included in the PSDNP. The detailed quantitative assessment of land-use/topographical features in 3 sample areas indicates, for example, that there is more woodland and more rights of way within the areas generally outside the PSDNP than in the sample area that lies within it. This material has a relevance but it clearly has to be treated with caution. For example the relatively high woodland figure in sample area B reflects the concentration west and north of Plaistow but also the woodland that is already within the PSDNP. Different sample areas would also give different results. I

am also conscious that while this material can help to characterise the landscape, it says little about its overall quality and it is not of great assistance in deciding where a boundary should be drawn within a transitional area.

- 7.182 The Agency argues that as one travels eastwards through the objection area the landscape becomes more open, less undulating and lower in quality. Having visited the area on many occasions, I accept that there is a gradation in character and quality though the changes are subtle rather than significant. Furthermore, while the settlements of Plaistow and Kirford may not be of especial value, I do not consider that they support the exclusion of the objection land given that they are small scale and, to my eyes at least, sit easily within the wider landscape. Nor do I accept that the vernacular architecture in these settlements is significantly different to that found in similar small settlements to the west.
- 7.183 There is, however, one matter where change occurs progressively and more obviously across the objection area, namely the extent to which the landscape "borrows character" from the core areas. This concept essentially refers to the availability or otherwise of visual links. Earlier in the report I accepted that these can justify the inclusion of non-chalk landscapes in a South Downs National Park.
- 7.184 On a clear day the chalk escarpment to the south is visible from vantage points within the objection area but only at a considerable distance. I attach very little weight to these views in terms of the ability of the objection land to "borrow character". The Greensand ridges to the west, and in particular Black Down, are much closer. Views of these are more significant albeit that they tend to reduce in importance the further east one travels. As I understand the Agency's case, it is the influence of these visual links in the perception of the landscape that helps to distinguish the Low Weald landscapes included in the PSDNP from those that are excluded. On balance, and assuming of course that my recommendation in favour of a more focussed National Park is not accepted, I consider that the visual links to the Greensand ridges certainly justify the inclusion of those parts of the Low Weald that are already within the PSDNP. They may also support the inclusion of some of the objection land a little further to the east, but I am not convinced that they assist the case for including the objection land in its entirety.

- 7.185 The Trust also submits geological evidence in support of its case. This indicates that the change in the underlying geology occurs towards the eastern end of the objection area. As I understand it, this change is in turn reflected in the less undulating landform leading up to and beyond the River Arun. It seems to me that this geological evidence tends to support the Agency's claim that the boundary of the objection area has been drawn towards the edge of the transition – that is the lower quality edge - rather than within it as required by the Agency's approach to boundary setting within transitional areas.
- 7.186 My brief comments on the claimed historical links to the South Downs are as follows. While I have considerable respect for Dr Brandon's intellectual ability and his encyclopaedic knowledge of the South Downs and Weald, in my view the links he identifies are of limited importance for boundary setting purposes.
- 7.187 My overall conclusions are therefore as follows. While I understand why the designation boundary within this transitional area could be described as conservative, I do not accept that it is necessarily inappropriate. The PSDNP boundary properly encompasses Ebernoe Common and other land that in my opinion is comparable in quality to the AONB land to the west (and south). Indeed the boundary in section G includes the second largest tract of non-AONB land in the entire PSDNP. Beyond the designation boundary there are other areas of land of high landscape quality and especial nature conservation value, notably in the Plaistow Parish portion of the objection area. But the visual links to the Greensand ridges to the west and to a lesser extent the overall quality of the landscape, tends to decline as one travel eastwards. Moreover I am not convinced that any of the unifying factors identified by the Trust demonstrate that the objection area is strongly associated with the core areas – whether that is taken to be the chalk hills as I contend, or the same hills and the nearby Greensand ridges as favoured by the Agency. Whether or no it is decided that the National Park should be more closely focused on the chalk downland, on balance I consider that the objection area should remain outside the PSDNP.
- 7.188 Having reached that broad conclusion, it is necessary to add a few additional comments regarding the suggestions that a different tract of Kirdford/Plaistow countryside should be

included in the PSDNP. Firstly, it is said that the land south of the road linking Balls Cross, Kirdford and Boxal Bridge should be included. This land includes the very open tract of countryside south of Boxal Bridge (excluded from the Trust's objection area) and to the west of Medhome Farm. This area is traversed by a major power transmission line and the suggested boundary would also "split" the settlement of Kirdford. I see no basis for including this particular tract in the PSDNP.

7.189 Secondly, a number of objectors seemingly favour the inclusion of additional Low Weald countryside over and above the 38 sq km promoted by the Trust. The additional land is further from the core areas and would also bring the sizeable settlement of Ifold into the PSDNP. If the inclusion of the Trust's objection area is not justified, I see no basis for including even more of the Low Weald.

Inspector's Recommendation

7.190 No change to the designation order boundary.

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SECTION H

Introduction

7.191 The objections to the boundary in section H are considered under the following headings:

- Wisborough Green to Ringmer
- Wisborough Green Parish
- Land south of Wisborough Green
- Toat Monument

Wisborough Green to Ringmer

Case for objector

7.192 The PSDNP boundary should be amended to include land situated between the above settlements.

Agency's response

7.193 This is a long length of the PSDNP boundary. In the absence of any detailed reasoning or supporting evidence it is difficult to respond to the objection. The Agency is satisfied, nonetheless, that the length of boundary in question has been drawn correctly and includes land that satisfies the designation criteria. Although a detailed response is not provided, almost the entire length from Wisborough Green to Ringmer is subject to other objections that have been properly considered by the Agency.

Inspector's Conclusions

7.194 Like the Agency, I am satisfied that the objector's desire to see a northerly extension of the boundary between Wisborough Green and Ringmer can be appropriately addressed via my consideration of other objections.

* *

Wisborough Green Parish

Case for objectors

7.195 Rather than include part only of Wisborough Green Parish, it would be sensible to include all of it. In support of this notion the Parish Council argues the division of the Parish would have a negative impact on the social and cultural integrity of the community. The 1995 Environment Act places a duty on NPAs to promote the economic and social well-being of their respective National Parks but this has been given insufficient weight in the boundary setting process. In any event the parish warrants inclusion on its merits. It contains high quality, attractive and varied landscape and a well maintained and extensive footpath network.

Agency's response

7.196 The bulk of Wisborough Green Parish is not considered to be a high quality landscape and therefore does not satisfy the designation criteria. While the Agency's approach to boundary setting avoids splitting settlements, it is not considered that parish or other administrative boundaries should influence the boundary setting process. CD50 considers this issue in detail. Any social and economic

benefits that might result from including all of the land in the parish are greatly outweighed by the dis-benefits of including a large tract of land that fails to meet the designation criteria.

Inspector's Conclusions

7.197 My conclusions in respect of the Kirdford/Plaistow area include passing comments in respect of the landscape quality of land situated further to the east. The latter area is fairly typical Low Weald countryside that falls within Wisborough Green Parish. In summary I am not convinced that the more northerly portion of the parish satisfies the designation criteria. While this area contains tranquil and generally unspoilt countryside with few landscape detractors it lacks the intimacy and distinctiveness of the land within the PSDNP. It has historical links to the South Downs but these weaken as one travels north.

7.198 Elsewhere in the report I set out my views on the use of administrative boundaries for boundary setting purposes and in particular the widespread concern that the PSDNP boundary splits many parishes. Briefly, I am not convinced that as a matter of principle the PSDNP boundary should reflect or seek to follow parish boundaries. Adopting that approach would mean in this instance that the PSDNP would include land well removed from the core chalk hills; land that fails to satisfy the designation criteria.

Inspector's Recommendation

7.199 No change to the designation order boundary.

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Land south of Wisborough Green

Case for objector

7.200 The boundary should be amended to include the broad tract of land south of Wisborough Green. This area is lightly settled and has a good network of footpaths and bridle ways. It is of considerable nature conservation value and has a rich cultural heritage.

Agency's response

7.201 It is accepted that the 9 sq km tract of land (not 2 sq km as stated in objection 2195) situated to the south of Wisborough Green is attractive countryside with a high degree of tranquillity. However this section of the Low Weald is not significantly influenced by the Greensand ridges and it exhibits a less distinctive character than land included in the PSDNP. The nature conservation value of land within the tract is also noted but again this does not justify the inclusion of land of insufficient quality. This also applies to the historical features identified by the objector.

Inspector's Conclusions

7.202 The objection land lies either side of the River Arun. It is part of the Low Weald and was recommended for exclusion from the PSDNP at the Area of Search stage. Though it is not within the AONB, I accept that it is a tract of tranquil and lightly settled countryside with few public roads and few landscape detractors. It also contains several sites of considerable nature conservation value and I recognise also that the disused Arun Canal is a feature of historical interest. It is pleasant countryside but like the Agency I do not consider it to be of national quality and I am not convinced that it satisfies the natural beauty criterion. It lacks the intimacy and distinctiveness of the more wooded landscapes to the west. My conclusions regarding the ability of at least part of this area to satisfy the natural beauty criterion are generally confirmed by the District-wide assessment undertaken for Horsham District Council – see Doc.2552/1/3a.

Inspector's Recommendation

7.203 No change to the designation order boundary.

* *

Toat Monument

Inspector's Note

Horsham District Council objects to the way the boundary is defined in a number of places within the District. The Council's case is supported by a detailed submission that examines the boundary

setting process for National Parks and includes the results of a detailed District-wide landscape character assessment undertaken in 2003. I refer to this material only insofar as it informs my conclusions on the detailed boundary changes suggested by the District Council.

Toat Monument is the only land subject to a District Council objection within section H. The objections in respect of other sections of the boundary are addressed as and when appropriate later in the report.

Case for objector

7.204 Horsham District Council argues that the objection land at Toat Monument falls within the Council's J1 (Broad Clay Vale and Farmland) landscape character area and P1 (Upper Arun Valley) landscape character area. In the light of the Council's landscape assessment it is now accepted that Toat Farm and Toat Wood should be within the PSDNP. However, the Council remains unconvinced that the remnant parkland containing Toat Monument is of sufficient landscape quality to warrant inclusion in the PSDNP. There are better examples of parkland nearby and as no rights of way lead to the monument it is doubtful if it is capable of providing a markedly superior recreational experience. The boundary should also be amended to exclude the area known as the Gallops.

Agency's response

7.205 The Agency now accepts that the PSDNP boundary should be amended to exclude the Gallops. This land was included in the AONB in the 1960s but has changed significantly over the intervening period with the introduction of stables, riding areas and so on. The area that remains in dispute is the land containing Toat Monument, an early 19th century folly that is Grade 11 listed. Standing at the crest of a rounded hill it is a notable local landmark and the hill itself helps to define the eastern edge of the Arun Valley. The landscape thereabouts is an attractive mix of pasture, woodland copses and orchards. Land used for horsiculture has led to some pockets of poorer quality land but the overall sweep is considered to meet the natural beauty test. The area also offers markedly superior recreational experiences albeit that there are no rights of way leading to or past Toat Monument itself.

Inspector's Conclusion

- 7.206 The Agency and the Council now agree that the Gallops should be excluded from the National Park. I am of the same opinion.
- 7.207 While the Council's overall assessment of the J1 landscape character area tends to suggest that it should be excluded from the PSDNP, on balance I consider that the Toat Monument land merits inclusion as an exception. I recognise that the local landscape has been affected by horsiculture and disturbance from the A29 but the hill in question is a relatively conspicuous and attractive landscape feature lifted by the presence of the listed monument at its crest. In my view this bit of high ground provides an attractive edge to the Arun Valley and is reasonably included in the PSDNP. The wider sweep provides a range of recreational opportunities albeit that there is no public access to the crest of the hill. Overall I consider that the natural beauty and recreational opportunities criteria are both satisfied.

Inspector's Recommendation

- 7.208 No change to the designation order boundary.

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SECTION I (see CD23 for extent)

Introduction

- 7.209 The objections to the boundary in section I are considered under the following headings:

- Coldwaltham

Coldwaltham

Case for objector

- 7.210 Having reviewed the PSDNP boundary in the light of its District-wide landscape character assessment, Horsham District Council now accepts that Hurston Warren and the portion of Pulborough Brooks to the west of the River Arun should be included in the PSDNP. However the assessment

confirmed its initial reservations regarding the inclusion of the A29 corridor. This contains a significant amount of unsightly built development and the sizeable settlement of Colwaltham is itself dominated by ordinary housing development. Traffic and railway noise and associated disturbance within the corridor remove any sense of tranquillity and wilderness. Areas of open land nearby are typical of landscapes found elsewhere in lowland Britain. The low density of the rights of way network also raise doubts regarding the recreational opportunities criterion. Excluding the A29 corridor and the associated Colwaltham Farmlands character area would create a boundary with an unusual shape but that should not be reason for including land if it does not satisfy the designation criteria.

Agency's response

7.211 Land in the vicinity of Colwaltham is an attractive mosaic of woodland, parkland, pasture and water meadows enhanced by the backdrop of the South Downs. The A29 corridor itself is lower quality but the road, the water treatment works and the modern residential development at Colwaltham do not diminish the quality of this sweep of landscape to a degree that warrants exclusion. There is also a railway running through the corridor but it has a limited impact as it this is generally in a deep cutting. So far as recreation is concerned, there is a good network of lanes and paths around Coldwaltham and the Wey-South long distance path crosses the area. These offer markedly superior recreational experiences based on the influence of the nearby chalk scarp and watermeadow landscapes.

Inspector's Conclusions

7.212 Given the traffic noise and disturbance on the A29, the presence of modern housing development at Coldwaltham and the large water treatment works at Hardham, there is little doubt that this road/rail corridor contains a number of landscape detractors and as a result probably does not satisfy the designation criteria. The Council also doubts if the more rural landscapes to the west merit inclusion. This land contains a mix of woodland, common and pasture and to my eyes is of some scenic quality albeit that only a small part is within the AONB. I note also that the area also benefits from views of the chalk escarpment to the south as well as the wild and open landscapes of the River Arun floodplain to the east.

7.213 Weighing conflicting positive and negative characteristics is never straightforward. In this instance I have concluded that the land identified by the Council should be excluded from the PSDNP. In my opinion the Agency has underestimated the adverse impact of the various landscape detractors. I am not convinced that they should be regarded as isolated pockets of poorer quality land that are subsumed in a sweep of high quality land that otherwise satisfies the statutory natural beauty test. This conclusion in part reflects the landscape evidence put forward by the Council but also the comments made by the Assessor in his detailed assessment of the Rother Valley – see annex B attached to my report. Exclusion would leave the Coldwaltham tract almost entirely encircled by land that satisfies the designation criteria but this is not a criticism raised by the Agency. This would not occur, in any event, if my recommendation in favour of a more focussed National Park is accepted.

7.214 One final comment before leaving section I. Although not the subject of a site specific objection, West Sussex County Council and Chichester District Council identify Amberley Wild Brooks and Pulborough Brooks as part of a wider tract of land that should be excluded from the PSDNP. I perceive this tract differently. In my opinion this wild and wonderful tract of land readily satisfies the designation criteria. I note also that in the light of its recent landscape assessment, Horsham District Council also concludes that it should be included in the National Park.

Inspector's Recommendation

7.215 That the designation order boundary be amended to exclude land at Colwaltham.

* *

SECTION J (see CD 23 for extent)

Introduction

7.216 The objections to the boundary in section J are considered under the following headings:

- Clay Lane

- West Chiltington/Storrington
- Land off Chantry Lane
- Sullington Warren /Sandgate Park
- Washington Common

Clay Lane

Case for objector

7.217 The South Downs Campaign (SDC) argues that the large triangular shaped area of land at Clay Lane should be included in the National Park. It is prominent and attractive in its own right and being close to the foot of the escarpment borrows character from it. It is perceived as an integral part of the downland landscape.

Agency's response

7.218 No response to the SDC's objection so far as I am aware.

Inspector's Conclusions

7.219 The land in question consists of a field situated close to the foot of the scarp. It is not within the AONB but that point alone has not precluded other very extensive tracts of non-AONB land being included in the PSDNP. In my opinion the Clay Lane land is perceived as part of the sweep of high quality landscape immediately to the north of the chalk escarpment that undoubtedly satisfies the designation criteria. On balance I support the inclusion of the Clay Lane land in the PSDNP.

Inspector's Recommendation

7.220 That the designation order boundary be amended to include land at Clay lane.

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West Chiltington/Storrington

Case for objectors

7.221 The eastern end of the National Park is rather narrow and should be widened to give it more depth. West Chiltington and Storrington are both places that warrant inclusion. Storrington Parish Council agrees and adds that the excluded parts of the adjoining River Stor floodplain and the ancient farmland separating West Chiltington and Storrington should also be included.

Agency's response

7.222 West Chiltington Common contains a significant amount of new housing development and there are also several other settlements nearby. In concert these effectively fragment the landscape. Overall the landscape is of insufficient quality to satisfy the natural beauty criterion. Storrington does have an historic core but it also has a significant amount of modern housing development. The setting of the town is also affected by a number of mineral extraction sites. Again it is not accepted that it meets the natural beauty test

7.223 The River Stor floodplain and farmland is different in character to the more wooded and heathland landscape to the west. It also contains a number of landscape detractors. The gap between West Chiltington and Storrington is protected by "gap" policies in the development plan.

Inspector's Conclusions

7.224 Sections I and J contain a series of settlements where development is concentrated mainly to the north of the A283. West Chiltington Common and Storrington are probably the most significant of these. The adjoining section of the PSDNP may be relatively narrow but I see no basis for amending the boundary to include one or both settlements. Both have been subject to a relatively large amount of housing development and in my view they do not satisfy the designation criteria. The argument that Storrington merits inclusion as a gateway to the South Downs does not alter that conclusion.

7.225 So far as the River Stor floodplain is concerned, I accept that it includes areas of attractive countryside. Part of the

floodplain is, of course, included in the PSDNP. However I am not convinced that the additional areas suggested by the Storrington Parish Council satisfy the designation criteria. This area contains landscape detractors and is adversely affected by the presence of nearby settlements. Unlike land south of Storrington, visual links to the chalk hills are weak.

- 7.226 I appreciate the desire to protect the open gap separating Storrington and West Chiltington. It seems to me that this concern can more effectively be achieved via extant development plan policies. Even if I am wrong about that, I do not accept that the need to avoid settlements merging justifies the inclusion of land that otherwise fails to satisfy the designation criteria.

Inspector's Recommendation

- 7.227 No change to the designation order boundary.

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Land off Chantry Lane

Case for objectors

- 7.228 Chantry Lane runs south from the A283 and provides a direct and well-used route to the Downs. It should all be included within the PSDNP. If left outside there is the prospect that the route may carry additional heavy traffic.

Agency's response

- 7.229 The possibility of additional development at or close to the boundary of the PSDNP is not a reason for including land that does not satisfy the designation criteria. That said, objectors may gain some comfort from the fact that where development is proposed on land adjoining a National Park the likely consequences for National Park purposes would need to be taken into account.

Inspector's Conclusions

- 7.230 While I can understand why objectors are concerned that Chantry Lane might be required to carry additional heavy traffic at some future date, this is not a reason for including land in the PSDNP. To be included, land has to satisfy the

designation criteria. I am not persuaded that the land in question does.

Inspector's Recommendation

7.231 No change to the designation order boundary.

* *

Sullington Warren/Sandgate Park/Washington Common/Warren Hill

Inspector's Note

The places listed above all lie to the east of Storrington and to the north of the A283. A number of objectors seek the inclusion of one or more of them. While I address the arguments under one head in the interests of brevity, it would be possible to amend the PSDNP boundary to include one, or all, or any combination of them. I note also that a very large number of alternative boundaries are suggested by objectors in support of the inclusion of one or more of the places named above. The majority focus on the mainly open land but some of the suggested boundaries also include land dominated by built development. Few reasons are provided to support the inclusion of the latter areas and I see no basis for including them in the PSDNP.

Several objectors also refer to the inclusion of land at nearby Rock Common to the east of the A24. I address this matter under section K.

Case for objectors

7.232 Sullington Warren extends to about 25ha, of this almost half has already been declared "inalienable" by the National Trust and the remaining more recently acquired land is awaiting declaration. This designation is reserved for areas of land that the National Trust believes are of national importance because of their landscape quality, historic or wildlife interests. The land is currently managed by a 3 year Property Management Plan and a 10 year Countryside Stewardship Agreement that are together intended to enhance the landscape and wildlife interests of the site. Heathland is a priority habitat under the UK Biodiversity Action Plan and the heathland at Sullington Warren is in

excellent condition. Part of the Warren is an SSSI and it is also of considerable archaeological and cultural importance.

- 7.233 So far as recreational opportunities are concerned, it is a tranquil area with a sense of wilderness and the elevated areas provide excellent vantage points for viewing the South Downs. Open access is encouraged and the whole area is included in the Agency's Provisional Map of Registered Common Land and Open Country under the CROW Act 2000. The Agency argues that the area is separated from the wider PSDNP by Angell's Sandpit but that is being filled with inert waste and the owners plan to restore it to heathland. Agency doubts regarding the likely success of the restoration arrangements are not borne out by experience of such work elsewhere. When restored, the pit will connect Sullington Warren to the wider PSDNP.
- 7.234 The link to the wider Downs will be further enhanced when the active mineral site to the east - Sandgate Park - is eventually restored. This area is intended to form a key element of the proposed Sandgate Country Park. The long term benefits that the Country Park will provide far outweigh the Agency's reasons for excluding the site. National Park status will provide additional protection in the interim. The Greensand woodlands and heaths complement the chalk hills and it would be wrong to exclude this land simply because it lies on the northern side of the A283.
- 7.235 The Agency appears to accept that the National Trust owned Washington Common satisfies the designation criteria but is concerned that it is separated from the wider National Park by lesser quality land, namely the East Clayton farmland at Warren Hill. This land may have deteriorated due to a lack of management in the past but there is now a Stewardship agreement for the farm and a restoration scheme is underway. New hedgerows have been planted and other work will secure a pastoral/heathland landscape. It is proposed that the farmstead itself will be converted into residential care accommodation for young adults with learning difficulties. Washington Common itself offers superb views of the escarpment and is extensively used for quiet recreation. All of the National Trust land at Washington Common has now been declared "inalienable". Washington Common has also been registered under the CROW Act.

Agency's response

- 7.236 Sullington Warren is a high quality landscape but it has no direct physical links to the South Downs. Its inclusion in the PSDNP relies on Angell's Sandpit – land that clearly does not satisfy the designation criteria. Restoring the pit to heathland is intended but there is no certainty this will succeed and that the restored landscape will be of the necessary quality. Because of this uncertainty the pit does not satisfy the Agency's guidelines regarding the restoration of mineral sites (CD164). Even if a successful restoration is assumed, the link to the wider landscape would be through a narrow corridor in-between an active mineral site and urban development at Storrington.
- 7.237 Material provided by Horsham District Council regarding the restoration of the Sandgate Park pit as part of the Sandgate Country Park indicates that mineral extraction could continue until 2042. Restoration is many years distant and in excess of the 20 year period to complete restoration deemed to be appropriate and reasonable in the New Forest National Park. The restoration programme also anticipates a restored landscape that would not be characteristic of the PSDNP. It is also relevant that immediately to the east of the Sandgate Park pit is the Washington Workshop complex. This includes disused engineering workshops and has been identified as a possible waste management centre.
- 7.238 Washington Common is an attractive heathland landscape but it is separated from the National Park by poorer quality land at Warren Hill. The 3 year Property Management Plan identifies possible landscape options for East Clayton farm but no recommendations. There is no certainty that that the future management of the farm will provide a landscape that satisfies the designation criteria. Land has to satisfy the natural beauty criteria in its current condition, potential improvements are not a boundary setting consideration.
- 7.239 While the Agency response has dealt with the named places on their individual merits, if the land extending from Storrington to the A24 is to be included in the PSDNP as many objectors' argue, the whole area should satisfy the natural beauty test. Given the presence of active mineral sites it is difficult to see how it could. And if the natural beauty test is not satisfied, this tract could not provide markedly superior recreational opportunities.

Inspector's Conclusions

- 7.240 Viewed in isolation I am in no doubt that Sullington Warren is a high quality landscape of considerable ecological and cultural value. Without doubt this area offers a range of superior open-air recreational experiences. It is, however, physically separated from the wider downland landscapes to the south of the A283 by urban development in Storrington and Angell's Sandpit. Extraction has ceased at the latter pit and the latest evidence (letter from National Trust dated 15.3.2005) suggests that restoration will be completed by the end of 2005 rather than 7 or 8 years from now. Even if that date proves to be optimistic, restoration 7 or 8 years from now is well within the 20 year period assumed in the Agency's approach to the restoration of mineral sites (CD164).
- 7.241 While the Agency draws attention to comments in the 3 year Property Management Plan suggesting that heathland restoration at this site may not be straightforward, at the inquiry the National Trust confirmed that it had experience in this field and was confident that the proposals could be achieved. While the cautionary comments in the Management Plan are a concern, on balance I accept that heathland restoration is feasible and that a successful restoration of Angell's Pit is in prospect. Comments in annex 2 of CD164 tend to support that conclusion.
- 7.242 If I am right about that, the remaining issue to consider is the effectiveness of the physical link to the land south of the A283. With some regret I have concluded that a restored Angell's Pit juxtaposed between built development at Storrington and the large Sandgate Park pit would not provide an effective link to the landscapes to the south of the A283. In my judgement it would be inappropriate for the National Park to, so to speak, extend beyond the busy A283 and then pass through a narrow neck of land in order to bring Sullington Warren into the PSDNP.
- 7.243 Sandgate Park is a very large sand pit where mineral extraction may continue for several decades. Restoration will not be completed until well beyond the Agency's 20 year time frame albeit that some partial restoration may take place at the pit at an earlier date. In my view this land does not satisfy the designation criteria. I recognise the aspiration to create a Sandgate Country Park at some future

date with the Sandgate Park pit as its centrepiece. The Country Park is a very exciting project but one so distant that it falls well outside the Agency's guidelines for including peripheral mineral sites in the PSDNP.

7.244 As I understand it, the Agency accepts that Washington Common is a high quality landscape that satisfies the designation criteria. I see no reason to disagree. However, like the other National Trust land at Sullington Warren, the Agency considers that it is separated from the landscapes to the south of the A283 by lesser quality land. At the outset of the designation process that might have been an appropriate assessment. Since then the situation has changed significantly. In recent years the land at Warren Hill has been altered and improved seemingly with landscape and conservation interests uppermost in mind. Many of the positive measures identified in the Trust's Management Plan and Stewardship Agreement are already in place. The proposal to use the farmstead as a residential training and employment centre is itself an innovative and commendable initiative. In my judgement, Warren Hill farmland is no longer a tract of ill-managed land separating Washington Common from the high quality landscapes south of the A283. Rather the land reads as part of a high quality sweep that extends north from the chalk escarpment to the wooded Greensand ridge of Washington Common. In that regard Washington Common is very different from the Sullington Warren.

7.245 I note that the boundary proposed by the National Trust at Washington Common/Warren Hill is slightly different to that proposed by the South Downs Campaign and other objectors. On balance I favour the Trust's suggested boundary.

Inspector's Recommendation

7.246 That the designation order boundary be amended only insofar as it includes additional land at Washington Common/Warren Hill.

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SECTION K (see CD23 for extent)

Introduction

7.247 The objections to the boundary in section K are addressed under the following headings:

- Rock Common
- Washington Triangle
- Wiston area (land north of A283)
- Steyning, Bramber and Upper Beeding
- Land north of Edburton Road
- Woods Mill area
- Hurstpierpoint
- Hassocks
- Keymer
- Land north of Ditchling (incl. Spatham Lane, Ditchling CP, Clearview Farm)
- Westmeston Parish
- Plumpton Parish incl. Land north of Plumpton Lane
- East Chiltington
- St John Without Parish

Rock Common

Case for objectors

7.248 Rock Common and other land at the nearby junction of the A24 and the A283 should be included in the PSDNP. The former sandpit at the eastern end of this area has been restored and is now no different to the adjoining undisturbed farmland. The other mineral sites either side of The Hollow will also be restored in due course. Indeed restoration of the extraction areas to the east of The Hollow is already underway. The excluded land also contains an important archaeological site as well as Rock Windmill which has strong associations with John Ireland the composer who celebrated the South Downs in his music. The grade II listed windmill is a local landmark built in the early years of the 19th century. The Agency's approach to boundary setting specifically refers to the inclusion of features of scientific, historic interest etc. where practicable.

Agency's response

7.249 The large mineral site to the west of the road known as The Hollow has a 6-7 year supply of sand left. In due course it will be restored to a lake and wetlands – a landscape that is unlikely to be high quality and not one characteristic of the South Downs. Excavations to the east have now ceased and restoration is underway. This cannot be completed until about 2012 as this land contains the processing plant serving the Green Farm pit. It is doubtful if the restored land will satisfy the designation criteria. If the decision to include this tract was borderline, Rock Windmill and the archaeological site could tip the balance in favour of inclusion. That is not the case, however. This sweep of landscape is fragmented and the restoration proposals are uncertain.

Inspector's Conclusions

7.250 For 20 years if not longer the tract of land at the junction of the A24 and the A283 has been subject to significant mineral extraction activity. The available evidence suggests that it will not be until about 2012 that the various pits will be restored following the cessation of mineral working. That is some time away but is within the 20 year restoration period mentioned in the Agency guidelines relating to the restoration of mineral sites. As I understand the guidelines, if the land is restored within a 20 year time frame, it could be included in the PSDNP so long as the restored landscape is deemed likely to satisfy the designation criteria.

7.251 Restoration of the mineral sites at Rock Common might secure a high quality landscape in due course but it seems to me that this will pose a significant challenge given the very extensive scale and disruptive impact of the extraction activities. The limited evidence that I have seen does not persuade me that the land will be restored to the necessary standard. If the restored landscape is unlikely to satisfy the designation, I am not convinced that the features of cultural and archaeological interest identified by objectors tips the balance in favour of including this land in the PSDNP.

Inspector's Recommendation

7.252 No change to the designation order boundary.

* *

Washington Triangle

Case for objectors

7.253 This small triangular shaped area of land lies between the A283 and the village of Washington. It is attractive in its own right and in particular is notable for a stand of White Poplars. It is proposed for SNCI status and in recognition of its nature conservation importance a Site Management Plan has been prepared to conserve and enhance the features of especial importance. The site makes an important contribution to the setting of Washington and benefits from unrestricted public access.

Agency's response

7.254 The land in question is physically and perceptually separated from built development at Washington by the intervening roads and does not, therefore, read as part of the settlement. While the woodland area is of local value it makes only a limited contribution to the wider landscape and cannot be regarded as an iconic landmark in its own right. The objection land has limited visual connectivity with the Downs and is affected by traffic on the A283.

Inspector's Conclusions

7.255 The PSDNP boundary at the northern end of Washington coincides with the AONB boundary that was defined in the 1960's before the A283 was realigned. In my opinion the new route of the A283 is now the obvious and more appropriate boundary for the PSDNP. The fact that the woodland and other vegetation that now occupies this parcel of left-over highway land is pleasing in its own right and helps to provide an attractive entrance and setting to the village supports this conclusion. To my mind the land in dispute reads as part of the sweep of high quality land situated to the south of the A283; land that undoubtedly satisfies the designation criteria. I do not accept that the visual links to the chalk outcrop are weak.

Inspector's Recommendation

- 7.256 That the designation order boundary be amended to include The Triangle at Washington.

* *

Wiston (land north of A283)

Case for objector

- 7.257 Horsham District Council considers the land north of the A283 to be a transitional landscape – mainly falling within character area G1 (Ashurst and Wiston Wooded Farmlands) in its 2003 landscape character assessment. In the main it is an undulating, well wooded area largely free of built development. Because the strong presence of woodland limits long distance views, this area does not readily “borrow character” from the chalk escarpment. Overall it is not of sufficiently high landscape quality to merit inclusion in the PSDNP. Other objectors, including West Sussex County Council and Chichester District Council and Ms Rowland also claim that the PSDNP should not extend north of the A283. It is said that while glorious views over the Low Weald are available from Chanctonbury Hill and other elevated vantage points to the south, there is no need to include a wide tract of Weald countryside to the north of the escarpment – land very different in character and quality.

Agency's response

- 7.258 There is no dispute that this is a transitional landscape situated between the chalk and the Low Weald to the north. However it is not accepted that it does not satisfy the designation criteria. It comprises an attractive mosaic of undulating farmland divided by hedgerows and woodland. It is secluded and undeveloped and dramatic views of the escarpment are available. A network of lanes and footpaths provide opportunities for markedly superior recreational experiences.

Inspector's Conclusions

- 7.259 The A283 is the northern boundary of the AONB. I am in no doubt that all of the AONB land to the south of the road satisfies the designation criteria. It is largely unspoilt and

scenically attractive and offers dramatic views of the often wooded slopes of the escarpment. I am less convinced that the PSDNP should extend northwards beyond the AONB to include a sizeable tract of Low Weald countryside. To my eyes this area is pleasant, generally unspoilt and tranquil Low Weald countryside, but its ability to "borrow character" from the chalk outcrop is limited as views of the escarpment are often screened by intervening woodland and the local topography. Certainly the influence of the chalk declines with distance across this transitional landscape and I see little justification for including land close to Spithandle Lane. It seems to me that in the final analysis the choice of boundary lies between the PSDNP boundary and the A283; no intermediate boundaries being on offer. On balance, and accepting the Agency's stance that the boundary should be drawn conservatively within transitional areas, I prefer the A283. To my mind it represents the more obvious and readily recognisable boundary between the high quality landscapes that clearly satisfy the designation criteria and the adjoining landscapes where the influence of the escarpment is more muted and the ability to satisfy the criteria is far less certain. In arriving at that conclusion I have also taken into account that the quality of the landscapes to the north of the A283 are significantly affected by past and present mineral activity in the vicinity of Rock Common.

Inspector's Recommendation

7.260 That the designation order boundary be amended to exclude land north of the A283.

* *

Steyning, Bramber and Upper Beeding

Case for objectors

7.261 Mr R Maile argues that the 3 settlements have always been viewed locally as one socio-economic unit. It would be a mistake for them to be administered by different authorities (Steyning and Bamber by a National Park Authority, Upper Beeding by Horsham District Council). Steyning is not a

downland village and there are no facilities at Steyning that would assist the future needs of the National Park. The boundary favoured at an earlier stage in the designation process (CD31) properly excluded all 3 settlements. West Sussex, Chichester and Horsham Councils also favour their exclusion.

- 7.262 On the other hand the South Downs Campaign, Upper Beeding Parish Council and hundreds of other objectors all argue for the inclusion of Upper Beeding. In support of this view a volume of detailed evidence was submitted to the inquiry. Matters highlighted by objectors are that the settlement has an historic core with many listed buildings and 2 conservation areas. It also includes Saltings Field, a local nature reserve and a scheduled ancient monument containing an undisturbed medieval saltern. Traditionally the home of many downland shepherds, the village nestles on the slopes of the Downs and has close associations with them. The water-meadows to the north of the settlement are designated as SNCI. There is nothing to visually distinguish Upper Beeding from Steyning and Bramber which are within the PSDNP. All 3 merit inclusion; they are also linked culturally and complement one another in a host of ways. It is particularly odd to exclude Upper Beeding given that it is entirely surrounded by the PSDNP save for a very narrow isthmus of land.

Agency's response

- 7.263 Steyning is an historic market town with an intact and exceptional historic core. It has attracted some modern development but it is limited in extent and does not detract in any significant way from the quality of the centre. The settlement has strong visual links with the Downs and can act as a gateway to the National Park. Bramber also has an historic core and a strong historic interest associated with the castle. The claim that the PDNP boundary splits a settlement is wrong; Steyning, Bramber and Upper Beeding are separate settlements in their own right.
- 7.264 Modern development at Upper Beeding is conspicuous when approaching on the A2037 and dominates the historic core. The core itself is limited in scale and has been undermined by infill development. Unlike Steyning and Bramber, the landscape to the north east of Upper Beeding does not

satisfy the natural beauty criterion. It is fragmented and affected by the Horton Landfill site. This is to be restored in due course but the Agency doubts if the restoration arrangements will be as successful as objectors' claim.

Inspector's Conclusions

- 7.265 Steyning is located at the point where the lower slopes of the chalk escarpment run into the Low Weald. It has a very attractive historic core, a wealth of listed buildings and strong visual links and other cultural associations with the Downs. It is also well placed to serve a "gateway" function albeit that the Agency itself accepts that this does not require a location within the National Park. On the other hand Steyning is a sizeable settlement by National Park standards and it has a significant amount of relatively modern housing and other development on its periphery. This more recent built development has a detrimental impact on the quality of the wider landscape. I note also that Steyning is not within the AONB and was excluded from the PSDNP at Public Consultation stage.
- 7.266 The fact that it was not originally included in the PSDNP possibly reflects how finely balanced the decision in respect of Steyning is. In the final analysis I have concluded that it should be excluded. Apart from my concerns regarding the size and scale of the settlement and the impact of new development on the wider landscape, there are 2 main reasons for this.
- 7.267 Firstly, it seems to me that the case for including Steyning (and Bramber) is weakened if the land in the Wiston area north of the A283 is outside the PSDNP. Earlier in the report I set out reasons why I consider this land should be excluded. Secondly, I am not convinced that the Adur Valley itself satisfies the natural beauty criterion. The landscape assessment undertaken by Horsham District Council concluded that it was not of national quality and the Agency itself considers part at least does not satisfy the designation criteria. Certainly the landscape quality of the valley is affected by power transmission lines, past and current landfill activities and other land management operations. The intervening presence of Steyning, Bramber and Upper Beeding also tend to separate the Upper Adur valley from the Downs and, accordingly, diminish to some degree the extent to which this part of the Low Weald can "borrow character" from the chalk hills. The nature

conservation and other attributes of the valley are of insufficient importance, in my view, for the valley to satisfy the designation criteria. If the Adur Valley does not satisfy the designation criteria it leaves the substantial settlement of Steyning at the edge of the PSDNP, not deeply embedded within it. One of the Agency's tests for including larger settlements is that high quality landscape should surround them (CD33, page 29).

- 7.268 So far as the precise boundary at Steyning is concerned, on balance I favour the line shown in CD31 – the Public Consultation Report – rather than the line suggested by Mr Maile which would leave land north of Maudlin Lane and other open land to the south of properties on Sopers Lane excluded from the PSDNP. The tighter line would be more consistent with the approach to boundary setting adopted where other settlements lie at the edge of the designated area.
- 7.269 Consistent with my conclusions on Steyning, I consider that Bramber and Upper Beeding also should be excluded from the PSDNP. This is not because the Agency's boundary setting guidelines specifically mention that settlements should not be split. For boundary setting purposes I think they could be regarded as independent units notwithstanding that they have tended to merge as they have grown in size and the fact that the Parish Council, Mr and Mrs Hayward, Mr Carrack and others provide ample evidence to illustrate that the settlements are functionally and culturally interdependent in many ways. Rather I consider that Bramber and Upper Beeding should be excluded because the reasons for excluding Steyning also apply to them by and large.
- 7.270 It may be worth saying that if I had reached a different conclusion in respect of Steyning (and Bramber), I would have favoured the inclusion of Upper Beeding also. It may lack some of Steyning's obvious scenic attraction but it is a settlement of historic importance with strong visual and cultural associations to the chalk hills. It has likewise been subject to some recent housing development, though rather less in absolute and proportional terms than Steyning. If I had concluded that most or all of the Adur Valley satisfied the designation criteria, I would not have recommended the exclusion of Upper Beeding because of any localised landscape degradation to the north-east of the settlement. The boundary put forward by the Agency to take account of

this relatively innocuous degradation is, in any event, somewhat contrived it seems to me. As drawn the sweep of landscape that is said to satisfy the designation criteria is interrupted to exclude a narrow corridor of land that is only about 60m wide.

7.271 My conclusions regarding the 3 settlements have implications for objections concerning other areas of land. It follows, for example, that I see no need to consider the arguments regarding the precise boundary at Stretham Manor as the whole complex stands well outside the boundary that I recommend. Also I see no need to consider the merit or otherwise of the many alternative boundaries across the Adur Valley put forward by objectors seeking the inclusion of Upper Beeding. Some of these boundaries run fairly close to Upper Beeding, others are well to the north and amongst other things would bring the settlement of Small Dole as well as the Horton Landfill site and the Mackley Industrial Estate into the PSDNP. A smaller number even suggest that the boundary be drawn close to the southern edge of Henfield. All of the alternative boundaries are effectively redundant if the 3 settlements are excluded.

7.272 In addition 2 other areas put forward by objectors are also affected. Firstly, I see no case for including the Rye Wetland area if the adjoining tract of the Adur Valley is excluded. Rye Wetlands is an area of mainly grazing marsh that I accept has a sense of remoteness and tranquillity. Evidence presented by the Sussex Wildlife Trust reveals that it is of ornithological value even though it is not formally designated as being of especial importance. Unfortunately I consider that the area is separated from the core landscape to the south by land that does not satisfy the designation criteria. Similarly, I see no basis for including the so-called Small Dole Riverside. This area stands between the River Adur and the Horton Landfill site. If the undisturbed land to the south and west was to be within the PSDNP, it would be a candidate for inclusion even though it is alongside the active landfill site. However, as I do not consider that the adjacent land satisfies the designation criteria it must follow that this area is also excluded.

Inspector's Recommendation

7.273 That the designation order boundary be amended to exclude the settlements of Steyning and Bramber.

* *

Land north of Edburton Road

Case for objector

- 7.274 Horsham District Council argues that the land to the north of Edburton Road should be excluded from the PSDNP. This transitional area is largely rural and undeveloped but its landscape quality is affected by builders yards, horsiculture and power transmission lines.
- 7.275 Edburton Road is also promoted as the preferred boundary by Mr Gort-Barton. While he accepts that the lowland landscapes adjacent to the escarpment are important to the setting of the Downs, this does not justify the inclusion of large areas of the Low Weald. The boundary should be drawn fairly tightly to the escarpment as much of the land north of Edburton Road does not satisfy the designation criteria. If Edburton Road is deemed an inappropriate boundary an alternative line closer to the AONB boundary could be adopted.

Agency's response

- 7.276 This area consists of undulating pastoral farmland. It is relatively open with few landscape detractors and is heavily influenced by the chalk escarpment. Further north the quality of the landscape is lower and the influence of the escarpment lessens. A network of public rights of way and lanes provide markedly superior recreational opportunities.

Inspector's Conclusions

- 7.277 Although there some blocks of woodland north of the Edburton Road, the land is generally open and offers dramatic views of the chalk escarpment to the south. Given that Edburton Road runs very close to the foot of the scarp it is hardly surprising that the tract of Low Weald heavily influenced by the scarp includes land situated to the north of the road. While there are some localised landscape detractors I am satisfied that the sweep of landscape extending north of Edburton Road satisfies the designation criteria. The appropriateness of the Agency's boundary across this transitional area, and the alternative option put

forward by Mr Gort-Barton, are addressed by reference to the objections addressed under the next heading.

Inspector's Recommendation

7.278 No change to the designation order boundary.

* *

Woods Mill area

Case for objectors

7.279 The South Downs Campaign (SDC) and others claim that this area is typical Low Weald countryside containing Greensand ridges interspersed with shallow river valleys. It has strong visual links to the Downs giving this tranquil area a strong sense of place. Woods Mill Countryside Centre itself is of historic and wildlife interest and is the headquarters and the popular and well used visitor/education centre for the Sussex Wildlife Trust. Over 1000 people attend courses and over 5000 visit on a casual basis. Most of the Trust site is designated a SNCI. In addition to the recreational opportunities provided at the Centre, the area has a good network of footpaths and bridleways that allow people to enjoy the area. In considering the appropriate boundary within this transitional area it is also relevant that the boundary proposed by the SDC is clearer and more logical on the ground.

Agency's response

7.280 Travelling north through this transitional area one moves from Low Weald that strongly "borrows character" from the chalk scarp to Low Weald that is less influenced by the scarp and so less distinctive. South of the PSDNP boundary the land is attractive and satisfies the natural beauty criterion. North of the boundary the landscape becomes more fragmented and the influence of the chalk lessens. Woods Mill Centre itself is within a fragmented area close to housing and other modern development at Small Dole. Even allowing for the presence of the chalk fed streams and the wildlife value of the area, it does not satisfy the designation criteria.

Inspector's Conclusions

- 7.281 The Agency and the SDC agree that this is a transitional landscape although not specifically identified as such in CD51. In the main the land north of Edburton Road is gently undulating pastoral farmland containing few landscape detractors and benefiting from strong visual links to the chalk escarpment. Determining where to draw the boundary within this transitional landscape is, as ever, far from straightforward. In my view the character and landscape quality of the additional land suggested by the SDC is little different to that to the south although the views of the escarpment are not as dramatic. That said the Agency itself favours the inclusion of other Low Weald countryside located equally far if not further from the escarpment.
- 7.282 Woods Mill Countryside Centre is of intrinsic nature conservation and historic importance but its especial importance, it seems to me, is its educational and interpretative value. It provides a wide range of courses and an introduction to a range of countryside experiences. The Agency's approach to boundary setting recognises that features of scientific or other interest situated on the margins of a National Park should be included where practicable. Where an area is borderline in terms of meeting the statutory criteria such interest may tip the balance in favour of designation. I have concluded that this is an instance where this provision applies. In saying that I recognise that this area abuts the small settlement of Small Dole. This has some influence on the quality of the nearby landscape but far less, in my view, than some other land in the PSDNP that similarly adjoins built development.
- 7.283 Another objector, Elizabeth Anderson, initially promoted a boundary that included land as far north as Woodmancote – land well beyond the boundary promoted by the SDC. CARs 280 and 281 set out the Agency's response to the objection. Subsequent correspondence suggests that on reflection the objector accepts that this boundary is possibly "unrealistic". She therefore focuses her attention on the merits of the Rye Wetlands area. My views on the latter area appear earlier in the report - see paragraph 7.250. If my understanding of the Woodmancote boundary is incorrect and it remains the objector's preference, it should be noted that I would not favour that boundary in any event. To my mind the landscape in question is simply too fragmented and too

removed from the escarpment to satisfy the designation criteria. For the same reasons I also reject the other alternative boundaries that include land to the north of the SDC's boundary. Several of these follow or approximate to the line of Horn Lane to Woodmancote, others are much further to the north and include land east and south-east of Henfield.

7.284 Finally, having accepted that the boundary should be drawn a little to the north of the PSDNP boundary, it follows that I do not support the alternative boundary put forward by Mr Gort-Barten. The boundary he favours lies even closer to the escarpment than the designation order boundary.

Inspector's Recommendation

7.285 That the designation order boundary be amended to include land in the vicinity of the Woods Mill Countryside Centre.

* *

Hurstpierpoint

Case for objectors

7.286 The objections addressed under this heading fall into 3 broad groups. Firstly, the National Association for Design Education argues that the northern boundary of the PSDNP has been drawn too close to the chalk hills. A number of currently excluded settlements such as Hurstpierpoint would benefit from National Park status. Hurstpierpoint and Sayers Common Parish Council and others also argue for its inclusion, not least because it is comparable in quality to Steyning and Ditchling, nearby settlements that are both within the PSDNP.

7.287 Secondly, the Parish Council and others argue that land to the south-west of Hurstpierpoint and to the west of the Brighton Road is an integral part of the South Downs and should be included in the PSDNP. This land is said to be prominent in the landscape and includes Washbrook Farm Visitor Centre with its local and regional tourist facilities.

7.288 Thirdly, minor changes are sought to the detailed boundary along Brighton Road and to address the exclusion of small pockets of land at the edge of the conservation area.

Agency's response

- 7.289 The response addresses the 3 matters in turn. Firstly, Hurstpierpoint has an historic core and benefits from views of the scarp slope. On the other hand, it includes a significant amount of more ordinary development and the surrounding settlement is not of national quality.
- 7.290 Secondly, the land to the south-west of Hurstpierpoint lacks the intimate character of the land to the south and east of Brighton Road. It is not considered to meet the natural beauty criterion. It follows that it also fails to meet the recreational opportunities criterion even though it is accessible to the public and contains the Washbrook Farm Visitor Centre.
- 7.291 Thirdly, although the AONB follows Brighton Road, it is considered that the PSDNP boundary should deviate from the road to exclude the nursery and the couple of cottages to the north of it. As the designation order boundary splits the garden of one of the cottages it is accepted that it needs to be changed slightly. CAR310 indicates the revised boundary proposed by CPM on behalf of the Agency. The other land identified by the Parish Council contains Apple Tree Cottage and the allotment area to the east of it. This land is influenced by the formal recreational use of the land to the north and is closely associated with the settlement rather than the Low Weald landscape to the south.

Inspector's Conclusions

- 7.292 My conclusions are set out under the 3 heads identified above. So far as the objections seeking the inclusion of Hurstpierpoint in the PSDNP are concerned, while the settlement has an historic core it seems to me that the objections could succeed only if the landscape to the north of the settlement is also included. In my view the land to the north of Hurstpierpoint does not satisfy the designation criteria. It lacks the necessary quality and is too far removed from the core chalk landscapes to claim a significant amount of "borrowed character".
- 7.293 Secondly, I note that the land to the south-west of Hurstpierpoint and west of Brighton Road is closer to the escarpment, indeed closer than land near Small Dole that I recommend for inclusion. However, I am not convinced that it satisfies the designation criteria. In my judgement it is of

lower scenic quality than the more wooded and enclosed land on the opposite side of Brighton Road. The objection land also suffers unwelcome noise and disturbance from the traffic using the A23.

7.294 Thirdly, land to the east of Brighton Road falls within the AONB. While the road is also adopted for part of the PSDNP boundary, 2 areas of AONB land immediately to the east of the road – a nursery complex and a couple of roadside cottages - are excluded. The former has been outwith the National Park throughout the designation process whereas the cottages were excluded at the deposit stage. Because the PSDNP boundary splits the garden of one cottage a new boundary is suggested. Rather than 2 separate exclusions, the revised boundary shown in CAR310 excludes both together with some additional land. Rather than 2 separate deviations from the boundary that otherwise follows Brighton Road there is now just the one. As I understand it, the revised boundary includes additional land primarily to ensure that the PSDNP boundary follows clearly defined features on the ground. The boundary to the nursery complex is said to be deficient in that respect.

7.295 While Brighton Road could be viewed as an obvious and readily recognisable edge to the PSDNP, I accept that because of the scale and the visual impact of the substantial nursery buildings it is appropriate for the boundary to deviate from the road to exclude the nursery complex. The decision to include or exclude the cottages is less straightforward. Although I am aware of instances where the boundary is drawn to include residential property, in the main where such development would straddle or sit alongside the boundary it is excluded. In the interest of consistency, I consider that the cottages to the north of the nursery complex should be excluded also. Moreover, as the boundary needs to follow recognisable features on the ground I also support the Agency's revised boundary. I say that even though the revised boundary is itself said to be at odds with the Agency's approach to boundary setting.

7.296 So far as the mainly allotment land is concerned, I recognise that the boundary as drawn could leave this small parcel of land juxtaposed between the PSDNP and the conservation area. The concern that the land could be vulnerable to future development is understandable but it is not a basis for deciding whether land should be included in a National Park. The concern may be overstated in any event given

that the land would appear to be subject to a range of generally protective countryside policies. Be that as it may, the key issue for me is whether the objection land satisfies the designation criteria. On that point, it seems to me that, like the cemetery to the east, the objection land tends to be perceived as part of the settlement rather than the adjoining Low Weald countryside. I therefore support its exclusion.

Inspector's Recommendation

7.297 That the designation order boundary be amended only insofar as it follows the line put forward by the Agency in CAR310.

* *

Hassocks/Keymer

Case for objectors

7.298 The National Association for Design Education and others argue that the exclusion of Hassocks is odd given that it is promoted as a railhead/communications link to the National Park. It is also said that inclusion would help the town resist future development.

7.299 A Sullivan argues that a small parcel of land to the rear of Dale Avenue at the southern edge of Hassocks should be excluded from the PSDNP. In his opinion it does not read as part of the sweep of open countryside to the south of the settlement. Mr Pryke on the other hand seeks the inclusion of land at Ham Farm.

Agency's response

7.300 Hassocks has an attractive core and offers views of the scarp slope but it also contains a significant amount of ordinary development and the surrounding landscape is not of sufficient quality to warrant designation. It can fulfil a gateway function even though it lies outside the PSDNP.

7.301 The land to the rear of Dale Avenue is part of the sweep of land that runs up to the southern edge of the settlement. Views of the scarp are available from the footpaths at the edge of the site. It satisfies the designation criteria and is properly included in the PSDNP.

7.302 The land at Ham Farm is within the AONB but has been excluded from the PSDNP due to the amount of development that has taken place south of the B2116.

Inspector's Conclusions

7.303 As with Hurstpierpoint, it seems to me that the inclusion of Hassocks in the PSDNP can be justified only if the landscape to the north of the settlement satisfies the designation criteria. In my judgement it does not. Hassocks therefore stands at the margin of the area that satisfies the designation criteria, rather than deeply embedded within it. It follows that I consider that it should be outwith the PSDNP. I would add that even though the mainline railway station at Hassocks allows visitors to visit the PSDNP by public transport, this gateway function does not require, or of itself warrant, the inclusion of the town in the PSDNP.

7.304 The land to the rear of Dale Avenue was excluded from the PSDNP in the early stages of the designation process but later included following public representations. It forms a small indent at the southern edge of the settlement and has properties in Dale Avenue and Lodge Lane to the north and east respectively. Although the decision seems to me finely balanced, in the final analysis I support its inclusion in the PSDNP. Although it abuts the built-up area it reads as part of the wider sweep of Low Weald countryside that "borrows character" from the chalk hills. Footpaths at the edge of the site provide a means of accessing the countryside for recreational purposes.

7.305 The land at Ham Farm is currently within the AONB. That may well have been appropriate in the 1960's when the AONB boundary was drawn but circumstances are now very different. Like other land at the southern edge of Hassocks currently within the AONB, I am in no doubt that it should be excluded from the PSDNP.

Inspector's Recommendation

7.306 No change to the designation order boundary.

* *

Ditchling and the land to the north

Case for objectors

- 7.307 While Strategic Land Investments has a preference for the PSDNP boundary to the south of Ditchling, as shown in CD27/CD31, it has no objection to the inclusion of Ditchling itself. However it opposes the late inclusion of the extensive area of land to the north of the settlement on a number of counts. This land is not close to the Downs or associated with them. It makes no contribution to the setting of the Downs, indeed the north-western portion is more closely related to Burgess Hill. Rather it is part of a wider area that is separated from the Downs by an almost continuous urban barrier of Hurstpierpoint, Hassocks, Keymer and Ditchling. The landscape itself is of no special merit and is similar to the ordinary Low Weald farmland in neighbouring parishes that are excluded from the PSDNP. Unlike some of that land, the area to the north of Oldland is completely hidden from the Downs by the intervening topography. Until a late stage in the designation process the Agency and its consultants accepted that the land north of Ditchling did not meet the natural beauty criterion. The claim that the earlier assessments related only to the land immediately north of the settlement is disputed.
- 7.308 Strategic Land Investments also argue that the inclusion of the land north of Ditchling could constrain the future development of Burgess Hill. This town is one of the main centres in Mid-Sussex but development opportunities are limited by a range of planning constraints. Extending the PSDNP northwards as far as the southern edge of the town severely limits the available strategic growth options. Indeed consultations with the relevant planning authorities regarding a possible southerly expansion of the town to accommodate about 2000 houses have already taken place. Some of the possible expansion land lies within the proposed PSDNP. This land is eminently suitable for large scale development without damage to environmental resources. Details are provided in 3398/1/1.
- 7.309 While the landscape north of Ditchling is pleasant and typical of farmland throughout the country, it is not without development influences. Other objectors, including Peter Eastwood Plants, Grassington Rangers and M Berrill, make the same point. They add that the land north of Ditchling contains a large number of rural businesses with their

associated buildings and other development. These have a significant impact on the scenic quality of the area. Much is made of the cultural and historic land management links between the land north of Ditchling and the Downs. But this overlooks the changes that have occurred over the last 50 years. These have significantly weakened the associations between the Downs and the land to the north.

- 7.310 Ditchling Parish Council and the Ditchling Society, on the other hand, strongly support the inclusion of land north of Ditchling in the PSDNP. Indeed they consider that the detailed boundary should be altered to include additional land. Both argue, with others, that Spatham Lane should be the eastern boundary up to its junction with St Helena Lane. As drawn the boundary separates Swansyard Farm from land associated with it and also excludes other land alongside Spatham Lane and a little to the north that is very similar to land that is included.
- 7.311 In addition the Parish Council promotes the inclusion of land off Common Lane up to the County boundary. This land is part of a larger area promoted for inclusion by the Ditchling Society. This latter area extends up to the southern boundary of property along Folders Lane and includes the former houses and workshops of the Guild of St Joseph and St Dominic founded by Eric Gill and others in 1920. Burgess Hill Town Council also favour Folders Lane as the northern boundary and additional argue for the inclusion of Ditchling Common Country Park. The Society also claims that the Keymer-West Burgess Hill road forms a more logical boundary than the line proposed by the Agency.

Agency's response

- 7.312 During the early stages in the designation process the land to the north of Ditchling was not considered to meet the natural beauty criterion although the quality of the settlement itself was never in doubt. However new evidence obtained during the public consultation process, in particular in respect of the historic pattern of land management within the north-south strip parishes, persuaded the Agency that the land should be included. The quality of the landscape and its associations/unifying links with the Downs outweighed the presence of landscape detractors along Spatham Lane and at the northern edge of the village.

- 7.313 Although the landscape is in transition, the Agency is satisfied that all of the designated land meets the statutory criteria. The boundary runs close to Burgess Hill but the nearby presence of this settlement is not apparent from many public viewpoints. As such the designated land is different from the land further north. And although many of those opposed to the inclusion of the land north of Ditchling do not oppose the inclusion of the settlement itself, it would be contrary to the Agency's approach to include a settlement as large as Ditchling at the edge of the PSDNP.
- 7.314 Much of evidence presented by Strategic Land Management Ltd. relates to the perceived development potential of land south of Burgess Hill. But this land is not allocated for development in a development plan and the relevant planning authorities have not said that the land is required for development. The suitability or otherwise of land for future development is not, in any event, part of the statutory criteria for designating National Parks.
- 7.315 The Agency recognises that the landscape north of Ditchling contains built development associated with various rural businesses. This development does not undermine the scenic quality of the wider sweep with its important associations with the chalk hills.
- 7.316 So far as the proposed detailed alterations to the boundary are concerned, firstly the boundary deviates from Spatham Lane in order to avoid the inclusion of farm buildings and land of lesser quality. The designation boundary itself follows features that are easily recognisable on the ground. The land off Common Lane is excluded as, amongst other things, it has close associations with Burgess Hill and weaker visual links to the chalk hills than the designated land.

Inspector's Conclusions

- 7.317 At the draft boundary stage it was considered that Ditchling and the land to the north of it should be excluded from the PSDNP (CD33). The same view was taken at the subsequent Public Consultation and Local Authority Consultation stages (CD31 and CD27 respectively). However, in the light of new data in respect of historical and economic links to the chalk hills the Agency re-assessed the area and concluded that Ditchling and a significant area to the north of it should be included. The fact that this occurred is neither unusual nor unique; many changes were

made to the boundary during the course of the designation process. Ditchling is not the only settlement in the PSDNP that was excluded at the outset. On the other hand the late elevation of Ditchling and the land to the north does tend to suggest that the decision was finely balanced. Indeed, the Agency accepted that this was the case at the inquiry.

7.318 I note that the Agency contends that it never doubted the quality of the settlement itself. That may be correct though the material I have seen hardly provides compelling confirmation. Be that as it may, I accept that Ditchling is a special place not least because of its importance to the Arts and Crafts movement in the early part of the 20th century. I am in no doubt that it warrants inclusion in the PSDNP so long as the land to the north of it satisfies the designation criteria. If it does not, the Agency accepts that its approach towards settlements that are situated at the edge of the PSDNP must lead to its exclusion. Settlements such as Ditchling are only included in the PSDNP if they are set within a tract of landscape that satisfies the designation criteria.

7.319 There is no dispute that the early assessments of the Low Weald undertaken by the Agency expressed doubts about the quality of the land in question. For example CD27 states that "the landscape to the north of the village does not meet the natural beauty criteria". This seems to me to be a clear and unambiguous appraisal of the land north of Ditchling though the Agency argues that the assessment refers to land on the immediate northern edge of the settlement. Even if that is correct, and I view it as an unlikely interpretation, I am not convinced that the land north of Ditchling meets the natural beauty criterion. In my opinion the sweep of Low Weald landscape to the north of Ditchling is not of high scenic quality. In addition to the detractors close to the northern edge of the settlement, this tract contains ribbon development leading north from the village centre as well as a number of large building complexes associated with poultry farming, horticulture, garden centres and the like. Most of the commercial uses stand alongside or close to Common Lane which runs through the heart of this area. Land management has also led to further fragmentation of the landscape due to the sub-division of some fields and the introduction of modern fencing. Overall the landscape is pleasant but hardly of national quality and to my mind it lacks "any sense of relative wildness".

- 7.320 Clear views of the escarpment are available but these weaken with distance and I am not convinced that the land close to Burgess Hill is significantly influenced by them. Photo A in CAR 299 tends to confirm this assessment even though the Agency claims that it illustrates strong visual links to the chalk hills. The land north of Oldland also tends to be orientated to the west rather than south towards the Downs. In my opinion the land in dispute lacks the intrinsic quality of other parts of the Low Weald that the Agency itself excludes from the PSDNP on landscape quality grounds.
- 7.321 I note that the historic landscape in Ditchling Parish is considered to be more intact than in the other Saxon strip parishes that extend from the chalk hills into the Low Weald. The landscape retains the north-south routes through the parish (including the long distance Sussex Border Path) as well as evidence of medieval field enclosure. Traditional land management arrangements continue albeit that the remaining parts of Ditchling Common and Tenantry Down that are still controlled by Commoners are nowadays limited in extent. As I understand it, the remaining 10ha or so of Tenantry Down is steeply sloping land let to the Sussex Wildlife Trust and the remaining area of Common is let to a local farmer for cattle pasture. I accept, nonetheless, that the historic elements of the landscape are all relevant to a consideration of natural beauty. On balance, however, I am not convinced that they are of sufficient weight to justify the inclusion of the extensive tract of Low Weald landscape north of Ditchling.
- 7.322 In my opinion the PSDNP boundary within this tract of transitional landscape should be drawn much closer to the escarpment. More precisely I consider that it should run along the southern edge of Ditchling, as indicated in CD27 for example. Some objectors refer to Underhill Lane at the foot of the escarpment as a possible boundary. In my view that is inappropriate as land that satisfies the designation criteria would be excluded from the PSDNP.
- 7.323 It follows from the above that I do not support the detailed amendments put forward by the Ditchling Parish Council and the Ditchling Society. Even if I had assessed the land north of Ditchling differently, I would not normally support boundary amendments on the basis of administrative convenience and/or land ownership. It follows also that I do not support the inclusion of Ditchling Common Country Park as suggested by the CPRE Sussex.

7.324 Finally, for the avoidance of doubt, it may be helpful to mention that my assessment of the land north of Ditchling is in the context of the criteria set out in the 1949 Act. It should not be taken as acceptance that a major southerly expansion of Burgess Hill is appropriate and desirable. National Park status would represent a significant new policy objection to major development but the land south of Burgess Hill is subject to a protective countryside gap policy in any event.

Inspector's Recommendation

7.325 That the designation order boundary be amended to exclude Ditchling and the land to the north of it.

* *

Westmeston

Case for objector

7.326 Westmeston Parish Council objects in principle to the creation of a South Downs National Park. If that is not accepted, it considers that the residents of the parish would be less affected if the PSDNP followed the B2116 road. This would leave the generally unpopulated Downs to the south of the road with the bulk of the parish to the north.

Agency's response

7.327 The Agency's response to "in-principle" objections and the splitting of parishes is set out elsewhere. So far as the use of the B2116 as a boundary is concerned, in the Agency's view this road effectively follows the edge of the chalk outcrop. As such it excludes the high quality Low Weald landscapes to the north that the Agency considers meet the designation criteria. These landscapes are linked to the core Downs by a combination of visual, historical, cultural, ecological and geological factors. Adopting the B2116 would also leave a significant amount of AONB land unprotected.

Inspector's Conclusions

7.328 My conclusions regarding "in-principle" objections to the PSDNP are set out in my Part 1 report. Concerns regarding

the splitting of parishes are addressed earlier in this report – see section 5. In the interests of brevity I see no need to rehearse any of the above material.

7.329 I therefore turn to the merits of the B2116 as an alternative boundary to the PSDNP. It seems to me that if it was necessary to identify a boundary in Westmeston Parish to embrace only the core chalk landscapes, then the B2116 would be the obvious choice. But, as indicated elsewhere in the report, I see no need to identify such a boundary. In my opinion a wider boundary is more appropriate. In this instance this necessarily leads to the inclusion of some of the adjoining Low Weald landscapes that provide the setting or foreground to the dramatic north-facing escarpment. Proximity to the escarpment of itself elevates the character and quality of the adjoining landscapes. My conclusions regarding the B2116 should not come as a surprise given that I have already discounted the use of the same road as an alternative boundary in the adjoining parish of Ditchling.

Inspector's Recommendation

7.330 No change to the designation order boundary.

* *

Plumpton

Case for objector

7.331 Plumpton Parish Council supports the inclusion of land situated well to the north of the existing AONB boundary. However it considers that the detailed PSDNP boundary is inappropriate on several counts and that the railway line would form a more rational and identifiable boundary. The additional land that would be included on that basis is generally remote and largely free of development influences. About 10% is occupied by Plumpton racecourse but even that land is available for informal recreational and community uses with horse racing taking place on only 18 days each year. Being largely open and well managed it hardly represents a landscape detractor in any event.

7.332 The Agency has been inconsistent in its approach to boundary setting in Plumpton and other nearby Saxon strip parishes. It argues that land north of Ditchling “borrows character” from the chalk hills yet fails to apply this

consideration to land in Plympton which lies even closer to them. Similarly it claims that land north of a local topographical ridge has less strong visual links to the Downs, yet land in the adjoining parishes to the north of the same ridge is included. Moreover, the landscape appraisal undertaken by the Parish Council indicates that the land in dispute actually benefits from clear visual associations with the chalk hills.

- 7.333 J Russell argues that Plympton Parish should not be split and should be included in its entirety.

Agency's response

- 7.334 The boundary in Plympton Parish has remained largely unchanged throughout the designation process. As one moves further from the escarpment the Low Weald associations with the chalk hills tend to weaken. With this in mind the boundary is drawn to take account of a localised ridge. South of the ridge the land borrows character from the chalk hills, whereas the land to the north has little or no visual associations with the chalk. The land in dispute also includes Plumpton racecourse and adjoining horse paddocks, land that does not satisfy the designation criteria. At the edge of the PSDNP the boundary is drawn carefully to exclude pockets of lower quality land.

- 7.335 While the railway line represents a clearly identifiable feature, adopting it as the boundary would lead to the inclusion of lesser quality land. The Agency boundary is drawn to include land that satisfies the designation criteria. Like much of the PSDNP boundary, in places it follows field and property boundaries.

- 7.336 So far as the inclusion of the entire Parish is concerned, the Agency's views regarding split parishes are set out earlier in the report. The land to the north of the PSDNP boundary is excluded as it does not satisfy the designation criteria.

Inspector's Conclusions

- 7.337 At the outset it is appropriate to mention that in support of its objection, the Parish Council raise concerns regarding the way the Agency carried out the boundary setting exercise. Amongst other things the Parish Council refers to a seemingly limited amount of fieldwork, a failure to consider

representations properly and a reluctance to engage in joint site visits. Whether or no the concerns are well founded, and I am not convinced that they are necessarily given the scale of the task facing the Agency and my understanding of the consultative process and the field work arrangements, my focus is the merit or otherwise of the PSDNP boundary and the alternative suggestions put forward by objectors.

7.338 I accept that the railway line running through the parish, and indeed beyond up to Spatham Lane in Ditchling, could form a clear and easily recognisable boundary to the PSDNP. It forms, after all, the boundary a little further to the east. By comparison the designation boundary is far more difficult to explain and understand. Even so I am not convinced that the railway line should be preferred in this instance. There are a number of reasons for this.

7.339 Firstly the case for pushing the boundary further away from the chalk hills and including more of the Low Weald landscape is weakened if the land north of Ditchling is excluded as I recommend. The land in dispute at Plumpton would be a greater distance from the chalk hills than the land to the north of Ditchling, rather than closer. Secondly, the PSDNP boundary at Plympton runs along the crest of a local ridge. Land to the north of the ridge tends to be orientated away from the chalk hills rather than towards them. The visual links to the chalk are less as a consequence albeit that the escarpment is not hidden from view. Thirdly, the objection land contains a number of pony paddocks as well as Plumpton racecourse and its associated development. The racecourse is not an eyesore, far from it, but it is hardly a representative Low Weald landscape. In my view the racecourse does not satisfy the natural beauty test for inclusion in the PSDNP and the recreational opportunities on offer are not directly related to the character and quality of the landscape. In sum, while the railway line would offer certain practical advantages as a boundary, it would be at the expense of including land that does not satisfy the designation criteria. I find this an overriding consideration.

7.340 Although I am not persuaded that the railway line should mark the PSDNP boundary, on balance I accept that it is appropriate to include the land at the eastern edge of the area identified by the Parish Council. Some of this land was included at an early point in the designation process then deleted at a later stage. Relevant to this I note that in

response to a representation from the SDC, the Agency itself now favours a change to the designated boundary in this locality. It considers the change necessary because the defined boundary is difficult to identify on the ground. I accept that the PSDNP boundary is defective in this locality. However, rather than adopt the alternative boundary shown on the plan accompanying the Agency's letter of 25 November 2004 to the SDC, I favour the Parish Council's suggestion.

- 7.341 Turning to J Russell's objection, my views regarding the widespread concern regarding split parishes are set out earlier in the report – see section 5. It is only necessary to add that I am satisfied that the land to the north of the designation boundary does not meet the relevant criteria.
- 7.342 Finally, I note that T Hawthorne claims that his coach business off Plumpton Lane does not add to the Park. He may be correct but it is clearly not practicable to exclude pockets of lower quality land where they lie within a wider sweep of high quality landscape that satisfies the designation criteria. That is precisely the situation in this case.

Inspector's Recommendation

- 7.343 No change to the designation order boundary other than that mentioned in paragraph 7.340 above.

* *

East Chiltington

Case for objectors

- 7.344 East Chiltington Parish Council objects, in principle, to the PSDNP. If that is not accepted it considers that the PSDNP boundary should be drawn much closer to the chalk outcrop, probably the B2116 road, or much further to the north to include the settled part of the parish. The railway line that marks the boundary would split the community with adverse social and administrative consequences.
- 7.345 The excluded portion contains a number of superb lanes and byways that provide excellent opportunities for quiet recreation. Including this land can help create a living and vibrant National Park for those who work and live in the

parish rather than simply protect a stretch of beautiful but largely uninhabited downland.

- 7.346 The Trustees of the Albemarle Will Trust make a slightly different point. While the Trustees support the inclusion of land north of the railway line in East Chiltington, they also promote a swathe of land further to the east beyond the parish boundary. This swathe includes part of the Ouse Valley which is considered under section L. Land in East Chiltington under the control of the Trustess is known as the Bevern Estate. If left outside the PSDNP, the estate and other non designated land could be subject to unwelcome development pressures. The 3 farms that make up the estate are typical of those found in the Low Weald. The landscape has changed little over the centuries and the area offers locals and visitors alike a range of quiet recreational opportunities in the lee of the Downs. Including the estate would enhance the PSDNP and give the vale some additional protection.
- 7.347 H and Y Black, on the other hand, argue that land and properties at Brook House should be excluded. They draw attention to the use of the land for residential and employment purposes and the fact that the Agency's approach to boundary setting mentions that urban and industrial development will normally be excluded. Moreover very similar land to the west that was included in the PSDNP initially has since been excluded as the visual links to the Downs are not considered to be strong.

Agency's response

- 7.348 The Agency accepts that the land north of the railway line, including the Bevern Estate, is not markedly different in terms of its intrinsic landscape character and quality to the land to the south. It is transitional landscape insomuch as the influence of the chalk hills lessens as one moves progressively to the north. The chalk associations are noticeably less to the north of a local east-west ridge that roughly follows the route of the railway. Drawing boundaries within transitional landscapes is never easy but in this instance the railway line provides a very obvious and recognisable boundary within the transition. It distinguishes land that clearly meets the designation criteria from land that doesn't. The cultural and historical value of the land north of the railway line is noted but this is not deemed to

be of sufficient importance to tip the balance in favour of inclusion.

- 7.349 Concerns relating to the fact that the PSDNP boundary splits many parishes were examined in detail by the Agency. Research into this matter (CD50) concluded that it raised no significant issues. On the other hand, the Agency's approach to boundary setting specifically seeks to avoid the splitting of settlements. Chiltington and East Chiltington are not precisely identified in any development plan documents but the Agency is satisfied that neither of these self contained small settlements is split by the PSDNP boundary.
- 7.350 So far as Brook House is concerned, the land in question is part of the high quality tract of landscape that benefits from its visual connections with the Downs. Excluding Brook House would also split the hamlet of East Chiltington contrary to Agency guidelines. Concerns regarding the implications for the on-site businesses are appreciated but probably ill-founded in practice. The employment uses located at Brook House clearly make a contribution to the rural economy and are the sort of business activities that are entirely in keeping with a National Park.

Inspector's Conclusions

- 7.351 Elsewhere in the report I set out my conclusions regarding the widespread concern that the PSDNP boundary splits parishes – see section 5. In sum, I am not convinced that this is a matter that the boundary setting exercise should take into account. If parishes are included or excluded in their entirety, it would create a National Park defined without reference to the designation criteria. Adopting the railway as the boundary would separate East Chiltington from Chiltington but these are small self contained settlements that stand well apart from one another. In my opinion the boundary would not split a settlement contrary to Agency guidelines. I understand the concern that land excluded from the PSDNP could be vulnerable to significant built development. That seems unlikely given the rural character of the area; but even if I am wrong about that, National Parks are not a mechanism to deflect or deter built development.

7.352 The Agency accepts, and I agree, that the intrinsic quality of the Bevern estate and other land to the north of the railway line is little different to the land to the south of it. It is an attractive mosaic of undulating land with mainly small fields and blocks of woodland. Nonetheless this land lies to the north of the local ridge running from Streat to Chiltington and the influence of the escarpment lessens progressively the further north one travels. Drawing an appropriate boundary in transitional areas is never straightforward but, on balance, I consider the railway line to be the most appropriate choice. Certainly the visual links to the chalk hills from the Honeypot Lane/South Road area are much weaker than they are from places south of the railway line. While I accept therefore that the PSDNP boundary should be drawn further north than the existing AONB boundary, I am not persuaded that it should include the Low Weald landscapes to the north of the railway line.

7.353 As the land at Brook House is at the edge of the PSDNP, the boundary could be drawn to exclude it. It seems to me, however, that my recommendation that additional land to the west should be brought into the PSDNP tends to make exclusion less appropriate. Excluding Brook House could also be said to split East Chiltington contrary to Agency guidelines. I therefore consider that the objection land should remain within the PSDNP. Though not a boundary issue, the Agency's views regarding the appropriateness of the employment activities undertaken at Brook House may alleviate some of the objectors' concerns regarding existing and/or future business activities.

Inspector's Recommendation

7.354 No change to the designation order boundary.

* *

St John Without Parish

Case for objector

7.355 The selection of the railway line across the St John Without Parish as the PSDNP boundary is inappropriate as it would split an historic Saxon strip parish and create an administrative nightmare. This is particularly unwelcome as the excluded land warrants inclusion on its merits. It is a

tract of unspoilt, tranquil, sparsely populated and scenically attractive countryside that is also of considerable ecological value. In sum, it is a high quality Low Weald landscape that "borrows character" from the chalk hills and offers a range of superior recreational experiences. The relatively level topography means that the rights of way network is especially suitable for those who might find the steepness and openness of the chalk hills daunting.

Agency's response

7.356 It is acknowledged that the land in the parish to the north of the railway line is not markedly different to the land to the south of it. The qualities of the land north of the railway line that are identified by the objector are not seriously disputed. However the influence of the scarp lessens away from the escarpment and the Agency is not convinced that this area "borrows character" to a degree that would warrant its inclusion in the PSDNP. Moreover the Agency is not convinced that scarp slope parishes should be included in their entirety. Land has to satisfy the designation criteria if it is to be included. Research commissioned by the agency suggests that the concerns regarding potential administrative difficulties are overstated in any event (CD50).

Inspector's Conclusions

7.357 Elsewhere in the report I set out my conclusions regarding the PSDNP boundary splitting parishes – see section 5. I see no need to rehearse that material at this point in the report.

7.358 The Agency accepts that the land to the north of the railway line is good quality Low Weald countryside. I see no reason to disagree. It also seems to me that the influence of the chalk outcrop lessens with distance away from the chalk outcrop, as it does in all of the Saxon strip parishes to the north of the escarpment. It is the degree to which Low Weald countryside is influenced by the chalk that largely determines whether land satisfies the natural beauty criterion. Deciding where to draw the boundary in transitional areas to take account of this consideration is always difficult. On balance, however, I feel the PSDNP boundary is about right. The railway line is a readily recognisable physical feature and generally marks the point

at which the Low Weald countryside tends to lose its special and distinctive character. I am not convinced that the landscapes to the north of the railway line satisfy the natural beauty criterion. It follows that they cannot provide a markedly superior recreational experience as a consequence.

Inspector's Recommendation

7.359 No change to the designation order boundary.

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SECTION L (see CD23 for extent)

7.360 The objections to the boundary in section L are considered under the following headings:

- Lewes
- Ouse Valley North

Lewes

Case for objectors

7.361 As far as I am aware, only St John Without Parish made a duly made objection to the inclusion of Lewes in the PSDNP. In its view a town the size of Lewes, the county town of East Sussex, has no place in a National Park from an administrative, development or economic point of view. Attention is also drawn to the recent urban development and to County Hall, said to be widely recognised as the "biggest blot on the landscape" of East Sussex.

7.362 It is fair to note, however, that West Sussex County Council, Chichester District Council, N Waterson MP, H Flight MP, A Tyrie MP and many others question the inclusion of Lewes as part of their "in-principle" objections to the PSDNP. In particular reference is made to the significant size of the settlement and the presence of substantial residential, civic and commercial development that it is said must mean that the town cannot meet the natural beauty criterion. Attention is also drawn to the Inspector's report in respect of the New Forest National Park. More precisely to the

comments that a town the size of Lymington "*does not (and probably could not) meet the designation criteria to anything like a sufficient extent. It is not a small town blending into or penetrated by the surrounding countryside like Lyndhurst or Brockenhurst and in my view its inclusion would be manifestly inappropriate, as well as requiring too much of the NPA's resources to be devoted to urban planning issues irrelevant to proper National Park purposes.*" Objectors' note that Lewes is significantly larger than Lymington and would be by far the largest town in any National Park in England and Wales. As part of its "in-principle" objection to the PSDNP, Newick Parish Council claims that only the ancient part of Lewes is worthy of National Park status.

- 7.363 Mr D West argues that land to the rear of the Neville Estate, Lewes, should be excluded from the PSDNP in any event.

Agency's response

- 7.364 Lewes is outwith the AONB but has been included in the PSDNP throughout the designation process. It is not accepted that a town the size of Lewes has no place in a National Park. The Agency's approach to the inclusion or otherwise of towns is based on an assessment of whether the settlement blends into or is penetrated by a surrounding landscape of high quality and whether it has an historic core that is not compromised by more recent development. CD70, para's 38 to 40 detail the Agency's approach.
- 7.365 Lewes has a significant historic core and the town displays strong visual and historic links with the Downs. It has a strong sense of place and offers memorable recreational experiences. The visual impact of new housing and other development is relatively minimal. Lewes also offers sustainable transport options, not least due to the presence of a railway station, and significant tourist opportunities.
- 7.366 While the New Forest Inspector did not believe that the inclusion of towns was desirable he broadly supported the Agency's approach. Towns need to be considered on their individual merits. It is not so much a question of assessing the quality of the built-up area itself but whether or not it lies within a sweep of land that meets the designation criteria. The inclusion of only the ancient part of Lewes in the PSDNP would be at odds with the aim to ensure that the boundary does not split settlements.

7.367 Turning to the site specific objection, the land to the rear of the Neville Estate is not allocated for development and is part of the sweep of land that forms the setting to Lewes.

Case for supporters

7.368 The SDC notes in CD260 that Lewes is one of several market towns in the PSDNP and is located at a point where a major river - the River Ouse - flows through the Downs. Lewes is surrounded by high quality downland landscapes that give the town a strong sense of place. It is prominent in views from the Ouse Valley and surrounding downland but the town is itself dwarfed by the majesty of the surrounding hills. It has an extensive historic core containing medieval and Georgian architecture with more modern development in less prominent locations where it does not have a significant impact on the landscape of the surrounding area. Reference is made to the planning burden that inclusion would create for the NPA. But this is not relevant to the consideration of the statutory criteria. And although it is a sizeable settlement there are no policy or other limits on the size of town that can be included in a National Park.

7.369 So far as the ministerial decision to exclude some settlements in the New Forest is concerned, this has little relevance to the PSDNP as the New Forest and South Downs are very different in character. In the much flatter lowland landscapes of the New Forest it is far more difficult to discern the relationship between towns and their surrounding countryside. By contrast Lewes and other market towns in the PSDNP have strong relationships with their surrounding landscapes.

Inspector's Conclusions

7.370 The Agency's approach to the inclusion or otherwise of settlements in the PSDNP involves a detailed assessment of individual towns and villages and the way in which they relate to the countryside that surrounds them. I see no difficulty with this; settlements are all different and accordingly have to be assessed on their individual merits. And although I share the New Forest Inspector's doubts regarding the ability of large urban areas to satisfy the natural beauty criteria - National Parks are, after all, primarily a landscape designation - I do not accept that it is possible to rule out a settlement the size of Lewes simply because it exceeds a certain population threshold. I address

this point in general terms in section 3. As I understand the New Forest decision, the conclusion that the 3 largest settlements in that area should all be excluded from that National Park was based primarily on an assessment of their individual circumstances, size being only one of the relevant considerations.

- 7.371 Lewes is a large market town containing a significant amount of built development. It is the best part of 3kms from its northern edge to the A27 and a similar distance from east to west. Reflecting its County town status, it is an important centre for a number of large scale commercial developments and civic uses such as the County Policy Headquarters. In 2001 Lewes had a population of about 16,000 and if it was to be included in the PSDNP it would be the largest settlement in any National Park in England and Wales by a very considerable margin. Lymington (pop.14,300) and Ringwood (pop.14,000) approach Lewes in size but the Secretary of State accepted the New Forest Inspector's recommendations to exclude both from the new National Park. Earlier in the report I also recommend the exclusion of Petersfield (pop. 13,300).
- 7.372 Although Lewes would be a very large settlement by National Park standards, I do not find it surprising that it is included in the PSDNP given the Agency's willingness to consider sizeable market towns on their merits. Lewes is well placed to serve a gateway role and can offer a range of facilities for those wishing to visit the area. It has an extensive high quality historic core that remains largely intact notwithstanding some more modern development. It also has a strong sense of place and situated at the point where the River Ouse breaks through the chalk hills it has strong visual links to the rising downland immediately to the west and, more particularly perhaps, to Cliffe Hill to the east. On the other hand it is fair to note that from vantage points within the surrounding countryside, Lewes reads as a significant urban intrusion into an otherwise pastoral scene. It is simply too large to be subsumed in the wider landscape.
- 7.373 The Agency's approach requires large settlements to be set within high quality landscapes if they are to be included in the PSDNP. Lewes is not within the AONB and neither is the Ouse floodplain to the north of the town. Other than the relatively limited area extending up to Hamsey, the Agency is not convinced that the floodplain meets the designation criteria. My overall assessment of the floodplain is much the

same. Indeed, I have reservations regarding the quality of the land south of Hamsey. While the land alongside the river has some scenic attraction and displays rather more distinctive Low Weald characteristics than the land further north, I am not convinced that it satisfies the designation criteria. Certainly the southern part of the upper Ouse Valley is less remote and tranquil than the non-designated land beyond Hamsey and is closer to the built development at the northern edge of the town. Because of my doubts regarding this area, I am not convinced that Lewes can be said to be deeply embedded in a landscape of National Park quality. Indeed I am doubtful if the words "deeply embedded" are appropriate even if this narrow strip of land to the north of the town is deemed to meet the designation criteria. To my mind rather more of the valley would have to be included to meet that description. On balance, therefore, and notwithstanding that Lewes District Council and many others support the Agency on this matter, I consider that Lewes should be excluded from the PSDNP.

- 7.374 For completeness I would add that while this conclusion is by reference to the statutory criteria, I separately harbour doubts about the desirability of an in-coming NPA having planning responsibility for such a large and significant settlement given the complexity and range of its other planning and management responsibilities.
- 7.375 With regard to more detailed objections, firstly I reject the suggestion that only the ancient part of Lewes should be within the PSDNP. Adopting this approach would leave part of Lewes in the PSDNP with the remainder of the settlement outside. In effect the settlement would be split contrary to the Agency's approach to boundary setting.
- 7.376 Secondly, if Lewes was included in the PSDNP in my view there would be no basis for excluding the land to the rear of the Neville Estate. It would make absolutely no sense to have a small "hole" within the National Park. On the other hand, if my recommendation to exclude Lewes is accepted, it would be possible to leave the land in dispute outside the National Park. I have considered this possibility and have concluded that it would be undesirable. To my mind the narrow sliver of land in question is outside the defined settlement boundary and is, rather, part of the open downland that rises above the town. In the absence of any decision to permit or allocate the land for development, it seems to me that the boundary should follow the edge of

the urban area. It is primarily a matter for the separate development plan/control process to decide whether additional development is appropriate at this location. Certainly, it is beyond the remit of the National Park designation process.

- 7.377 None of those who criticise the inclusion of Lewes in the PSDNP provide an alternative boundary to illustrate how the boundary should be drawn around the town. In this instance, however, and with the assistance of the Landscape Assessor, I have identified a boundary to reflect my conclusion that Lewes should be excluded from the PSDNP.

Inspector's Recommendation

- 7.378 That the designation order be amended to exclude Lewes from the PSDNP.

* *

Ouse Valley North

Case for objectors

- 7.379 The SDC and others argue that the Ouse Valley as far north as Barcombe Mills should be in the PSDNP. It is said that good visual links with the chalk escarpment are available from virtually the whole area and that a range of recreational opportunities are available around Barcombe Mills. The Ouse is itself an important recreational resource and there is also a footpath from Lewes to Barcombe. The valley includes 2 SNCI sites and land around Barcombe is defined as an Archaeologically Sensitive Area. In addition the valley contains features of industrial archaeological interest. Landscape quality south of the Agency's boundary is little different to that to the north of it. It is a relatively remote and tranquil area with few roads and buildings. By including the Ouse Valley to Barcombe Mills, all of the floodplain would be brought into the PSDNP and the Agency's contrived and difficult to follow boundary across the floodplain could be avoided. Inclusion would also support efforts to enhance the natural habitats throughout the floodplain.
- 7.380 If it is considered that not all of the valley up to Barcombe Mills meets the designation criteria, an alternative line closer to Lewes is identified by the SDC – see doc.3275/25/2.

7.381 The Rt. Hon. Lord Monk Bretton, the Dodson family and Trustees, on the other hand, seek the exclusion of land within the valley that forms part of the Conyboro Estate. The land in question is in intensive arable production with associated modern farm buildings and has limited visual links to the chalk escarpment. It lies to the east of the Lewes to Haywards Heath railway line which is otherwise generally seen by the Agency to be the appropriate boundary of the PSDNP. The land does not satisfy the natural beauty criterion and offers only limited recreational opportunities.

Agency's response

7.382 The Ouse Valley north of Hamsey includes pockets of attractive landscape but the landscape is more fragmented and the visual links to the chalk hills are weaker than they are further south. The floodplain itself contains little woodland and no nature conservation designations. Recreational opportunities are also limited.

7.383 South of Hamsey the quality of the landscape is much higher. It is a characteristic Low Weald landscape that "borrows character" from the nearby chalk hills. There are also a number of scientific and historical designations in and around Lewes.

Inspector's Conclusions

7.384 In the previous section on Lewes I signalled my views regarding the quality of the Ouse Valley between Hamsey and Barcombe Mills. In short I do not consider that it satisfies the designation criteria. In my opinion it has few Low Weald characteristics and the generally flat and open valley landscape is not of high scenic quality. Barcombe Mills is an attractive and interesting area and I can understand why it might enhance the PSDNP. Unfortunately I consider that it is separated from the high quality core landscapes further south by a significant tract of rather ordinary and uninspiring countryside. The features of historic and cultural interest identified by the Campaign are of insufficient importance to outweigh this point. Having reached that conclusion, I see no need to address the merit of the different boundaries that all seek to secure the inclusion of the valley as far north as Barcombe or, indeed,

the alternative intermediate boundary put forward by the Campaign.

7.385 The portion of the Conyboro Estate that it is said should be excluded from the PSDNP also seems to me to be rather less than national quality. I am not convinced the boundary should divert east of the railway line to bring the land into the National Park. Between this area and the urban edge of Lewes there is some higher quality land with more typical Low Weald characteristics. Much of this land is also identified as a SNCI. I accept that overall it is of intrinsically higher quality than the non designated land beyond Hamsey. Even so I am not convinced that this relatively limited area of non-AONB land juxtaposed between an extensive urban area and the remainder of the upper Ouse Valley satisfies the designation criteria. Certainly it does not satisfy the criteria if it is assessed as part of the wider sweep of floodplain that includes Lewes and the land to the north of it. In my opinion that is the way in which this land should be assessed. Indeed that appears to be the way in which the Agency assessed nearby Rynghmer Park. As I understand it, that land is excluded from the National Park largely because it is considered part of the Ouse Valley, a landscape unit deemed to be less than national quality. By contrast, the Agency appears to have assessed the land south of Hamsey on its individual merits.

Inspector's Recommendation

7.386 That the designation order boundary be amended only insofar as it should exclude part of the Conoboro estate.

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SECTION M (see CD23 for extent)

Introduction

7.387 The objections to the boundary in section M are considered under the following headings:

- Rynghmer Park
- Land east of Ringmer
- East of Glynde
- Cuckmere Valley
- Wilmington Green

Inspector's Note:

In addition to the areas listed above, it is also suggested that the boundary should be modified to include land situated well to the north of the core chalk hills. For example, that the National Park should include land to the east of the A26 as far north as its junction with the A22. Little reasoning is provided to support the inclusion of such an extensive tract of the Low Weald. For my part I see no basis for extending the PSDNP to include land situated to the north of Ringmer.

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Ryngmer Park

Case for objectors

7.388 The South Downs Campaign argues that Ryngmer Park should be included in the PSDNP. It lies above and to the east of the Ouse Valley and forms part of the downland landscape that flows down from Malling Hill. About one third of the area lies on chalk and it is one of the few places north of the escarpment where chalk has been excluded from the PSDNP. It is an ancient remnant of a medieval estate and is of high landscape quality in its own right. Being immediately adjacent to Ringmer it could provide residents with direct access to the PSDNP. The footpath across the estate would also allow Ringmer residents to walk into Lewes.

Agency's response

7.389 Ryngmer Park is outside the AONB and has been excluded from the PSDNP throughout the designation process. It is part of the Ouse Valley, an area that is not considered to form an extensive tract of high quality landscape. While the underlying chalk landscape is often associated with high quality landscapes, the PSDNP does not correspond with the presence of chalk. Other factors are also taken into account. Opportunities for open-air recreation are also limited.

Inspector's Conclusions

7.390 At the inquiry the Agency accepted that if the upper Ouse Valley was to be within the PSDNP it would be logical to

include Ryngmer Park also. I am of the same opinion. Ryngmer Park would provide an obvious physical and visual link between the low lying Ouse floodplain and the chalk hills east of Lewes. However, as indicated under section L, I am not convinced that the valley landscape should be included. In my opinion it does not satisfy the designation criteria. That said, it does not necessarily follow that Ryngmer Park should also be excluded from the PSDNP. Indeed it seems to me to be misleading in landscape terms to regard Ryngmer Park as part of the Ouse Valley. For most people the A26 marks the boundary to the valley.

- 7.391 Even if I am wrong about that, I consider that Ryngmer Park has closer associations with the chalk landscapes than the Ouse floodplain. The southern portion of Ryngmer Park is actually underlain by chalk and effectively forms the lower slopes of Malling Hill – the chalk hill immediately to the east of Lewes. As such I consider that it forms a continuation or extension of the downland landscapes that form the core of the PSDNP. The remainder of the Ryngmer Park is beyond the chalk but given that it has strong visual associations with the nearby escarpment and is largely free of landscape detractors, on balance I consider that it also merits inclusion. The fact that Ryngmer Park is of cultural and historical interest as a remnant medieval deer park belonging to the Archbishops of Canterbury strengthens the case for inclusion. Public access is limited but the footpath that runs through the area allows visitors to visit and appreciate the landscape.

Inspector's Recommendation

- 7.392 That the designation order boundary be amended to include Ryngmer Park.

* *

Land east of Ringmer

Case for objectors

- 7.393 The SDC, Ringmer Parish Council and others argue that the boundary should be re-drawn to include land immediately to the east of Ringmer. Amongst other things objectors' note that the land in question is at the foot of the Mount Caborn outlier, at the juxtaposition of the chalk and the gault clay. It has strong visual links to the chalk hills and forms part of

their foreground or setting. In effect it is a continuation of the downland landscapes to the south and is no different in character or quality to nearby land that is included in the PSDNP. Elsewhere the PSDNP boundary commonly includes agricultural land 2-2km from the escarpment, in this instance the boundary is drawn at the base of the scarp. If the boundary followed Potato Lane, rather than the Agency's contorted route following fences and ditches, it would bring a number of fields of cultural and historical value into the National Park. In addition to early Roman activity, this land was probably the site of the ancient settlement of Gote.

- 7.394 Potato Lane is a popular route for walkers and riders and the 2 footpaths that cross the objection land allows residents of Ringmer direct access to the chalk hills.

Agency's response

- 7.395 The transition between the escarpment and the Low Weald in this area is relatively abrupt. South of Ringmer the predominantly arable land at the foot of the escarpment is flat and open. It lacks the characteristic features of the Low Weald and is influenced by built development at the edge of Ringmer. The natural beauty criterion is not met albeit that good views of the chalk hills are available. The cultural and historical value of the area is acknowledged but this is not sufficient to tip the balance in favour of inclusion. There is no set width of land north of the escarpment that is included in the PSDNP. In this instance the boundary is drawn close to the base of the scarp because the land further north fails to meet the quality requirement.

Inspector's Conclusions

- 7.396 The land in dispute is open agricultural land devoid of built development save for the Gote Farm complex that itself contains 2 important listed buildings. It is situated immediately to the north of the escarpment, much closer than many other parts of the Low Weald that are included in the PSDNP largely because of the visual influence of the steep scarp slope. The Agency may be correct to refer to the land as "predominantly arable" and "open" but these are characteristic features of much of the land at the foot of the escarpment. The same description could also be applied to the nearby land that lies within the PSDNP. It seems to me, therefore, that the land in dispute could reasonably be

included in the PSDNP as it "reads" as a continuation of the core downland landscapes.

- 7.397 Including the objection land would extend the National Park to the edge of Ringmer but that hardly amounts to an overriding criticism as the boundary identified by the Agency abuts the edge of many settlements situated to the north of the escarpment. Mature vegetation at the edge of Ringmer tends to lessen the influence of the built development in any event. It also seems to me that the features of cultural and historical value identified by objectors support my conclusion that the objection land satisfies the natural beauty criterion. And if that is accepted, the Agency does not dispute that it satisfies the recreational opportunities criterion also. I see no reason to disagree.
- 7.398 Before leaving this section it is necessary to address a few detailed matters. Firstly, the SDC promotes a boundary at the southern edge of Potato Lane whereas the Parish Council argues that the boundary should be drawn to include the lane itself. Potato Lane is undoubtedly a well used recreational resource and I readily understand why the Parish Council seeks its inclusion. However, so far as I am aware, the PSDNP does not normally include roads and/or lanes where they mark the actual boundary. In the interests of consistency I therefore prefer the SDC's suggestion. Secondly, the SDC's suggested boundary includes a small area of land to the east of Neaves Lane. I see no overriding objection to this but on balance prefer Neaves Lane as it represents a more obvious and easily understood boundary. Thirdly, the boundary suggested by a couple of objectors includes the line of properties fronting onto Neaves Lane south of its junction with Potato Lane. In my view they should be excluded to reflect the fact that the boundary setting exercise normally excludes residential properties.

Inspector's Recommendation

- 7.399 That the designation order boundary be amended to include land extending as far north as Potato Lane and east to the rear of properties on Neaves lane.

* *

East of Glynde

Case for objectors

7.400 The SDC, A27 Action Group and others all argue that the boundary to the east of Glynde should be modified to include additional land. The boundaries favoured by objectors are all different in their detail though most consider Glynde Reach (or at least part of it) to be a more appropriate boundary than the line promoted by the Agency. Some of the "East of Glynde" objections also refer to land further east and to the north of the A27. I address this land under the next sub-heading.

7.401 So far as the area to the east of Glynde is concerned, objectors' argue that it merits inclusion given its high landscape quality and proximity to the searing slopes leading to Mount Caborn. The boundary favoured by the Agency is said to be drawn too close to the Glyndebourne and Glynde Estates and excludes areas of ancient woodland (Lower Wood and Cows Wood) as well as Balcombe Pit, a RIG site. Within this tranquil area there are many superior recreational experiences often associated with the riverside and the rights of way network.

Agency's response

7.402 East of Glynde the land assumes a floodplain character and generally lacks distinctive and characteristic Low Weald features. It is not a high quality Low Weald landscape. In the Agency's view it does not satisfy the natural beauty requirement albeit that it lies close to chalk hills. Opportunities for the public to gain access to the area are also limited. Notwithstanding the above, it is accepted that a minor change to the boundary at Decoy Wood is appropriate.

Inspector's Conclusions

7.403 By comparison to the way it is generally defined elsewhere, east of Glynde the PSDNP boundary runs close to the chalk escarpment – much closer than the 2km distance that many say offers optimum views of the rising ground. However the Agency opposes the inclusion of any of the additional land promoted by objectors as it is deemed to be of lower landscape quality and lacking distinctive and characteristic Low Weald characteristics. It seems to me that there is a

diminution in landscape quality as one moves away from the chalk hills into the heart of Laughton Level. However, in my judgement the land immediately beyond the PSDNP boundary to the east of Glyndebourne does have distinctive and characteristic Low Weald features and is overall of national quality. Apart from the areas of attractive and characteristic ancient woodland, this area benefits from the strong visual associations with the nearby chalk hills. My doubts concerning the inclusion of this land relate more to the limited recreational opportunities on offer than to the natural beauty requirement. Public access to this area is limited though, arguably, not to an extent that renders its inclusion inappropriate.

- 7.404 On balance, I have concluded that the PSDNP boundary should be modified to include some additional land east of Glynde. As to the precise boundary, it seems to me that Glynde Reach provides a relatively clear and understandable boundary feature. It would be possible to identify a more conservative boundary omitting areas of low-lying land having obvious floodplain characteristics but any such boundary would be difficult to identify on the ground. Finally, while Balcombe Pit is a Regionally Important Geological Site I consider it should be excluded from the PSDNP as it is now allocated for business development.

Inspector' Recommendation

- 7.405 That the designation order boundary be amended to include land extending eastwards as far as Glynde Reach.

* *

Land north of the A27

Case for objectors

- 7.406 The SDC and others argue that the railway line rather than the A27 should form the PSDNP boundary east of Glynde. A number of objectors including the CPRE additionally promote the inclusion of land to the north of the railway line. Other objectors seek the inclusion of only part of the area bounded by the railway line and the A27. Under this head I address the land north of the A27 as far east as Selmeston. Objections in respect of land situated beyond Selmeston are considered under the next sub-heading, namely the Upper Cuckmere Valley.

7.407 In support of the inclusion of land north of the railway line it is said that it is attractive and tranquil countryside that is of considerable ornithological value. It contrasts with and complements the nearby downland landscapes. Land south of the railway line is said to merit inclusion as it is the foreground in the dramatic views that are available of the nearby chalk escarpment. It is accessible by foot and also enjoys good access by road and rail (Glynde and Berwick Stations). The choice of the A27 as the PSDNP boundary was clearly influenced by the possibility that the A27 might be subject to major highway improvements. These are no longer in prospect.

Agency's response

7.408 Travelling north away from the chalk hills the character and quality of the landscape becomes fragmented. It is a transitional landscape and to the north of the A27, the boundary of the AONB, the landscape lacks distinctive Low Weald characteristics. Visual associations with the chalk escarpment lessen progressively as one travels north. North of the A27 the landscape does not "borrow character" to a degree that would justify its inclusion in the PSDNP. Objectors draw attention to the recent decision not to proceed with by-pass improvements to the A27 because of environmental impact concerns. That decision is noted but it is not a decisive consideration. Possible improvements to the A27 were only one of the many factors that led to the selection of the A27 as the preferred boundary.

Inspector's Conclusions

7.409 The land to the north of the railway line and generally to the west of Selmeston is low-lying, level and largely open. It is tranquil with a strong sense of place and appears to be of ornithological value even though this is not reflected in any protective designations so far as I am aware. On the other hand this exposed landscape displays few distinctive Low Weald characteristics and to my eyes at least it is of limited scenic value. Recreational opportunities are also restricted as public access tends to be limited. In short, while the land north of the railway line has some special qualities it does not seem to me to satisfy the statutory requirements and as a consequence it is properly excluded from the PSDNP.

- 7.410 The A27 and the railway line run roughly parallel and relatively close to one another across this transitional landscape. To my mind either feature would form a clear and readily recognisable boundary to the PSDNP. The A27 Action Group notes that the Bullen Report assessed the landscape either side of the A27 to be of comparable quality. That is not a view I share. In my judgement the land north of the A27 is of slightly lower landscape quality than the land to the south of it. It has less woodland and has suffered a greater degree of landscape fragmentation. I do not find it surprising that the A27 was selected as the appropriate boundary for this part of the AONB.
- 7.411 Apart from its lower intrinsic landscape quality, the land to the north of the A27 is further from the chalk escarpment and less influenced by it. It may "borrow character" but not to a degree that would justify its inclusion in the PSDNP. Objectors claim that the views of the escarpment that are available to rail travellers are as dramatic and exhilarating as those available from almost anywhere in the Low Weald. That may be correct but I am not convinced that views obtained from a passing train are relevant to an assessment of open-air recreational opportunities for boundary setting purposes. I am also conscious that within transitional landscapes it is desirable to draw boundaries conservatively to reduce the likelihood that lesser quality land is included in the designated area. Bearing all of the above I have concluded that the PSDNP boundary should not be amended to include non-AONB land to the north of the A27.
- 7.412 I would add that I accept that at the time the boundary was defined, changes to the alignment of the A27 were in prospect. This may have influenced the boundary setting exercise. These changes are no longer likely so far as I am aware. However the change in circumstances does not persuade me that the railway line now forms the appropriate boundary to this part of the PSDNP.

Inspector's Recommendation

- 7.413 No change to the designation order boundary.

* *

Upper Cuckmere Valley

Case for objectors

- 7.414 The SDC, Folkington Estate, CPRE Sussex, the A27 Action Group and others argue for the inclusion of land in and alongside the Upper Cuckmere Valley. While the alternative boundaries put forward by objectors vary in their detail almost all favour the inclusion of the Arlington Reservoir SSSI, the magnificent Michelham Priory site and the extensive area of woodland that includes Abbot's Wood and Wilmington Wood.
- 7.415 Amongst other things objectors' note that the Area of Search Report (CD36) recognised that this area satisfied the natural beauty criteria. Subsequently the Agency deemed the land to be of lower quality overall but even then it was recognised that parts of the area met the designation criteria. To a large degree the exclusion of this area was based on the likelihood that proposed improvements to the A27 would have a damaging environmental impact. More recently the Secretary of State for Transport has rejected the various road schemes and he no longer seeks to protect the route alignments in the Wealden Local Plan. In support of his decisions the Secretary of State indicated that he rated the landscape quality of the Cuckmere Valley highly.
- 7.416 Not only is this land of high landscape value in its own right, it also provides the attractive foreground to the dramatic north facing escarpment with the iconic figure of The Long Man. It is classic Low Weald countryside with small hedged fields, numerous SNCIs and areas of ancient woodland, notably the 360ha Abbot's Wood. Much of the land north of the A27 is part of the Folkington Estate which has the ancient Wooton Manor complex at its heart. The estate extends from the elevated downland above Folkington as far north as Abbot's Wood.
- 7.417 So far as opportunities for open-air recreation are concerned, the Cuckmere Valley offers many superior recreational experiences. It has an excellent network of footpaths and bridleways and is easily accessible by road, rail and cycle. The Wealdway and the Vanguard Way long-distant paths pass through this area en-route to the chalk hills. Abbots Wood and Arlington Reservoir also offer important recreational opportunities for the residents of the large urban areas to the east.

7.418 Under this heading it is also appropriate to address the site specific concern that the PSDNP boundary is defective because it splits the small settlement of Wilmington. The main body of the settlement being to the south of the A27 and therefore within the PSDNP, with Wilmington Green to the north of the road. The Agency recognises that splitting settlement is undesirable and divisive and in this instance it is particularly unwelcome as it leaves the Crossway Hotel outside the PSDNP and thus unable to secure the benefits that flow from National Park status.

Agency's response

7.419 The area is not considered to be representative of the Low Weald character area and is not of high scenic quality albeit that there are pockets that satisfy the natural beauty test. For a landscape to be included in the PSDNP it needs to satisfy the statutory criteria in its own right before any account is taken of the degree to which it "borrows character" from the downland landscapes. Similarly the features of ecological and conservation interest identified by objectors are not in dispute but they are not deemed sufficient to tip the balance in favour of inclusion. Because the quality and character of the landscape is not of national quality, it is not accepted that the recreational experiences are superior to those found elsewhere in the Low Weald.

7.420 So far as the claim that the boundary splits Wilmington is concerned, in the Agency's view Wilmington and Wilmington Green are more properly regarded as separate settlements for boundary setting purposes. The boundary is therefore consistent with the relevant boundary setting guideline. The business implications of excluding Crossways Hotel from the PSDNP are not relevant to the statutory criteria.

Inspector's Conclusions

7.421 In my judgement the overall landscape quality of the area generally to the east of Selmeston and north of the A27 is rather higher than the Agency contends. The references in CD36 to the landscape between Wilmington and Michelham Priory retaining its key characteristics and intimate character hardly support the Agency's claim that it is "ordinary countryside". It may be outside the AONB but to my eyes this is an area of attractive, largely unspoilt Low Weald countryside. It contains several sites of ecological and

historic importance and is surprisingly tranquil given that it stands close to the large urban populations of Polegate and Hailsham. If it satisfies the natural beauty criterion, the Agency does not dispute that it also meets the recreational opportunities test. Indeed it seems to me that few parts of the Low Weald have the ability to alleviate recreational pressure on the vulnerable chalk hills as well as the Upper Cuckmere Valley.

7.422 I am also aware that future landscape disruption as a consequence of highway works in the A27 corridor is now less likely. The selection of the A27 as the preferred boundary of the PSDNP was in part based on an expectation of future environmental damage though it is difficult to know precisely how this consideration was taken into account in the boundary setting exercise.

7.423 As mentioned elsewhere, I accept that Low Weald countryside is reasonably included in the PSDNP where it is of high landscape quality and demonstrates clear visual or other associations with the chalk hills, namely that it "borrows character" from them. Unfortunately much of the area identified by objectors is simply too far removed from the core downland landscapes to warrant inclusion in the PSDNP on that basis. This means, for example, that Michelham Priory and its hinterland should be excluded notwithstanding its special qualities and undisputed importance. Similarly, Abbot's Wood/Wilmington Wood is an extensive tract of woodland of especial recreational value but it is too far removed from the core Downs to warrant inclusion in my judgement. In the absence of strong visual links with the chalk hills, a recommendation in support of the Upper Cuckmere Valley would be inconsistent with my conclusions and recommendations in respect of other tracts of Low Weald countryside.

7.424 With some regret I have therefore concluded that the extensive tract of land that forms the Upper Cuckmere Valley should not form part of the PSDNP. I have considered whether there is a case for including some of the land closer to the A27 (and therefore the escarpment), not least Wooton Manor and its associated land which is situated just north of the A27. Wooton Manor is an important site set within an historic landscape that is, I understand, now included in the National Register of Parks and Gardens of Special Historic Interest. However the locality has suffered some landscape fragmentation and the rights of way

network in the vicinity of the Manor offers limited public access. On balance, I am not persuaded that the PSDNP should be amended to include the area of land in question even though it has stronger visual links to the chalk outcrop than land to the north and west of it.

7.425 Lastly, I turn to the concern that the boundary at Wilmington splits the settlement contrary to the Agency's own boundary setting guidelines. Where settlements are defined in development plans or other documents it is usually a simple matter to decide if a settlement is split by the PSDNP boundary. So far as I am aware Wilmington is not defined in any such document. In the absence of a defined settlement boundary it seems to me that Wilmington should be regarded as a single settlement rather than 2 separate settlements either side of the A27. If I am right about that, it seems sensible to amend the boundary to address the point. This could be done in a number of ways. My preference is the easily recognisable line shown in CAR 360.

Inspector's Recommendation

7.426 No change to the designation order boundary other than to include Wilmington in its entirety in the PSDNP.

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Section N (see CD23 for extent)

Introduction

7.427 The objections to the boundary in section N is considered under the following headings:

- Pevensey Levels
- Edge of Eastbourne
- Wannock Coppice, Polegate

Inspector's Note:

Further to the objection lodged by Mrs C Marks, the Agency accepts that a minor change to the PSDNP boundary is appropriate at the Stud Farm Stables, Polegate. As that change appears to overcome the point raised by the objector I see no reason to comment further.

* *

Pevensey Levels

Case for objectors

7.428 CF and Mrs R Hodge argue that the National Park should include the Pevensey Levels – an area rich in wildlife and of outstanding natural beauty. Mr D Piers agrees.

Agency's response

7.429 It is accepted that Pevensey Levels has a high level of natural beauty and offers open-air recreational opportunities. Unfortunately the area has weak unifying links to the core South Downs and is geographically distant from them. Accordingly it is not included in the PSDNP.

Inspector's Conclusions

7.430 The Pevensey Levels is an extensive, remote and largely unspoilt wetland area situated to the north of Eastbourne. It is lightly settled with a strong sense of place and is of international importance for nature conservation. The special qualities of the Levels are not in dispute. However this area is detached from the core South Downs by the substantial tract of poorer quality landscape that separates Hailsham from Polegate. Unlike low lying land further west, the Levels do not form part of the setting to the chalk hills. I therefore see no basis for including the Pevensey Levels in the PSDNP.

Inspector's Recommendation

7.431 No change to the designation order boundary.

* *

Edge of Eastbourne

Case for objector

7.432 Eastbourne Borough Council objects to the way the boundary has been drawn in 2 places at the edge of

Eastbourne, namely at Priory Heights and Ridgelands Close. At Priory Heights the boundary appears to exclude a small area of land that is fenced off from the remainder of a field. The excluded portion, like the remainder of the field, satisfies the designation criteria and should be included in the PSDNP. At Ridgelands Close the boundary excludes an area of remnant downland that is separated from rear gardens in the Close by a fence. Vegetation on the land helps to screen the housing and if it is excluded from the PSDNP it could be vulnerable to inappropriate development. It has already been subject to developer interest.

Agency's response

7.433 At Priory Heights the fenceline mainly follows property boundaries but between no's 23 and 29 it moves away to exclude a small area of poorer quality land. This area does not form part of the wider downland sweep. At Ridgelands Close the land in dispute reads as part of the urban area rather than remnant downland. It offers no public access and therefore offers no recreational experiences. Susceptibility to development is not a ground for including land in a National Park.

Inspector's Conclusions

7.424 It seems to me that the very small sliver of land in dispute at Priory Heights is properly excluded from the PSDNP. To my mind it does not read as part of the hillside that rises up from the housing area. At Ridgelands Close the land in dispute includes some relatively level land and a steep wooded slope that looks as if it was once part of a small quarry. I note that Inspectors who have considered this land in recent times seem to have viewed it as part of the wider countryside rather than as part of the urban area. For my part I am in no doubt that the former quarry face is much more closely associated with the housing constructed in the quarry floor than the open landscapes to the west. The association between the land at the top of the face and the housing development is less marked. This land could reasonably be viewed as part of the open countryside. Whether it merits inclusion in the PSDNP is less certain. On balance, and conscious that the boundary should be drawn conservatively, I am not persuaded that the boundary should be amended to include the land in question. The Council's concern that this could lead to unwelcome development pressure is understandable given its recent

planning history, but I do not accept that this concern is relevant for boundary setting purposes.

Inspector's Recommendation

7.425 No change to the designation order boundary.

* *

Wannock Coppice, Polegate

Case for objector

7.426 The tract of land situated to the north of Wannock Coppice and south of The Stud Farm is not characteristic of the South Downs. It is beyond the foot of the escarpment and being farmland devoid of public access it offers no recreational opportunities. The alternative boundary would follow significant physical features including hedgerows and the edge of the woodlands at The Rough.

Agency's response

7.427 Almost all of the objection land is within the Sussex Downs AONB. North and east of Folkington the land at the foot of the escarpment assumes a rolling character with distinctive and characteristic Low Weald features. Although not downland it is strongly influenced by, and "borrows character" from, the nearby chalk escarpment. The land itself is high quality with no significant detractors. It is recognised that there is no public access to the objection land itself. However it is an integral part of a wider sweep that is readily accessible to the public via the local rights of way network.

Inspector's Conclusions

7.428 The objection land occupies part of the tract of open countryside situated between the edge of the urban area at Polegate and the dramatic chalk escarpment to the west. The latter is an iconic landscape feature within the Eastern Open Chalk Uplands character area. The objection land is scenically attractive Low Weald countryside with few detractors and almost all is understandably included in the AONB. In my judgement the intrinsic quality of the landscape is significantly influenced and enhanced by its proximity to the chalk hills. Elsewhere in the report I

indicate that where a non-chalk landscape is high quality and has close associations with the core Downs it may be appropriate to include it in the PSDNP. To my mind the objection land fits that description and therefore meets the natural beauty test.

- 7.429 Satisfaction of the recreational opportunities criterion is less clear-cut. So far as I am aware there is no public access onto or across the objection land. However I do not accept that recreational opportunities can be judged on a field by field basis. It would be unrealistic to require public access to each and every parcel of land. The assessment, it seems to me, must be a rather wider basis. Viewed in that way, I consider that the wider sweep of countryside around Folkington offers a range of superior open-air recreational experiences. On balance I have concluded that the objection land satisfies the recreational opportunities criterion.

Inspector's Recommendation

- 7.430 No change to the designation order boundary.

* *

Section O (see CD23 for extent)

Introduction

- 7.431 The objections to the boundary in section O are considered under the following heading:

- Marine

Marine

Case for objectors

- 7.432 Wealden District Council, Eastbourne Borough Council, the UK Sub-Aqua Association and others argue that the boundary of the PSDNP in section O should extend beyond the Mean Low Water Mark (MLWM). It is said that area in question meets the natural beauty criterion and has sufficient opportunities for open-air recreation to warrant inclusion in the National Park.

Agency's response

7.433 The coast between Eastbourne and Seaford has special qualities that are already recognised by a number of statutory and non-statutory designations; notably its definition as Heritage Coast, Beachy Head Site of Special Scientific Interest (SSSI), Seven Sisters Voluntary Marine Conservation Area (SSVMCA) and Sussex Marine Sites of Nature Conservation Importance (SNCI). The intrinsic value of the marine area between Eastbourne and Seaford and its importance to the setting of the National Park are not therefore in dispute. However the marine area is excluded from the PSDNP because the Agency does not believe that a National Park can extend beyond MLWM. It may be deemed unfortunate but in the final analysis the Agency and the Secretary of State have to exercise their responsibilities in accordance with the statutory framework laid down by Parliament.

Inspector's Conclusions

7.434 The value and importance of the marine area alongside boundary section O is not in dispute. Heritage Coast definition is a reflection of the spectacular natural and scenic beauty of this length of coast and the other definitions are testimony to the specialness of the marine area beyond MLWM. Although the marine area has not been formally assessed against the natural beauty and recreational opportunities criteria, so far as I am aware, the Agency does not dispute that they are satisfied. That is also my opinion. Indeed, I am in no doubt that the PSDNP would be enhanced by the inclusion of the marine area in question. Unfortunately, like the Agency, I doubt if this or any other National Park can extend beyond MLWM. Earlier in the report – see section 4 - I set out briefly the reasons for this. In the interest of brevity I see no need to reiterate the legal arguments. That said, again for reasons detailed earlier in the report, where the PSDNP reaches the sea, as it does in section O, it might be helpful for the boundary to be left "open". This is preferable to the use of the MLWM which lacks a physical presence and is liable to change with the passage of time.

Inspector's Recommendation

7.435 That the marine boundary in section O be left "open".

* *

Section P (see CD23 for extent)

Introduction

7.436 The objections to the boundary in section P are considered under the following headings:

- Seaford
- Chyngton Farm, Seaford
- Tide Mills
- Tarring Neville
- Beddingham Landfill Site
- Brookside Farm
- Newhaven Cliffs
- Land north-east of Peacehaven
- Edge of Peacehaven
- Brighton to Peacehaven, foreshore and cliffs
- Tellscombe Cliffs
- Combe Farm, Saltdean
- Rottingdean
- Land between Whitehawk and Woodingdean
- Beacon Hill/St.Dunstans and nearby cliffs and foreshore west of Rottindean
- Ovingdean
- St Wulfan's Church, Ovingdean
- Roedean School
- Woodingdean
- Whitehawk Hill & Sheepcote Valley
- Village Way, Falmer
- Westlain Plantation
- Falmer School
- University of Sussex
- Coldean Wood
- Hollingbury Hill
- West of Ditchling Road
- Ladies Mile
- Green Ridge
- Toads Hole Valley
- Benfield Valley
- Land near Foredown Tower
- Mile Oak
- Land south of Southwick Hill
- Mill Hill
- Lower Adur Valley including Shoreham Airport

- Macintyre's Field, Lancing
- Lyons Farm, Worthing
- Land north of Beeches Avenue

Inspector's Note:

Given the length of the above list it may not be surprising to note that Section P is by far the longest of the boundary sections. It also attracted the largest number of objections. The boundary itself extends from Seaford in the east to Worthing some 30 kilometres or so further west. Before the areas listed above are considered in turn, it is convenient to comment on certain general matters raised by 2 objectors in respect of the way the boundary is drawn within section P. Firstly, submissions made by Mr Bangs on behalf of the Friends of Whitehawk Hill (Doc.2272/1/6-9) and, secondly, some general boundary matters raised by the South Downs Campaign in its document "A Clearer Boundary Shoreham to Falmer" – Ob.3275/4/1. With one exception, my comments on the general issues do not lead to any formal recommendations but they should be read in conjunction with my later conclusions and recommendations on the inclusion or otherwise of the sites or areas subject to objection in section P. I do, however, make a specific recommendation in respect of the Shoreham-Falmer matter.

Tea-shop or fish and chip shop downland?

a) Social bias

7.437 The PSDNP's bizarre omission of land in East Brighton, Newhaven and elsewhere can be explained only in terms of social bias in the way the Agency has interpreted the statutory criteria. The needs and aspirations of deprived communities have been ignored whereas the claims of more privileged communities have been accepted. An analysis of 2 communities with high levels of social deprivation and 2 socially privileged communities confirmed a bias in favour of teashop rather than a fish and chip downland (see Doc.2272/1/6). Consultation responses in the more deprived areas were markedly lower than those from the more privileged. During the designation process this translated into a pulling back of the boundary in more deprived areas and dramatic advances close to the more privilege communities. In promoting these changes the Agency has disregarded the social purposes of National Parks, including the need for them to be available to the "socially excluded". East Brighton and Newhaven are both

settlements with significant levels of social exclusion; one is a downland city the other a downland town.

b) Undervalued landscapes

7.438 Urban edge downland is mostly of greater quality than more distant high plateau downland. Many urban edge sites of extraordinary quality are excluded from the PSDNP. Often they contain areas of chalk downland turf, the ecosystem that is central to the concept of a South Downs National Park. Their inclusion is critical to the Government's aim to provide a National Park sensitive to the needs of large urban populations and the task of landscape restoration. Similarly the Agency has significantly undervalued the coastal and marine landscape. These areas contain assemblages of considerable popular appeal and scientific importance. It has also ignored other landscapes of cultural importance. Notable examples include Brighton's Victorian allotment estate, the inter-war "plotlands" and the down pasture golf courses. In its attempts to justify the exclusion of much urban edge land, the Agency often relies on a distinction between urban and rural uses. In practice this distinction is over-stated; many of the so called rural activities such as walking and rambling are those commonly pursued at urban edge locations.

Agency's response

7.439 Suggestions of social bias are strongly refuted. The Agency has defined the PSDNP by reference to the statutory criteria; social and cultural factors are not considerations that can be taken into account under the 1949 Act. It is beyond the remit of the South Downs inquiry to assess whether that legislation is out-of-date. That said the fact that the Agency is promoting a new lowland National Park at the edge of a major conurbation suggests that the provisions of the 1949 Act remain valid today. Indeed in promoting the PSDNP the Agency has taken a visionary decision that will improve the management of the South Downs and improve recreational opportunities for the population of Brighton, Newhaven and beyond. There has been no attempt to limit or exclude land close to socially deprived urban areas. The PSDNP includes land close to and in many cases well within the urban conurbation.

7.440 So far as undervalued landscapes are concerned, it is generally accepted that the PSDNP can be drawn close to

the urban edge so long as the land in question meets the statutory criteria. If it does not, it cannot merit designation even if it has other qualities such as cultural significance or wildlife interest that are often important to the local population. National Parks are fundamentally landscape designations; Mr Bangs emphasises the nature conservation, archaeological and other values regardless of the scenic quality of the local landscape. In effect he promotes a more site specific approach, whereas the PSDNP is a broad landscape designation based on landscape character assessment methodologies.

- 7.441 When assessing urban fringe land, the Agency's approach considers matters such as the way the land reads as part of the wider downland landscape; the extent to which the urban edge impacts on the landscape and whether the use of the land is more urban than rural. At the margin of the PSDNP, the boundary is necessarily assessed on a detailed basis but within the context of a wider landscape sweep. Urban fringe uses such as formal playing fields, allotments and pony paddocks are not automatically excluded from the PSDNP, but they are considerations that can lead to the exclusion of land.

Inspector's Comments

- 7.442 As I understand it, Mr Bang's comments are primarily intended to provide a context or background to more detailed site specific objections that are addressed as and when appropriate later in the report. The Agency's response to his comments is set out in broad terms in Position Papers 1 and 2 (CD69 and CD70 respectively). At my request the Agency also prepared a document clarifying its approach to the definition of the PSDNP boundary along the South-Coast Conurbation – CD146. This addresses Mr Bang's concerns together with other general issues raised by other parties and participants.

a) Social bias

- 7.443 I see no basis for the suggestion that the Agency exhibited "social bias" in its interpretation of the statutory criteria. Based on the evidence submitted during the course of a long inquiry and on my reading of all of the inquiry documentation, it is clear to me that the designation order boundary along the edge of the Brighton conurbation always reflects the Agency's published and professional approach to

boundary setting. In effect the PSDNP boundary promoted by the Agency brings the National Park conveniently close to a large urban population, not least to those who are socially disadvantaged. The highly selective exercise undertaken by Mr Bangs does not persuade me that a causal relationship exists between the social make-up of communities and the amendments made to the PSDNP boundary during the course of the designation process. I am unaware of any evidence pointing to a hidden agenda. Mr Bangs lit up many inquiry sessions with his enthusiastic and knowledgeable contributions but on this matter I feel he is just plain wrong.

b) Urban fringe landscapes

- 7.444 No other English National Park borders a major conurbation in the way that the PSDNP does. Although urban fringe landscapes are influenced by built development, transport infrastructure and the like, and rarely contain areas of significant remoteness or wildness, it is generally accepted that the PSDNP can include urban fringe land so long as the statutory criteria are satisfied. So far as I am aware, no-one suggests that as a point of principle the boundary should be routinely pulled back from the urban edge to exclude urban fringe land.
- 7.445 The claim that urban fringe land is more valuable than the core downland is strongly challenged by the Agency. Farmland close to urban areas is often less affected by intensive agricultural practices than more remote land, but focussing on this ignores the fact that National Parks are, as the Agency emphasises, primarily landscapes designated for their natural beauty and the opportunities they provide for open-air recreation. The statutory criteria need to be satisfied even if land has other important qualities. It seems to me that in focussing on the nature conservation, archaeological and cultural value of urban fringe land Mr Bangs often overlooks this point. Indeed the boundary he promotes at the edge of the conurbation in order to secure his preferred "fish and chip shop" National Park essentially defines the physical extent of the existing built-up areas. Defining built-up areas is a very different exercise (and one commonly undertaken for unrelated development plan purposes) to the selection of a National Park boundary that properly takes account of the statutory criteria set out in the 1949 Act.

- 7.446 I would add that by and large I support the Agency's approach to the inclusion or otherwise of urban fringe land. It seems to me that the assessment of such land should focus on whether it reads as part of the wider countryside and the extent to which it is affected by urban development. As part of that exercise the merits of individual parcels of land have to be assessed in the wider context. This involves difficult site or area specific judgements. As the Agency notes, along the urban fringe there are many areas that can be described as borderline in terms of their natural beauty. It is not entirely surprising, therefore, that I sometimes assess the landscape quality of land differently from the Agency even though I generally support the way it has approached the exercise. I note that the Agency's approach also refers to possible opportunities to mitigate intrusive developments where the landscape itself merits inclusion. That may be a reasonable test but I can think of few instances where it actually influenced the outcome of boundary selection process.
- 7.447 Arguments concerning the inclusion or otherwise of urban fringe land are often made by reference to the Sussex Downs AONB boundary. As I understand it, the AONB boundary was never taken as a "given" because of the changes that have occurred since the AONB was designated, the limitations of the AONB designation process itself and the availability of more sophisticated landscape assessment techniques nowadays. I think this must be right. The AONB may be a convenient point of reference in the first instance, but the PSDNP boundary should reflect current circumstances. Inevitably this will lead to the inclusion of land currently outwith the AONB and the exclusion of other sites or areas that enjoy that status. CD146 conveniently identifies the individual sites or areas within each category. I return to this issue in section 8 of the report when I address objections to the revocation orders.
- 7.448 Finally it may be helpful to make a few comments on the Agency's approach to the fragmentation caused by major highway corridors (CD70, page23). This matter assumes especial importance in section P as the A27 runs through much of the urban fringe land at the edge of the conurbation. To my mind the questions applied by the Agency provide a useful means of gauging whether land severed from the wider Downs by a major highway should be included nonetheless in the PSDNP. They also help to ensure that fragmentation is judged in a consistent manner

even though each parcel of severed or left-over land will be unique. The fact that many of the key points identified by the Agency have a subjective dimension possibly explains why my assessment of the fragmentation caused by the A27 sometimes differs from that of the Agency.

* *

A Clearer Boundary: Shoreham - Falmer

Case for objector

7.449 The South Downs Campaign argues that the PSDNP boundary around Brighton is often confusing. Where the A27 road is identified as the appropriate edge to the National Park, the boundary weaves around cuttings and embankments that are often inconsequential in the overall landscape. Many of them have been planted with a sympathetic seed mix or have been subject to natural regeneration. They now blend easily into the wider downland landscape. Most of the highway land is actually part of the Sussex Downs AONB and will generally be assumed to be within the PSDNP. If these small areas lose their AONB status and are excluded from the PSDNP they could be subject to unwelcome development pressure.

7.450 The PSDNP boundary also severs a number of important national and regional long distance rights of way. This could complicate future management arrangements. The way the boundary has been drawn also sits uneasily with the Agency's aim to provide "*an easily distinguishable physical boundary*". Where the A27 forms the boundary of the PSDNP, it would be much simpler if the highway itself formed the boundary. The Brighton Urban Wildlife Group make the same point.

Agency's response

7.451 In many areas the A27 has had a significant localised impact on natural beauty. Several areas south of the road have been severed from the wider Downs and no longer meet the natural beauty criterion. The cuttings and embankments alongside the road are not natural and are excluded where they are influenced more by the road than the wider downland. The fact that people will assume that they are within the AONB is not a reason for including them; nor is

the concern that they could be vulnerable to development pressure. The suggestion that the PSDNP boundary severs rights of way is misleading; all will continue to function on their existing alignments.

Inspector's Conclusions

7.452 The cuttings and embankments alongside the A27 are man-made features and as such must struggle to satisfy the natural beauty criterion. That said they are generally limited in scale and over the years have begun to blend seamlessly into the wider downland landscape, a process that is likely to continue. Often if not always, they seem to me to read as part of the wider Downs. I am also told that some are now of ecological value in their own right. In these circumstances I consider that the balance of advantage lies with the adoption of the A27 as the boundary to the PSDNP. The road represents a clear and obvious boundary to the wider Downs and, in my view, is preferable to the much more complicated PSDNP boundary that in many places somewhat pointlessly seeks to exclude cuttings and embankments.

Inspector's Recommendation

7.453 Where land south of the A27 in section P is excluded from the PSDNP, that the boundary should follow the northern edge of the A27 carriageway.

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Seaford

Case for objector

7.454 Mr A Edgar argues that like a number of other towns, Lewes, Petersfield, Midhurst and so on, Seaford should be included in the PSDNP. The town has a long and interesting history and experience elsewhere indicates that Seaford's inclusion in the PSDNP would bring a number of important economic and social benefits.

Agency's response

7.455 Seaford is a large coastal settlement. Although National Parks are primarily a landscape designation, settlements at

the edge of the PSDNP may be included if certain requirements are satisfied. In this instance the Agency is not convinced that the intrinsic qualities of the town and its cultural and historic associations with the core chalk hills warrant inclusion. The town may offer a range of recreational experiences but these are not directly related to the character and quality of the landscape.

Inspector's Conclusions

- 7.456 Seaford is a coastal settlement with a population in excess of 20,000. No settlement within any of the existing National Parks in England and Wales has a population approaching that figure. Even so, the Agency's approach towards the inclusion or otherwise of settlements does not necessarily mean that Seaford should be excluded from the PSDNP simply because of its size. In considering whether there are compelling grounds for including such a significant settlement I note that Seaford has a long maritime history and even today it retains its historic core. Unfortunately the town also contains a significant amount of more modern and somewhat nondescript built development. In my opinion the character and extent of this development fatally undermines Seaford's case for inclusion in the PSDNP. Indeed, elsewhere in the report I recommend against the inclusion of other much smaller settlements that can more reasonably claim to be an integral part of the wider downland scene.
- 7.457 In arriving at my conclusion on this point I recognise that Seaford offers a range of visitor attractions and recreational pursuits. These would add to the supply of recreational opportunities on offer along this length of the South Coast. Furthermore I do not doubt that if Seaford sat within the National Park this could of itself bring economic and social benefits. Only limited evidence is available, but it seems to me that the town does exhibit signs of economic decline and could therefore benefit from any further investment or assistance that National Park status might provide. However I do not accept that such wider considerations should influence the boundary setting process. That might be deemed unfortunate and unhelpful to the local community but I am in no doubt that the physical definition of the PSDNP has to be by reference to the criteria set out in the 1949 Act. Extending the boundary to include nearby land of lesser quality because it might provide wider community benefits would simply devalue the currency, so to speak.

Inspector's Recommendation

7.458 No change to the designation order boundary (other than at Chyngton Farm – see 7.459 below.)

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Chyngton Farm, Seaford

Case for objector

7.459 Land south of Chyngton Way at the south eastern edge of Seaford should be excluded from the PSDNP. It is used for rough grazing and at 2.75ha it would facilitate a logical and modest rounding-off of the urban area. This was recognised by the Inspector addressing objections to the draft Lewes Local Plan. The land in question is not of high landscape or scenic quality and the Agency itself accepts that it is of lower quality than the nearby land having AONB status. It makes little contribution to the wider downland. The fact that additional landscaping is required along the southern boundary of the objection land as a condition of a recent grant of planning permission underlines the point. Clearly the objection land does not satisfy the natural beauty criterion and having no public access or especial scenic value it does not satisfy the recreational opportunities criterion either.

Agency's response

7.460 The land in dispute is part of a wider tract of downland that rises to the top of South Hill. It is a roughly square shaped parcel of land that abuts the urban area on 2 sides and the wider Downs on its southern and eastern boundaries. It has not been managed in recent years and it is accepted that it is of lesser intrinsic quality than nearby land. However it needs to be assessed in a wider context and on that basis it reads as part of a wider sweep of open downland that overall clearly satisfies the natural beauty criterion. Although there is no public access onto the land, the track along its eastern boundary provides acts as a gateway to the wider Downs.

Inspector's Conclusions

- 7.461 The objection land is part of the open countryside at the south-eastern edge of Seaford. It is situated between the defined AONB and the built-up area of the town. In commenting on objections to the draft Lewes Local Plan, the Inspector stated that the land lacked the visual qualities of the nearby AONB land and that it could make a minor contribution to the District's pressing need for more housing land. It is not clear to me if that conclusion was translated into a formal recommendation, but if it was it does not seem to have been accepted by the Council. As I understand it, in the adopted Local Plan the land is subject to countryside policies.
- 7.462 Like the Local Plan Inspector, the Agency accepts that the objection land is not of equal quality to the adjoining AONB land. I tend to agree. It is down to rough pasture and is far more influenced by the adjoining urban edge than the wider downland beyond. I say that even though the urban edge to the west of the objection land is softened by the presence of hedgerows and the occasional mature tree.
- 7.463 Although part of the countryside at the edge of Seaford it seems to me that there is a transition in quality as one moves from the urban edge towards the summit of South Hill. Where landscape is in transition the Agency's approach to boundary setting requires the selection of a boundary within the transition, rather than at the edge of it. Adopting a conservative approach towards boundary setting within transitional landscapes helps ensure that only high quality land obtains national park status. Boundary setting where landscape is in transition is always difficult and is often a finely balanced judgement. In this instance it seems to me that the appropriate boundary within the transition is the southern edge of the objection land. The slight change in topography and presence of vegetation along that boundary, together with the use of the adjoining land to the south for miscellaneous storage and related activities, supports that conclusion.

Inspector's Recommendation

- 7.464 That the designation order boundary be amended to exclude land south of Chyngton Way.

* *

Tide Mills

Case for objectors

- 7.465 Though the boundaries are slightly different in detail, the South Downs Campaign, Lewes District Council and others seek the inclusion of the tract of low lying land at Tide Mills situated between the A259 to the north and east, Seaford Bay to the south and the area of existing and proposed built development at Newhaven to the west.
- 7.466 In support of its inclusion it is said that this area forms part of the lower Ouse valley and is an integral part of the wider downland landscape. Amongst other things the land in dispute includes a stretch of undeveloped coastline and, uniquely within the PSDNP, a shingle beach that gives the area a high degree of tranquillity and openness. Views out to sea, inland and along the coast are spectacular. To the north is an extensive wetland area that is part of the Ouse Estuary Project. This is a major environmental improvement initiative benefiting from substantial European Community funding. Phase 1 has been completed and phases 2 and 3 should deliver further environmental benefits. Overall the area has a rich diversity of wildlife, not least a nationally significant population of Great Crested Newts, and is designated as an SNCI with the likelihood that it might achieve SSSI status at a future date. The area is also of archaeological importance, in particular as it contains the "lost village" of Tide Mills. In sum the land in dispute includes a number of landscape types that together are of high landscape value. The natural beauty test is met.
- 7.467 Tide Mills also offers a wide range of open air recreational opportunities and benefits from the several pedestrian rights of way that pass through the area as well as the National Cycle Network. The area is also readily accessible from local centres of population and from further afield via Bishopstone and Newhaven railway stations which are both within a 10 minute walking distance.

Agency's response

- 7.468 Tide Mills is outside the AONB. Throughout the designation process the Agency consistently concluded that the area did not satisfy the statutory criteria and that the A259 formed

the clear boundary between the open chalk uplands and the estuarine landscapes. The area is also affected by its proximity to the industrial and other large scale development at Newhaven Harbour and the presence of the embanked railway line that cuts across it.

- 7.469 It is accepted that the shoreline is of high landscape quality but it is separated from the core downland landscapes by intervening land that does not meet the statutory criteria. Much of the intervening land has been modified to create new habitats as part of the Ouse Estuary Project. The Agency recognise that the enhancement work makes a positive contribution to the local scene and accept that this can be taken into account in the landscape assessment exercise. Unfortunately it is not convinced that the newly formed landscape is of national quality. Claims that further enhancement work can be anticipated need to be viewed with some caution. The features of cultural and ecological importance identified by objectors are also relevant to the assessment process but in this instance do not "tip the balance" in favour of inclusion. Because the landscape is of not of national quality, the land cannot provide a materially superior recreational experience.

Inspector's Conclusions

- 7.470 The Agency accepts that the undeveloped coastline in the Tide Mills area, and in particular the shingle beach, satisfies the statutory criteria. I agree. It is without doubt a high quality landscape offering a range of exhilarating open-air recreational experiences. Between the shingle coastline and the nearby chalk uplands (already included in the PSDNP) is an area of low lying land bounded to the north by the A259. This land is clearly part of the Ouse Valley albeit that it is now separated from the river itself by harbourside development at Newhaven. If the boundary of the PSDNP is to be extended to include the Tide Mills coastline, this valley landscape also has to satisfy the statutory criteria.
- 7.471 Formerly in arable use, in recent years much of this low lying area has been modified at considerable expense to create a matrix of publicly accessible wildlife habitats under Phase 1 of the Ouse Valley Project. The project also aims to filter or help screen the existing industrial development at Newhaven Harbour and the adjoining land allocated for new business development. While the Agency accepts that the Phase 1 work can reasonable be taken into account is

assessing whether the Tide Mills area satisfies the statutory criteria, it is not convinced that the newly formed landscape does or can satisfy the natural beauty criterion.

7.472 I fully understand the Agency's concerns on this point. The newly formed habitats are immature and obviously managed and at this point of time are not, in landscape terms, of national or finest quality. However with the passage of time the new habitats will mature and improve in quality and the new pedestrian and cycle routes will become less intrusive. The urbanising impact of the existing and proposed development at Newhaven Harbour should also be alleviated by the proposals to landscape land close-by. I would add, even though I attach limited weight to the point, that future phases of the Ouse Valley Project offer the prospect of further landscape enhancement. Inevitably these are subject to some funding uncertainty but the resources that have already been committed to this area suggest to me that there is good likelihood that further funding may be forthcoming in due course. I note also that part or all of the project area is likely to attain SSSI status in the not too distant future. Given my expectation that the quality of the landscape will improve considerably as a consequence of the extensive programme of enhancement work that is already underway, on balance I accept that the natural beauty test is satisfied. If that is accepted, I am in no doubt that the area also satisfies the recreational opportunities criterion. The Agency does not argue otherwise.

7.473 Of the alternative boundaries put forward in respect of this land, I prefer the boundary identified by the District Council. This seems to take proper account of land allocations in the Lewes District Local Plan.

Inspector's Recommendation

7.474 That the designation order boundary be amended to include additional land at Tide Mills.

* *

Tarring Neville

Case for objectors

- 7.475 Piddenhoe Parish Council argues that the PSDNP boundary should be modified to include the Tarring Neville Chalk Pit. Mineral extraction has taken place at this site for many years and further extraction is authorised until 2025. In due course, however, the site will be restored to a high standard, not least because the pit currently lies within the AONB. If the pit is excluded from the National Park (and additionally loses AONB protection) the restoration arrangements could be open to doubt.
- 7.476 Even if that is not accepted, the boundary should be reviewed. Extraction already extends into the designated area and future extraction will affect other land within the designated boundary. More logical alternative boundaries could reflect the extent of the current workings or the land where further extraction is authorised.

Agency's response

- 7.477 The chalk pit (together with the former chalk pit at Tarring Neville that has been developed for commercial purposes) does not meet the quality criteria and is therefore excluded from the PSDNP. This is consistent within the Agency's usual approach to exclude mineral workings on the margins of the National Park. In this instance it is also relevant that the restoration of the site will take many years to complete and it is far from certain that the restored landscape will then meet the quality criteria. That said it is accepted that the designated boundary should be modified; more precisely to at least exclude all of the land where extraction is authorised. However, as that area is unrelated to physical features on the ground it might be more appropriate for the boundary to follow the nearest field boundaries. CAR 217 illustrates the alternative options.

Inspector's Conclusions

- 7.478 Given that minerals are likely to be extracted from this site until about 2025 it seems to me that it is properly excluded from the PSDNP. As I understand it, excluding this site is entirely consistent with the Agency's seemingly well founded approach to boundary setting where mineral sites are at the

edge of a National Park. I would add that irrespective of whether the site is in the PSDNP, I see no reason to doubt that the relevant Mineral Planning Authority will aim to secure a high standard of restoration in due course.

7.479 All agree that the designated boundary is defective. Of the alternatives that seem to be available, on balance I favour a revised boundary that follows clearly identifiable field boundaries i.e. option B in Car 217. To my mind this is preferable to the selection of a boundary unrelated to any physical features on the ground.

Inspector's Conclusions

7.480 That the designation order boundary be amended as indicated above.

* *

Beddingham Landfill Site

Case for objector

7.481 Chiddingly Parish Council claims that the extent of the PSDNP should be amended to exclude the Beddingham Landfill Site. The site and its surrounding land could be excluded, alternatively the boundary could be amended to exclude the eastern flank of the Ouse Valley northwards from Newhaven to Beddingham. This is deemed appropriate as the landfill site is nearly full and further extensions are unlikely because of the protective landscape designations – AONB at present and PSDNP as proposed. Given its limited impact on the landscape, and its other site specific advantages, it makes sense to continue to use Beddingham rather than seek an alternative site for waste disposal near Newhaven or elsewhere.

Agency's response

7.482 Where mineral operations (or landfill operations) are at the margins of the PSDNP they are normally excluded. The quarry at Tarring Neville is a case in point. However, Beddingham Landfill Site is a long way from the edge. To exclude the site it would be necessary to create a "hole" within the PSDNP or exclude a large tract of high quality landscape. Neither option is justified. Moreover, as stated

by the objector, the site is well integrated into the local landscape and there is therefore no basis for excluding the site on natural beauty grounds.

Inspector's Conclusions

7.483 Whether or not Beddingham Landfill Site is well integrated into the local landscape, I see no sensible way in which it can be excluded from the PSDNP. If it was to be excluded, it would be completely surrounded by designated land. The alternative suggestion that the PSDNP boundary could be amended to remove the eastern flank of the Ouse Valley is equally inappropriate. This option would leave an extensive tract of high quality landscape outside the PSDNP.

7.484 In any event, I doubt if the PSDNP boundary setting exercise should itself attempt to either facilitate or restrict future development. The suitability or otherwise of development is a matter that falls outside the remit of the current South Downs exercise. Having said that it may be helpful to add that National Park status does not of itself necessarily prohibit landfill operations. No doubt the relevant waste authority would take account of Beddingham's attributes in determining its future waste disposal strategy.

Inspector's Recommendation

7.485 No change to the designation order boundary.

* *

Brookside Farm

Case for objector

7.486 Piddinghoe Parish Council objects to the exclusion Brookside Farm, Newhaven, from the PSDNP. This land is within the open countryside and is designated as AONB. It demands the same protection as other nearby land which has been included in the PSDNP even though it actually contains built development. Much of Brookside Farm was used for waste disposal until 20 years ago and has been virtually derelict since then. It is allocated for recreation purposes in the Lewes District Local Plan and also benefits from planning permission for a riverside park. In practice formal recreational uses are unlikely to be developed at Brookside

Farm as the Council is now promoting sports facilities at the Fort Road site elsewhere in Newhaven.

Agency's response

7.487 Following the cessation of waste disposal, Brookside Farm has been restored to a landscape having low scenic quality. It reads as part of the degraded landscape at the edge of Newhaven rather than the attractive open landscapes further north. Although the nature conservation value of the land is recognised by its SNCI designation, this is not of itself sufficient to warrant its inclusion in the PSDNP. The reference to the inclusion of residential development and the adjacent cemetery at Piddinghoe Mead is noted but this land warrants inclusion as it forms part of a wider sweep of landscape that meets the natural beauty test.

Inspector's Conclusions

7.488 Although it is within the AONB and is of nature conservation value, I am not convinced that this rather nondescript tract of land satisfies the statutory natural beauty test. If Brookside Farm was to be developed as a riverside park, which appears far from certain, this might lead to some local landscape enhancement though this is difficult to gauge in the absence of details. But even if a riverside park was created at this location it hardly strengthens the case for its inclusion in the PSDNP. It might be deemed unfortunate but formal sports uses fall outside the definition of open air recreation for National Park purposes.

7.489 I appreciate that the exclusion of Brookside Farm might seem illogical given the inclusion of the residential cul-de-sac at Piddinghoe Mead. The PSDNP boundary could have been drawn to exclude that development but, on balance and in the absence of any objection, I accept that all of the rising ground to the west of the Piddinghoe/Newhaven road should be accorded national park status.

Inspector's Recommendation

7.490 No change to the designation order boundary.

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Newhaven Down and Cliffs

Inspector's Note:

As part of the case for including this area in the PSDNP, it was argued at the inquiry that it had been overlooked or neglected for social reasons. Social bias was also said to have influenced boundary setting decisions elsewhere. In the interests of brevity I addressed this issue in my preamble to section P rather than return to it as and when the point was raised in support of individual site specific objections. For present purposes it is sufficient to note that I reject the argument.

Case for objectors

- 7.491 On behalf of the Castle Hill Group it is said that Newhaven Down offers dramatic panoramic views of the famous coastal chalk cliffs as well as the downland landscapes to the north of Seaford and Peacehaven. It retains a high proportion of semi-natural vegetation, in large measure due to the legacy of failed inter-war plotland development at Rushy Hill. This development has itself an important place in the history of the planning system and warrants preservation in its own right. Newhaven Down's importance for nature conservation is also reflected in the identification of land as a SNCI and much of the Castle Hill area as a LNR. In addition to the plant communities the area is also important for its invertebrate communities, the marine life in the inter-tidal zone and birdlife.
- 7.492 Given its commanding position it is not surprising that Castle Hill was inhabited as far back as the Mesolithic period. At a much later date it became the site of Newhaven Fort, a major tourist attraction nowadays. The parking and picknicking area at West Pier also attracts large numbers of visitors. Visitors and local residents alike are able to participate in a very wide range of recreational activities assisted by the fact that much of this area is accessible to the public.
- 7.493 In addition to all of the above this area is also of especial geological and palaeontological importance. The coastal cliffs and the wave cut platform below is designated a geological SSSI and the significant lengths of cliff unaffected by coastal engineering works are properly identified as RIGS.

7.494 Newhaven can act as an important gateway to the National Park and rather than adopt the A259 as the appropriate boundary between Peacehaven and Newhaven, it is suggested that the boundary should be modified to include Newhaven Down and the coastal cliffs between Newhaven and Peacehaven. All of this land satisfies the statutory criteria. The suggested boundary south of the A259 that is delineated in Obj.2172, map 9, coincides with the area in the Lewes District Plan that is subject to countryside policies.

Agency's response

7.495 The land in dispute is not part of the Sussex Downs AONB. When the area was assessed during the designation process the geological, ecological and other values of the area were noted but because of the poor land management and the presence of intrusive foreshore development it was judged that the natural beauty criterion was not satisfied. It is accepted that the landscape between Rushy Hill and Castle Hill has downland character and allows impressive views of the coast and wider downland to the north. Unfortunately the scenic quality of this landscape has been degraded by caravan parks and other sporadic built development. The features of geological and ecological value within this area are undeniably important but they are of insufficient weight to justify its inclusion in the PSDNP.

Inspector's Conclusions

7.496 It seems to me that the area in dispute falls into a number of discrete areas. Firstly the cliffs and foreshore, secondly Castle Hill and thirdly the cliff-top landscape between Peacehaven and Newhaven. For convenience I deal with them individually in the first instance.

7.497 There is no dispute that the cliffs and foreshore are geologically and ecologically important. The various designations are testimony to this and if I had any doubts, these were dispelled by the evidence presented to the inquiry by the expert witnesses called in support of the objection. That evidence and my site inspections also persuade me that the cliffs and foreshore are important for educational and recreational purposes and are also of considerable scenic value. The Agency draws attention to the presence of some incongruous development in the vicinity of the West Pier car-park but in my opinion this is of

little consequence set against the overwhelming presence of the cliff and its associated foreshore. Rather like the rash of built development at the crest of Snowdon or tip of Lands End, say, the incongruous development at West Pier is unfortunate but in my opinion it does not seriously undermine the overall quality of the landscape. There is absolutely no doubt in my mind that if the adjoining inland area satisfies the statutory criteria, the cliffs and foreshore should also be included in the PSDNP.

7.498 Reflecting my earlier conclusions on an appropriate marine boundary – section 4 - if this area was to be included in the PSDNP I would favour an open boundary to the sea rather than MLWM. However I would not support the inclusion of the cliffs and foreshore in the PSDNP where they abut urban areas such as Peacehaven. Adopting that arrangement would create a number of “holes” within the National Park.

7.499 I now turn to Castle Hill. This rises to over 55m and dominates the entrance to Newhaven Harbour. It offers spectacular long-distance views along the coast and inland and has a number of special qualities being both a LNR and a SAM. Again I consider that its intrinsic qualities warrant its inclusion in the PSDNP if the wider sweep of which it is part satisfies the statutory criteria. I say that even though Castle Hill is only physically linked to the land to the west via the narrow neck of open ground that separates the recent Harbour Heights development from the coastal cliff.

7.500 Castle Hill and the cliffs and foreshore are separated from the AONB and PSDNP landscapes to the north of the A259 by a tract of mainly open land. This land exhibits downland characteristics and part is identified as a SNCI. On the other hand this tract also includes a significant area of so-called plotland development as well as other development such as the extensive caravan park and associated structures at Cheney Gap. The Agency argues that because of its neglected appearance and the presence of inappropriate sporadic development the landscape is fragmented and generally of poor scenic quality. I am of the same opinion. Some of the individual plotland holdings contain an impenetrable cover of scrub but others contain generally large dwellings and associated outbuildings. These are randomly scattered across the landscape. In my opinion this area fails the natural beauty test by some distance. As a result, the high quality landscapes along the coast and at Castle Hill that satisfy the natural beauty test are effectively

separated from the downland landscapes to the north of the A259 by intervening poorer quality land. It follows, it seems to me, that if a major part of the landscape between Peacehaven and Newhaven does not satisfy the natural beauty criterion, none of the land in dispute should be included in the PSDNP.

7.501 I note the suggestion that the plotland area is a cultural relic that warrants preservation in its own right. This is an interesting thought but in the final analysis I do not accept that a form of development deemed likely to threaten the whole of the South Downs only a few generations ago should now benefit from the protection of the very planning system that it helped to spawn. Public perception of natural beauty can change with the passage of time but in this instance, not that much or that quickly in my view.

7.502 In sum, Newhaven cliffs and foreshore and Castle Hill are undoubtedly important on a number of counts. Unfortunately they are separated from the higher quality core downland landscapes to the north of the A259 by poorer quality land; land that clearly does not satisfy the statutory criteria. The fact that this intervening area is subject to countryside policies is understandable – it is, after all, clearly outwith the adjoining urban areas - but does not of itself mean that National Park status is warranted. I would add that I am not convinced either that the isolated higher quality landscape at the coast and Castle Hill should be treated as an outlier to the main body of the National Park. Finally, I recognise that Newhaven can serve an important gateway function; a role it can perform whether or not the land in dispute is included in the PSDNP.

Inspector's Recommendation

7.503 No change to the designation order boundary.

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Land North-East of Peacehaven

Inspector's note:

Southern Water Services Limited objects to the inclusion of 3 adjoining parcels of land situated to the north-east of Peacehaven (Obj.3396/1/3, Fig.1). Although the case promoted by the objector

concerns the combined area, at the inquiry it was confirmed that the 3 parcels could be considered independently of one another. A separate objection by C and G Appleton seeks the exclusion of areas 1 and 3. In support of its objection Southern Water provided a detailed rehearsal of the statutory designation criteria and the way they have been interpreted in respect of the PSDNP. I see no need to reiterate this contextual material particularly as the objector generally supports the Agency's approach to the boundary setting process. The main concerns, as I understand it, are threefold. Firstly, in respect of the way the Agency has generally drawn the boundary close to the edge of settlements with seemingly little account taken of transitional landscape quality and recreational experience. Secondly, the fact that the Agency has based its assessment of the statutory criteria on the existing AONBs even though these were designated nearly 40 years ago. Thirdly, that the Agency has taken account of potential recreation provision. These matters are addressed in general terms earlier in the report and I only consider them at this stage insofar as they are relevant to the objector's site specific objection.

Case for objectors

7.504 Because the 3 parcels in question do not satisfy the statutory criteria, the boundary should be modified to exclude them. Areas 1 and 2 consist of rough grassland and area 3 is a parcel of arable land. A detailed landscape character assessment indicates that all 3 areas fall within South Downs character area B3 - Urban Fringe. This is characterised by a miscellany of sometimes discordant land-uses including farmland, allotments, playing fields and items of urban infrastructure. The Agency has itself pulled the boundary back from the northern edge of the urban area at Peacehaven having recognised that the land is of limited landscape quality. Given the adverse impact of the urban edge on the local landscape and the limited recreational value of the adjacent countryside the objection land should also be excluded.

7.505 The objection land has been degraded by urban influences in the period following its designation as AONB. C and G Appleton draw specific attention to the disruptive impact of unauthorised motor cycle use over the last 20 years. When this land is assessed against the Agency's criteria for assessing natural beauty criteria, it fails on all counts. It cannot be regarded as a landscape of national importance. The Agency response refers to the objection land falling within a sweep of downland that satisfies the statutory

criteria. This broad brush approach may be acceptable within the core of the National Park, but in urban fringe locations a more rigorous assessment is required.

- 7.506 If the land in dispute does not satisfy the natural beauty test, by definition it must fail the recreational opportunities test also. In any event this area offers few existing, or potential, opportunities to experience a markedly superior recreational experience. Public access is limited, for example, and the few rights of way are not "markedly superior".

Agency's response

- 7.507 Southern Water does not argue that the 3 parcels of land in dispute have been degraded since the AONB was designated. Rather it is said that they are all affected by the urban development that has taken place to the north of Peacehaven. In the Agency's view all 3 parcels are part of a wider sweep that extends into the core of the PSDNP and to which they have strong landscape and visual connectivity. Areas 1 and 3 abut relatively modern housing developments but these are not significant detractors. The landscape quality of these areas allows those using the nearby rights of way network to enjoy and appreciate the landscape.

Inspector's Conclusions

- 7.508 The land in dispute falls within the Agency's Eastern Open Chalk Uplands and River Valleys Landscape Character Area. At a broad level this is not challenged by the objector so far as I am aware. It is argued, however, that a more detailed assessment of the landscape character of this locality indicates that the objection land is part of an area having urban fringe characteristics. Whether or not that is a reasonable description, the fact that the designation order boundary tends to be set back from the northern edge of Peacehaven appears to be an acknowledgment that the landscape to the north of the town is not all of national importance. Some of this land, though not the 3 parcels in dispute, was excluded from the AONB when it was designated in the 1960s.
- 7.509 Notwithstanding that some of the land to the north of Peacehaven is seemingly of lesser landscape quality, I am in no doubt that area 3 is properly included in the PSDNP. To my eyes this area forms part of one of the sweeping dry

valleys that are rightly said to epitomise the classic image of the South Downs. In my opinion this area is, therefore, an integral part of the high quality core downland landscape that is the essence of the PSDNP. This is not one of the parcels of land within the Sussex Downs AONB that has been degraded with the passage of time (albeit that it has suffered some localised damage due to unauthorised motor cycle use). I say that even though the adjoining urban area has been consolidated since 1966. Fortunately the impact or influence of the built development adjacent to area 3 is alleviated by the presence of vegetation at or close to the urban edge.

- 7.510 I note the claim that even if the natural beauty criterion is met, this area fails the recreational opportunities criterion. I view this land differently. Public rights of way run along the edge of area 3 and offer walkers superb views of unspoilt downland. Assessing this criterion has to be by reference to this wider area, it is not simply a question of assessing recreational opportunities on a field by field basis.
- 7.511 Areas 1 and 2 are more problematic. Both have a cover of rough grassland and seem to me to have the appearance and character of unkempt and poorly managed land commonly found at the edge of urban areas. Area 1, for example, is significantly influenced by the adjoining hard edge of the urban area. Area 2 contains temporary structures and has been sub-divided by the introduction of post and wire fencing. Sub-division appears to have taken place post AONB designation. In my opinion these areas are of lower intrinsic landscape quality and do not read as part of the wider downland landscape in the way that area 3 does. Areas 1 and 2 may have an important strategic role as part of the mainly open gap that separates Peacehaven from Newhaven, and both are currently part of the protected AONB landscape, but I doubt if either satisfies the natural beauty criterion. Being at the margin of the PSDNP this weighs heavily against their inclusion.
- 7.512 Both sides agree that areas 1 and 2 are part of a transitional landscape. The Agency argues that the transition extends from the core downland area as far south as the coast whereas the objector argues that it ends at the A259. Given that I consider that the land south of the A259 does not satisfy the statutory criteria it seems to me more appropriate to see the A259 as the end of the transition. If the boundary is drawn within the transition rather than at

the edge, as the Agency's approach dictates, this lends support to the boundary favoured by the objector.

7.513 In sum, therefore, I consider that the PSDNP boundary should be pulled back to exclude areas 1 and 2 but not area 3.

Inspector's Recommendation

7.514 That the designation order boundary be amended as indicated above,

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Edge of Peacehaven

Case for objectors

7.515 The Society of Sussex Downman and others object to the exclusion of land situated between PSDNP boundary north of Peacehaven and the existing urban area. The boundaries favoured by objectors vary in detail but the area in question lies generally to the west of the area 3 addressed in the previous sub-section. It is said that this area satisfies the statutory criteria and that the boundary as drawn leaves open the possibility of additional urban spread.

7.516 Peacehaven Town Council additionally argue that land at The Valley, Bullock Down, should also be included. This is said to be a lightly developed and tranquil area of downland with part designated as SNCI. It is also an important recreational area for Peacehaven and is readily accessible by foot, bicycle and horse. It is also said that if the water treatment works at Bullock Down loses AONB status and is excluded from the PSDNP it would be more vulnerable to development pressures.

Agency's response

7.517 The land to the north of Peacehaven is a transitional landscape where the character of the landscape is more influenced by the urban edge than the rolling downland further north. In these circumstances, the boundary has been drawn to include land that clearly meets the statutory criteria. As the AONB does not correspond with any feature

on the ground, the designated boundary follows the nearest clearly defined feature to the north of it.

- 7.518 Land at The Valley comprises a mosaic of paddocks, rough grassland, arable farmland and residential dwellings. As such it demonstrates an urban character and is more closely related to the adjoining built-up area than the wider Downs. Part is actually identified as a potential housing site in the Lewes District Local Plan. It is not part of the Sussex Downs AONB and clearly does not satisfy the statutory criteria.

Inspector's Conclusions

- 7.519 Much of the open land to the north of Peacehaven and west of the land subject to the Southern Water objection, is allocated for residential, public open space and other purposes in the Lewes District Local Plan. This area also includes one of the possible sites identified by Southern Water for a major new waste water treatment works. However as there is no certainty that this site will be developed for that purpose at some future date, in my opinion this matter should not be taken into account in the PSDNP boundary setting exercise.
- 7.520 The AONB boundary in this locality does not coincide with a hedgerow or any other physical feature that can be identified on the ground. It follows, adopting the Agency's boundary setting guidelines, that the AONB could not be adopted as the PSDNP boundary. The Agency chose to pull back the boundary to coincide with the right of way that runs parallel to the AONB although it could have opted for a line at or close to the urban edge. If it had chosen the latter course it would have brought some additional downland into the PSDNP but it would also have led to the inclusion of some lesser quality land. Like the Agency I consider that the quality of the non-AONB landscape in this locality is affected by the presence of infrastructure associated with the adjoining urban area, for example the buildings and associated development at Peacehaven Town Council's recreation complex. I doubt if the landscape has improved since the AONB was designated, indeed the contrary is more likely. To my mind this is not a landscape of especial value and, accordingly, I am not convinced that the statutory criteria are satisfied. Bringing this non-AONB land into the PSDNP might help to protect it from further urban expansion but National Parks are not designated for that purpose.

7.521 Land at The Valley is used for a miscellany of activities and overall has a fragmented plotland appearance. Some of the land is free of built development and in agricultural use but the area also contains a significant amount of development of a more urban character. Overall I consider that in landscape terms it has a much greater affinity with the built-up area to the south than the nearby open downland to the north. In my judgement the objection land does not satisfy the statutory criteria. I appreciate the Town Council's concerns regarding the possibility of future development in this location but this is not a relevant consideration for boundary setting purposes.

Inspector's Recommendation

7.522 No change to designation order boundary.

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Brighton to Peacehaven – Foreshore and Cliffs

Inspector's Note:

In the earlier section "Newhaven Down and Cliffs" I addressed the case for including the cliffs and foreshore at Newhaven in the PSDNP. At this point in the report I now address the objections that additionally seek the inclusion of the foreshore and cliffs that extend from Brighton to Peacehaven.

Case for objectors

7.523 Many objectors, including the South Downs Campaign, argue that the PSDNP boundary should be amended to include the coastal cliff landscape east of Brighton. In support of this case it is said that the coastal cliffs between Brighton and Eastbourne are the only place where the chalk geology of the South Downs is clearly and impressively visible. These cliffs occupy a special place in the nation's consciousness. By contrast to the Heritage Coast east of Seaford, which is outstandingly dramatic but relatively inaccessible, the coastal cliff landscape between Brighton and Newhaven can be accessed at 10 separate locations.

7.524 East of the Brighton Marina the only significant coastal development is the water treatment works at Portobello; but

this is a minor detractor in the overall coastal landscape. Otherwise the coastal cliffs and foreshore have been subject to only minor engineering works and much of this took place in the 1930s. Indeed more recently the replacement of groynes by more natural sea defences has actually improved the foreshore.

7.525 Because of their nationally important geology the cliffs are designated as a SSSI. The designation also recognises that the cliffs and narrow cliff-top chalk grassland are important for their flora and fauna. In addition to its SSSI status the cliff landform between Brighton and Newhaven is a Geological Conservation Review Site which means that it is of national importance for education and research in earth sciences. The Black Rock raised beach to the rear of Brighton Marina is additionally classified as a RIG site. All in all the coastal landscape between Brighton and Newhaven is of considerable scientific interest and of high amenity value. It clearly satisfies the natural beauty criterion.

7.526 It also provides a markedly superior recreational experience. The public are able to experience the coastal cliff geology and foreshore that provide a unique understanding of the special qualities of the South Downs. These experiences can be obtained by walking along the cliff-top or by visiting the beach and foreshore. The undercliff walk from Brighton to East Saltdean allows access for wheelchairs and pushchairs as well as for walkers and cyclists. Several rights of way provide a link to the wider Downs. The coastal landscape has a very strong sense of place and provides a feeling "of getting away from it all". Much of the undeveloped cliff-top land is in public ownership.

7.527 The presence of built development along much of this length of coast is noted but is not regarded as a reason for excluding the cliffs and foreshore. While the Agency is understandably opposed to the creation of "holes" within the PSDNP, the inclusion of the coastal landscape would not have that effect. Including this landscape would not lead to the "holes" in the PSDNP in the way it would if built development was within the body of the National Park and surrounded by designated land.

Agency's response

7.528 Telscombe Cliffs are the only part of the coastal landscape between Brighton and Newhaven included in the Sussex

Downs AONB. However the Agency assessed non-AONB land along this length of coast during the designation process. It concluded that because of the overwhelming urban influence of the coastal settlements, the inappropriate development along much of the cliff-top and the presence of groynes, concrete platforms and the Portobello water treatment works on the foreshore, the land did not satisfy the statutory criteria. Moreover, even if it did, including the coastal cliffs and foreshore would create a number of "holes" in the PSDNP. The recreational and educational value of the cliffs and foreshore is acknowledged but this can continue whether or not they are included in the PSDNP. It is relevant to note, nonetheless, that the recreational experiences available at the cliff-top are generally not derived from the quality and character of the downland landscape.

- 7.529 Although features of scientific or cultural value situated at the margins of the PSDNP are included where practicable, they do not of themselves merit the inclusion of land in the PSDNP if the statutory criteria are not satisfied. Where landscape quality on its own may not justify inclusion in the PSDNP, in certain circumstances SSSI and RIGS designations may tip the balance in favour of inclusion.

Inspector's Conclusions

- 7.530 Earlier in the report I concluded that the cliffs and foreshore between the entrance to Newhaven Harbour and Peacehaven satisfy the statutory criteria. They are an integral part of the famous line of white cliffs along the south coast of England that have a special place in the nation's consciousness. They are linked by their geology to the wider Downs and the Agency accepts that they retain much of their distinctive character and appearance. Unfortunately as this particular length of coastline is separated from the wider Downs by a tract of lesser quality land that does not satisfy the criteria, I recommend its exclusion from the PSDNP. Should the cliffs and foreshore between Brighton and Peacehaven be treated differently?
- 7.531 While the Agency does not dispute the geological and ecological value of the coastal cliffs and foreshore between Peacehaven and Brighton, it emphasises that National Parks are primarily intended to protect the nation's finest landscapes. In its view the natural beauty of this coastline is undermined by the Portobello water treatment plant,

intrusive sea defence works and some incongruous cliff-top development. I accept that these are unwelcome features and I note also that this stretch of coastline suffers more landscape detractors than the Heritage Coast east of Seaford, a length of coast that is included in the PSDNP. Even so I am in no doubt that if the cliffs and foreshore between Brighton and Peacehaven are viewed in isolation they satisfy the natural beauty criterion. The landscape detractors identified by the Agency seem to me to be of limited significance set against the scientific and cultural value and visual quality of the iconic chalk cliffs and foreshore. I would add that in arriving at that conclusion I also appear to attach rather more weight than the Agency to the views available out to sea and along the coast.

7.532 Given that the cliffs and foreshore are readily accessible and offer visitors a wide range of educational and open air recreational pursuits, I am also in no doubt that this coastline satisfies the recreational opportunities criterion.

7.533 Unfortunately that is not the end of the matter. Most of the coastline between Brighton and Peacehaven is effectively separated from the core chalk landscapes that are the essence of the PSDNP by extensive areas of built development. Settlements such as Saltdean, Telscombe and Peacehaven largely consist of ordinary 20th century development and as such clearly do not merit National Park status. It must follow that if the cliffs and foreshore between Peacehaven and Brighton are to be included in the PSDNP, a line of "holes" would be formed within the main body of the designated area. This would be contrary to the long standing approach to the inclusion of land in National Parks. The South Downs Campaign argue that any "holes" along the coast can be distinguished from "holes" formed where lesser quality land is closer to the core of the PSDNP. To my mind this is a distinction without a difference. It seems to me, therefore, that where the narrow strip of coastline between Brighton and Peacehaven is separated from the wider Downs by extensive urban development it should not be included in the PSDNP.

7.534 Not all of the coast between Brighton and Peacehaven has suffered 20th century built development. West of Rottingdean and at Telscombe Tye the coast is mainly open and undeveloped and as such provides a physical link and visual connectivity between the coast and the core downland landscapes further north. Where these open breaks in the

urban structure occur, the adjoining cliffs and foreshore could be brought into the PSDNP without creating "holes" within the designated area. Accordingly, it seems to me that these are the only lengths of coastline between Brighton and Peacehaven that can be considered serious candidates for inclusion in the PSDNP. Both are considered on their merits in later sections of the report.

Inspector's Recommendation

7.535 No change to designation order boundary other than between Brighton and Rottingdean (see paragraph 7.591).

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Telscombe Cliffs

Inspector's Note:

Under this head I consider the objections lodged by bodies such as Lewes District Council, the Council for the Protection of England (Sussex), the Campaign for Residents Against Portobello (CRAP) and Telscombe Town Council, as well as those lodged by many hundreds of individuals. All object to the way the PSDNP boundary is drawn at Telscombe Cliffs. So far as I am aware, the objectors all seek a boundary modification that would lead to the inclusion of land to the south of the designated boundary i.e. to the south of the A259. The objection land is part of, and immediately opposite, the main body of the much larger tract of open land known as Telscombe Tye. Like the land to the north of the A259, the objection land is within the Sussex Downs AONB.

Some objectors additionally seek the inclusion of the adjoining areas that effectively separate the built-up areas of Peacehaven and Saltdean from the sea. These areas are outwith the AONB.

Case for objectors

7.536 The main points highlighted by objectors can be conveniently summarised as follows:

- Telscombe Tye is a broad sweep of unspoilt downland that extends to the clifftop. It is one of the few places in the PSDNP where this happens. Almost all of it is in public ownership, having been acquired by public subscription in 1989, and is extensively used for a range of open air

recreational pursuits. From the main body of Telscombe Tye, spectacular views out to sea are available across the land in dispute.

- The land situated south of the A259 is similar in character and quality to the open land to the north, land that is included in the PSDNP. All of this land is of high scenic quality and has a strong sense of place.
- The AONB was designated in 1966 and there have been no significant changes to the area since then. The 2 dwellings and the small pumping station were already present at that time. The sea rather than the A259 forms the obvious boundary to the PSDNP.
- The road itself is single carriageway and has a limited visual impact. It is not actually visible when approached from the north until you are almost upon it. Anticipated landscape enhancement works will reduce any adverse impact in any event.
- The land south of the A259 is disfigured by the Portobello waste water treatment works but this development is not significant when seen in the wider context.
- If it accepted that the land south of the A259 satisfies the natural beauty criterion, there can be no doubts regarding its importance for open-air recreational purposes. It offers spectacular coastal views and is one of the relatively few places where it is possible to access the cliffs and foreshore.
- If the land south of the A259 is excluded from the PSDNP and loses its AONB status, it would be difficult to resist any future proposals to expand the existing Portobello works. An earlier proposal to expand the works was rejected by the Secretary of State not least because of the intrinsic importance of this length of coast which is part of the Brighton to Newhaven SSSI.
- The AONB land south of the A259 was undemocratically excluded from the PSDNP following the public consultation exercise (CD31). It appears that its exclusion may have been in response to an objection from Southern Water – the company responsible for much of the unwelcome development at Telscombe Cliffs.

Agency's response

7.537 The area of AONB land south of the A259 was initially included in the PSDNP but later excluded on the grounds that it did not meet the statutory criteria and was separated from the wider Downs by the A259. While the association of sea and downland at Telscombe Tye is recognised, the

scenic quality of the objection land is affected by landscape detractors such as the A259 and the water treatment works. Unlike the land north of the A259, the clifftop land also has a managed recreational appearance.

- 7.538 Whether or no the land south of the A259 was properly included in the AONB in the 1960s, in the intervening period there has been some additional development at the Portobello site. In the Agency's view the A259 therefore represents the easily distinguishable and appropriate PSDNP boundary.
- 7.539 If the land in dispute cannot satisfy the natural beauty criterion, by definition it cannot provide a markedly superior recreational experience.
- 7.540 The special qualities of the cliffs and foreshore are not in dispute but these are already protected by the SSSI designation. Moreover the geological and ecological value of the cliffs and foreshore are not of themselves sufficient to tip the balance in favour of inclusion.
- 7.541 Many of the objections to the designation boundary reflect a desire to resist future development at the Portobello site. This is not relevant to the boundary setting process. Land is included or otherwise in National Parks on the basis of its ability to meet the statutory criteria.

Inspector's Conclusions

- 7.542 The Agency's decision to adopt the A259 as the boundary of the PSDNP at Telscombe Cliffs attracted more objections than any other length of the boundary. The volume of opposition obviously reflects a widely held view that the land south of the A259 deserves to be within the PSDNP but it is also partly explained by the planning history of the Portobello site. Not many years ago a long-running inquiry was held into proposals for a new waste water treatment site at this location. That proposal was rejected by the Secretary State. Many objectors claim that if the land south of the A259 loses AONB status and is left out of the PSDNP, the notion of a major new treatment plant at this location could be resurrected. Even if this concern is well founded, and I was to accept that such development would be undesirable and inappropriate, it could not justify the inclusion of this land in the PSDNP. Inclusion of the land

south of the A259 depends on its ability to satisfy the statutory criteria.

- 7.543 I begin with the portion of Telscombe Tye to the north of the A259. This land separates Saltdean from Peacehaven and provides a tongue of downland that essentially links the core of the Eastern Chalk Uplands to the coast. The juxtaposition of downland and sea along this otherwise heavily built-up length of coast provides a strong sense of place with a powerful identity. Walking over this land it is impossible not to be impressed by its exposed and unspoilt character and the magnificent panoramic views of the English Channel. These views are not significantly interrupted by the Portobello waste treatment works. The works are visually intrusive but as they are largely concentrated at the foot of the coastal cliffs they are hidden from view. In sum, there is absolutely no doubt in my mind that the portion of Telscombe Tye north of the A259 warrants National Park status. It clearly meets the natural beauty test and the fact that it is common land readily accessible to the public underlines its value as a recreational resource.
- 7.544 Although the AONB currently extends south of the A259, the Agency considers the road to be the more appropriate boundary for the PSDNP. As I understand it there are 2 main reasons for this. Firstly, because the A259 tends to sever the objection land from the wider Downs and the road with its associated infrastructure and steady stream of traffic is itself visually intrusive. Secondly, the Agency considers that the AONB land south of the A259 fails the natural beauty test due to the presence of 2 residential properties together with parking areas and other major built development associated with the Portobello works.
- 7.545 In considering whether the land at Telscombe south of the A259 should be part of the PSDNP it is appropriate to record at the outset that much of this land is downland in character and free of built development, more precisely the cliff-top land to the west of the Portobello site. To my mind this area is an integral part of the wider sweep of downland at Telscombe Tye. Certainly it enjoys strong visual connectivity with the landscape to the north of the A259 and offers superb panoramic views along the coast and out to sea. I note that this land is said to have a managed recreational appearance but it seems to me that the less aggressive mowing regime now favoured by Telscombe

Town Council would overcome this concern – a concern of limited importance in any event it seems to me.

- 7.546 Similarly I am not convinced that the single carriageway A259 is as visually intrusive as the Agency claims. To my mind the lighting columns and other items of highway infrastructure have a limited impact on the local scene. Furthermore the road does not physically and visually sever the cliff-top land from the land to the north of the road to an undue degree. Certainly I can think of other instances where pockets of landscape are included in the PSDNP even though they are separated from the main body of the National Park by major highways carrying high volumes of traffic.
- 7.547 The parking areas and other landscape detractors identified by the Agency at cliff-top level are located close to one another at the eastern end of the AONB land. Inevitably these have an adverse impact on the quality of the cliff-top landscape particularly when viewed at close quarters. Even so I consider that their impact on the natural beauty of the wider sweep of downland is rather less than the Agency claims.
- 7.548 On the other hand there is no doubt that the major buildings at the Portobello site, together with the associated infrastructure such as the concrete hardstandings and security fencing, are a major landscape detractor. These are concentrated at the foot of the cliff face. Construction of the access road leading down to the main complex required the removal of a significant part of the cliff face and is itself an intrusive feature. Given the adverse impact on the scenic quality, character and intactness of the locality, the Portobello site clearly cannot satisfy the natural beauty criterion. This might not be critical if the works were situated well within the main body of the Downs but as they are at the margin of the PSDNP I consider that the delineation of the boundary must take this into account. It would be wholly inconsistent with the approach I have taken to boundary setting elsewhere in the national park to include land so obviously and seriously degraded by unsympathetic and intrusive development.
- 7.549 I have concluded, therefore, that while some of the land south of the A259 satisfies the statutory criteria and warrants inclusion in the PSDNP, the boundary should be drawn to exclude the Portobello complex. As to the precise

boundary, I recognise that the line of coastal cliffs and foreshore extending from Brighton to Newhaven are of considerable scientific importance and are a landscape icon in their own right. Nonetheless, it seems to me that in this instance the damaged cliffs and foreshore at Telscombe should be excluded from the PSDNP. In my judgement the boundary should be drawn to include only the cliff-top land to the west of the treatment works. I appreciate this arrangement would mean that the maritime boundary at Telscombe would be different to the open sea boundary that I recommend at other coastal locations. In my opinion the special circumstances at Telscombe warrant an exceptional response.

- 7.550 Finally, I have considered whether the strips of cliff-top land south of the A259 and either side of the AONB land should also be included in the PSDNP. These areas are similar to the AONB land in terms of their intrinsic character and appearance. However rather than form the southern end of a tongue of downland, they stand between the sea and the urban development north of the A259. As such I consider that they are more properly regarded as amenity open space associated with that development rather than as part of a wider sweep of downland landscape.

Inspector's Recommendation

- 7.551 That the designation order boundary be amended to extend south of the A259 to include the cliff-top land west of the Portobello site.

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Combe Farm, Saltdean

Case for objector

- 7.552 At a late stage in the designation process the Combe Farm area was excluded from the PSDNP. If that is accepted, at the least the boundary should be modified to exclude the parcel of land that is part of the wider Downs and clearly satisfies the statutory criteria. It has been subject to development interest in the past and could be again if excluded.

Agency's response

7.553 Although initially included in the PSDNP, further assessment revealed that the Combe Farm locality had fallen in quality and no longer met the statutory criteria. While the parcel of land in dispute is undeveloped, it is largely bounded by development and does not read as part of the wider Downs.

Inspector's Conclusions

7.554 The land in dispute is situated at the edge of Saltdean on the lower slopes of Tenant Hill. It is free of built development but given that a fence separates it from the wider downland and the fact that it has development of 3 sides I am not convinced that it should form part of the PSDNP.

Inspector's Recommendation

7.555 No change to designation order boundary.

* *

Rottingdean

Case for objectors

7.556 Rottingdean Parish Council, supported by over 200 individual objectors, argues that the PSDNP boundary should be modified to include Rottingdean. The village satisfies the Agency's own criteria for determining whether settlements merit inclusion. It has a very attractive and historic core, bounded by high quality countryside, a wide range of facilities and services and is well placed to act as a "gateway" to the PSDNP. Large numbers of visitors already visit Rottingdean attracted by its associations with important cultural figures such as Rudyard Kipling, Edward Burne-Jones and Stanley Baldwin. The village has an unbroken history as a settlement since Saxon times and the many rights of way leading into the heart of the Downs are pointers to its former role as a downland farming village.

7.557 Coalescence with Saltdean is seemingly seen as the main obstacle to Rottingdean's inclusion in the PSDNP. This has happened to a degree but it would not be difficult to draw a boundary that would allow Rottingdean's inclusion. Several

options are possible. While Rottingdean merits inclusion on its merits, this would also help to protect the settlement from some of the insensitive developments that it has suffered in the past.

- 7.558 Brighton and Hove City Council argue that if Rottingdean is excluded, the boundary should be modified to likewise exclude the recreation ground alongside the B2123. This land is used for community uses, including a soccer and cricket pitch, and is managed for the benefit of the urban population.

Agency's response

- 7.559 The historic core of Rottingdean is high quality and there can be no doubting its cultural associations with the South Downs. However, it has physically merged with the adjoining settlement of Saldean and when they are taken as a single entity they do not warrant inclusion. They are not part of a wider sweep of high quality landscape. The many recreational opportunities identified by the Parish Council are not directly related to the character of the core downland landscapes.

- 7.560 The recreation ground alongside the B2123 is part of a wider Downs. It is more closely associated with the wider countryside than the built-up area and as such satisfies the statutory criteria.

Inspector's Conclusions

- 7.561 Rottingdean has an attractive historic core and is notable for its important cultural and historic associations. Few settlements of a similar size offer their citizens a comparable choice of services and facilities. Understandably those fortunate enough to reside in the village regard it as a special place. There can be no denying, however, that over the years it has physically merged with the much larger settlement of Saldean. For boundary setting purposes I am in no doubt that it is necessary to consider them together. It considering the implications of the settlements on the wider landscape it would be nonsensical to consider Saltdean and Rottingdean separately.
- 7.562 When their combined physical extent is considered in the light of the Agency's approach to the inclusion or otherwise of settlements, it seems to me that their inclusion in the

PSDNP would be inappropriate. They are located at the margin of the PSDNP and Rottingdean's historic core is largely subservient to the extensive areas of more modern and relatively nondescript housing development. Rottingdean could perform a "gateway" function, but that is not a role that relies on its presence within the PSDNP.

7.563 Arguably the recreation ground next to the B2123 should be excluded as well as the adjoining built-up area. This land is used for formal sports which are not an open air recreational pursuit for National Park purposes. However as this land is open and clearly reads as part of a wider sweep of downland landscape, on balance I favour its inclusion.

7.564 I close this sub-section with 2 final points. Firstly, the alternative boundary promoted by Rottingdean Parish Council would not lead to the inclusion of Rottingdean alone. The boundary would also bring Ovingdean, more of Beacon Hill and the nearby cliffs and foreshore into the PSDNP. The merit or otherwise of including these areas are addressed under separate sub-headings. Secondly, the Agency accepts that minor changes to the boundary at Rottingdean are appropriate to take account of objections 3501 and 3502. I see no reason to disagree.

Inspector's Recommendation

7.565 No change to designation order boundary other than as indicated above.

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Land between Whitehawk and Woodingdean

Case for objector

7.566 Southern Water argues that the land between Whitehawk and Woodingdean should not be included in the PSDNP. It is not within the Sussex Downs AONB and has never been designated as an area of landscape value. The quality of the landscape has been degraded by nearby developments over the years and it now fails the Agency's own natural beauty tests as set out in CD31. It follows that the land does not provide a markedly superior recreational experience either. Indeed the recreational provision in this area, particularly

the golf course and the racecourse, is essentially urban based.

Agency's response

7.567 The land in dispute is an extensive tract of high quality chalk downland landscape that sweeps down to the sea. There has been some localised landscape degradation but this is mainly confined to the fringe of the objection area. Where land is significantly influenced by the urban edge it is excluded from the PSDNP. Being elevated and tilted towards the sea, this area offers distinctive panoramic views. The area also benefits from an extensive rights of way network. All in all it provides a markedly superior recreational experience.

Inspector's Conclusions

7.568 At this time I limit my comments to the appropriateness of the PSDNP including the tract of non AONB land situated between Whitehawk and Woodingdean. Separate objections relating to the precise extent of this area are addressed later in the report.

7.569 The land in dispute is almost entirely detached from the main body of the Downs by the settlements of Woodingdean and Ovingdean. The physical separation would be total if it were not for the neck of open land that keeps the 2 settlements apart and the area of mainly open ground south of Bevendean. The AONB boundary runs through the former area and effectively marks the edge of the main body of the Downs. Although the AONB boundary, or something similar, could have been adopted as the PSDNP boundary, on balance I consider that the PSDNP should also embrace the land between Whitehawk and Woodingdean. There are 2 main reasons for this.

7.570 Firstly, it seems to me that the land in dispute is essentially an extensive tract of high quality chalk downland. It is one of the few tracts of downland that sweeps down to the sea. The PSDNP may not be a coastal National Park but the limited number of locations where the sweep of downland meets the coast are all places of especial importance it seems to me. This tract is subject to some urban influences but this is a matter that can be addressed by the selection of an appropriate boundary. It is not a concern, in my opinion, that brings the whole tract into question. Secondly,

although Woodingdean and Ovingdean tend to physically separate this area from the wider Downs, as both settlements largely sit on less elevated ground, the land in dispute does enjoy some visual connectivity with the wider area. From vantage points within the tract in dispute it is also possible to obtain stunning views out to sea. I have concluded, therefore, that the natural beauty criterion is met. I am also satisfied that this area provides a markedly superior recreational experience albeit that some of the recreational opportunities on offer are geared to the needs of the adjoining urban area.

- 7.571 I appreciate that this tract was not deemed to merit AONB status in the 1960s and that its landscape quality is unlikely to have improved over the intervening years. My concern, however, is limited to the satisfaction or otherwise of the statutory criteria for National Park designation. Whether or no the land warranted AONB status in the 1960s, I am satisfied that the statutory criteria are satisfied at this point in time.

Inspector's Recommendation

- 7.572 No change to designation order boundary.

* *

Beacon Hill/St.Dunstans and nearby cliffs and foreshore west of Rottingdean

Case for objectors

- 7.573 A number of objectors argue that the PSDNP boundary should be modified to include St. Dunstans Hospital, the adjoining miniature golf course and the nearby cliffs and foreshore. During the designation process the Agency modified the PSDNP boundary to include much of Beacon Hill but the Agency omitted the hospital and golf course as they were not deemed to satisfy the statutory criteria.

- 7.574 Beacon Hill is one of the few areas of downland in the PSDNP that extends to the sea. As much as possible should be given National Park status. St.Dunstans Hospital is on the southern-western flank of the hill immediately to the west of the miniature golf course. In excluding this site the Agency attach too much weight to the hospital building,

which is "listed" and therefore of a high standard in any event, and too little to the visual qualities of the hospital grounds. The grounds are the foreground in the dramatic views of Beacon Hill that are available from the A259. The underpass under the A259 allows public access to the beach with its café and other facilities. In due course the hospital grounds could be managed to emphasise the downland grass and scrub character of much of the remaining land at Beacon Hill. Although the hospital grounds are private they are accessible to the public for occasional events.

- 7.575 The miniature golf course has a downland character and offers spectacular views out to sea. It is a very popular recreational resource. The Agency criticise the manicured appearance of the grass but a less aggressive mowing regime could be introduced to address this concern.
- 7.576 The value of the cliffs and foreshore west of Rottingdean is revealed by their SSSI and RIGS designations. Seeing the exposed chalk of the cliffs introduces the public to the underlying geology of the Downs in an easily understood way. The undercliff walk allows the public, including those with a mobility impairment, to enjoy the cliffs at all stages of the tide. Unlike much of the coast between Brighton and Newhaven, this cliffs and foreshore west of Rottingdean are not separated from the wider Downs by 20th century urban development. Rather than adopt the A259, the PSDNP should include the sweep from the wider Downs to the sea.
- 7.577 Brighton City Council contends that the recreation ground (south) on the eastern flank of Beacon Hill should be excluded as it primarily serves the needs of the urban population.

Agency's response

- 7.578 Beacon Hill is not within the Sussex Downs AONB. It is accepted, nonetheless, that much of it satisfies the statutory criteria and therefore warrants inclusion in the PSDNP. St. Dunstan's Hospital is an integral part of Beacon Hill. However, as the managed grounds are not of high landscape quality it is omitted from the PSDNP. The hospital is a listed building but this is insufficient to tip the balance in favour of its inclusion.
- 7.579 The miniature golf course is also part of the hill but is different in character and appearance to the wider

downland. More precisely, it has a managed and less natural appearance than the adjoining hillside and is more closely associated with its urban context. Visual links to the wider downland are available albeit that they tend to be compromised by intervening urban development. It is accepted that the golf course is popular but the recreational experience is not a direct result of the quality and character of the landscape. In sum, the Agency is not convinced that the golf course satisfies the statutory criteria.

7.580 None of the cliffs and foreshore west of Rottingdean has ever been included in the area proposed for designation. This is due to the extensive development of the coastal foreshore with groynes and concrete platforms as well as the recreational developments along the coastal cliffs. Because of the cumulative impact of these features the natural beauty criterion is not met. If the area was borderline in terms of meeting the statutory criteria, the geological and ecological value of the coastline might have tipped the balance in favour of inclusion. In this instance, however, the decision is far from borderline.

7.581 The land identified by the City Council is the steeply sloping eastern flank of Beacon Hill. It is used for a miscellany of purposes which have a limited visual impact due to the presence of mature vegetation.

Inspector's Conclusions

7.582 In my earlier comments on Telscombe Cliffs I expressed the general view that wherever the core downland landscapes approach the sea, they assume especial importance. Beacon Hill is one such place. During the course of the designation process the Agency concluded that much of Beacon Hill satisfies the statutory criteria albeit that it is currently outside the AONB. I see no reason to disagree.

7.583 St. Dunstons Hospital is a relatively large and modern "listed" building set within spacious grounds on the south western flank of Beacon Hill. When viewed from distant vantage points and especially when travelling in an easterly direction on the A259, the hospital grounds are seen as part of a downland hillside. Although the Agency's boundary setting guidelines do not specifically address hospitals within open countryside, CD33-page 34 clarifies the Agency's approach towards educational establishments offering limited public access. To my mind this guidance is equally

applicable to hospital complexes such as St. Dunstons. CD33 notes that where buildings are of special architectural merit and have attractive grounds that contribute to the quality of the surrounding landscape, it may be appropriate to include them. Bearing this in mind and the fact that the mainly open hospital grounds read as part of a prominent downland hillside, I have concluded that St. Dunstan's should be included in the PSDNP.

7.584 The miniature golf course lies immediately to the east of St. Dunstons. While it is largely open and obviously an integral part of Beacon Hill, I accept that it has a managed appearance. That said it could be argued that the majority of the Eastern Open Chalk Uplands are also managed, albeit for agricultural purposes. I am also conscious that golf courses are often to be found within the PSDNP even where, like the Beacon Hill course, they lie at the margin of the designated area. Although the decision is far from clear-cut, as the golf course is largely open and reads as part of a wider sweep of downland I consider that its inclusion is appropriate. So far as the recreational opportunities criterion is concerned, while golf may not itself be regarded as relevant recreational pursuit under the 1949 Act, I note that the golf course is open to the public for other open-air recreational purposes and that it offers spectacular coastal views. To my mind the recreational opportunities criterion is satisfied. Including the golf course also has the merit of bringing virtually all of the mainly open land at Beacon Hill into the PSDNP. With this point uppermost in mind I also favour the inclusion of the Rottindean (south) recreation ground even though contains urban related uses such as allotments and a school sports field.

7.585 Earlier in the report I indicated that while the cliffs and foreshore between Brighton and Newhaven satisfy the statutory criteria, inclusion in the PSDNP cannot be justified where the coast is separated from the wider Downs by extensive urban development or lesser quality land. These qualifications do not apply west of Rottingdean. The Agency draws attention to localised landscape detractors but I am not persuaded that individually or cumulatively they diminish the natural beauty of the coast to a significant extent. Although the natural coastline has been altered by sea defence works and other infrastructure, on balance I consider that the natural beauty criterion is met. And on that basis there is no doubt that this stretch of coastline offers a markedly superior recreational experience. The

undercliff walk provides an exceptional opportunity for all sectors of the community to appreciate the chalk geology at close quarters. In my opinion this stretch of cliffs and foreshore enhances the PSDNP and merits inclusion. Accordingly I consider that the PSDNP boundary should extend beyond the A259 to including the adjoining coastal landscape.

7.586 As explained earlier in the report, in principle I oppose the inclusion of the cliffs and foreshore where they abut urban development or other non qualifying land. However in order to ensure a clear and recognisable boundary I recommend that the coastline as far east as Rottingdean Harbour and as far west as Brighton Marina be included in the PSDNP. This brings in 2 relatively short lengths of coastline that are backed by urban development. Finally, rather than extend to MLWM, for reasons set out elsewhere I consider this stretch of coast should have an open boundary to the sea – see section 4.

Inspector's Recommendation

7.587 That the designation order boundary be amended as indicated above.

* *

Ovingdean

Inspector's Note:

Under this sub-heading I address the claims that Ovingdean village in its entirety should be included in the PSDNP. I also consider Brighton and Hove City Council's claim that if Ovingdean is excluded, the land at Longhill School should be excluded also.

The objections in respect of land in the vicinity of St Wulfan's Church, Ovingdean, are addressed under a separate heading. Under the same heading I also address Ms C Murray's objection seeking the inclusion of additional land at Ovingdean.

It may be helpful to mention that a number of those seeking the inclusion of Ovingdean refer to the inclusion of the "Ovingdean area". This may be a misunderstanding as the open land at the edge of the settlement is already included in the PSDNP. Some objectors also refer to objections to development proposals by

Southern Water. That is not, of course, a matter that falls within my remit.

Case for objectors

7.588 Ovingdean is an historic village with listed buildings that are characteristic of the South Downs vernacular. It is set within a high quality landscape that has a strong downland character and is part of one of the few stretches of undeveloped coast east of Brighton. A good rights of way network links the village to the core Downs.

7.589 The land at Longhill School to the west of Falmer Road is not within the Sussex Downs AONB. The school pitches are not accessible to the public and are clearly a use related to the needs of the urban population.

Agency's response

7.590 Ovingdean is not within the AONB and was excluded from the PSDNP throughout the designation process. It is accepted that the village has an attractive historic core and is set within a high quality landscape. Indeed the surrounding land is all within the PSDNP. However more recent development has led to the village merging with Rottingdean and in turn with its neighbour Saltdean. The settlements now form a continuous built-up area that does not satisfy the designation criteria.

7.591 The objection area at Longhill School includes paddocks and an informal recreation ground. Visually they are part of the wider sweep of downland leading to Balsdean Hill.

Inspector's Conclusions

7.592 Like the Agency I recognise that Ovingdean has an impressive historic core and that it sits within a tract of attractive countryside that helps to separate Brighton from the other coastal settlements further east. If the development along Falmer Road had not led to its merger with Rottingdean, it might have merited inclusion in the PSDNP. However, as it now seems to me to form part of a far more extensive built-up area I doubt if that is appropriate. Viewed as part of this larger built-up area I am not persuaded that it satisfies the statutory criteria.

7.593 The objection land at Longhill School is part of the lower slopes of Balsdean Hill. However, given that it mainly used for formal sports and is separated from the wider Downs by Falmer Road, on balance I consider that it should be excluded from the PSDNP.

Inspector's Recommendation

7.594 No change to designation order boundary other than to exclude land at Longhill School.

* *

St. Wulfan's Church, Ovingdean

Case for objectors

7.595 Brighton and Hove City Council and others argue that the PSDNP boundary should be modified to include the cluster of "listed" buildings close to St. Wulfan's Church. The latter is a fine flint downland church that dates from the 12th century. These buildings are all of historic and architectural value and lie within the Ovingdean Conservation Area. It is noted that the Agency's approach to boundary setting normally seeks to avoid splitting settlements. This is understandable but at Ovingdean the split would not create any problems and is an instance where an exception to the rule would be beneficial.

7.596 C Murray additionally argues for the inclusion of a narrow strip of land between Ovingdean Road and Wanderdown Way.

Agency's response

7.597 St. Wulfan's Church and the other nearby "listed" buildings are of considerable value. They form an integral part of this historic village. Unfortunately Ovingdean itself does not satisfy the statutory criteria for reasons set out elsewhere and in the Agency's view modifying the boundary to include the cluster of buildings close to St. Wulfan's Church would split the settlement. This is contrary to the Agency's approach which seeks to avoid splitting settlements where they lie close to the edge of the PSDNP.

7.598 The strip of land alongside Ovingdean Way is isolated from the wider Downs and is strongly influenced by the adjoining urban land. It fails the natural beauty criterion.

Inspector's Conclusions

7.599 The importance of St. Wulfan's Church and the cluster of "listed" buildings nearby are not in dispute. They are situated at the edge of Ovingdean to the west of the road known as Greenways and on the lower slopes of an attractive downland hillside. Obviously adopting Greenways as the alternative boundary as suggested by objectors would effectively split the settlement. Splitting settlements could create administrative difficulties and misunderstanding and I can well understand why the Agency seeks to avoid it. That said the Agency's approach is qualified by the word "normally" and Greenways would form a clear and easily recognisable boundary. While this is an instance where the splitting of a settlement warrants serious consideration, in the final analysis it is not a course I favour. Because of their "listed" status the cluster of buildings to the west of Greenways will be protected even if they are excluded from the PSDNP.

7.600 So far as the strip of land alongside Ovingdean Road is concerned, in my view this reads as part of the built-up area rather than as part of the nearby downland. I do not recommend its inclusion in the PSDNP.

Inspector's recommendation

7.601 No change to designation order boundary.

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Roedean School

Case for objectors

7.602 A number of objectors seek the inclusion of all or part of the Roedean School site. The school is said to form part of the mainly open tract of land that separates Brighton from the coastal settlements to the east of it.

Agency's response

7.603 Although initially included in the PSDNP, Roedean was later excluded as it stands at the edge of the designated area and offers no public access. The playing fields at the school are clearly used for formal sports purposes and do not therefore offer recreational opportunities related to the special qualities of the downland landscape.

Inspector's Conclusions

7.604 In my earlier consideration of St. Dunstons I mentioned the Agency's approach towards educational establishments offering limited public access. Briefly this states that where buildings are of special architectural merit and have attractive grounds that contribute to the quality of the surrounding landscape, it may be appropriate to include them. I have considered the objections in respect of Roedean in the light of that guidance. Roedean School is "listed", I understand, and stands on the southern flank of Castle Hill. This is an important component of the attractive sweep of landscape that separates Brighton from its neighbours to the east. That said, the school grounds contain a number of large institutional type buildings and much of the open ground has a managed appearance. To my mind this is another instance where the decision to include the land or otherwise is finely balanced. The fact that the school was initially included in the PSDNP but later excluded tends to confirm the point. On balance I give more weight to the fact that the school is part of a wider sweep of land that satisfies the designation criteria than I do to the more localised concerns identified by the Agency. I therefore recommend that the school be included in the PSDNP.

Inspector's Recommendation

7.605 That the designation order boundary be amended to include Roedean school.

* *

Woodingdean

Case for objectors

- 7.606 Brighton and Hove City Council argue that the boundary at Woodingdean should be amended to exclude 2 areas of municipal land, namely land at Woodingdean Cemetery and land at Happy Valley. At the former the small copse is managed as part of the cemetery; at the latter the land in dispute is an important recreational resource related to the adjoining urban area.
- 7.607 Mr Awdry argues that the boundary at Old Parish Lane should be amended so that it relates to a readily distinguishable feature on the ground.

Agency's response

- 7.608 The small copse at Woodingdean Cemetery is designated as a SNCI in the draft Brighton and Hove Local Plan and is unlikely to ever be used as burial ground. It is visually linked to the wider downland and is properly included in the PSDNP. Contrary to the City Council's claims, the PSDNP boundary excludes all of the burial ground. The land at Happy Valley is a continuation of the landscape that sweeps down from the Mount Pleasant ridge. It is also identified as an SNCI in the Local Plan and is linked to the wider downland by a number of footpaths.
- 7.609 It is accepted that the boundary at Old Parish Lane is defective and a new line is suggested to address the point - see plan attached to Agency letter dated 2.12.2004.

Inspector's Conclusions

- 7.610 While the 2 parcels of land identified by the City Council at the edge Woodingdean are used for community purposes, it seems to me that they read as part of the wider Downs. I therefore favour their inclusion in the PSDNP.
- 7.611 As the revised boundary at Old Parish Lane overcomes the objection in question, no further comment is necessary.

Inspector's Recommendation

- 7.612 No change to designation order boundary other than at Old Parish Lane.

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Whitehawk Hill and Sheepecote Valley

Inspector's Note:

Brighton and Hove City Council, the South Downs Campaign, the Friends of Whitehawk Hill (on behalf of the Friends of Sheepecote Valley and the Brighton and Hove Community Wildlife Groups Forum) and others argue for the inclusion of additional land at Whitehawk Hill and Sheepecote Valley. None of this land is within the Sussex Downs AONB. The additional land promoted by objectors relates to mainly open ground at the eastern edge of Brighton although the alternative boundaries favoured by objectors vary in their detail. I begin by considering the mainly eastern flank of Sheepecote Valley, an area that all objectors favour for inclusion, before turning to the remainder of the valley and then the elevated land generally known as Whitehawk Hill. While this arrangement aims to assist understanding of the issues involved, it should be noted that the Friends of Whitehawk Hill see Whitehawk Hill and Sheepecote Valley as complementary and inextricably linked landscapes.

a) Eastern flank of Sheepecote Valley

Case for objectors

7.613 This extensive tract of ancient chalk grassland is an integral part of the East Brighton Downs. Its high value for flora and fauna is reflected in its SNCI designation and the identification of the northern part of the valley as an Area of Important Landscape and Environmental Value in the Brighton Borough Local Plan. It is an impressive and conspicuous sweep of downland, free of any incongruous features. Owned and managed by Brighton and Hove City Council as an open Down, it is wholly accessible to the public. It is now identified as "open access" land and acts as a gateway to the wider Downs. Walking is the most popular recreational activity but it attracts large numbers of people for a range of open air pursuits.

7.614 This area was initially included in the PDNP but later excluded so that the boundary could follow a more clearly defined feature on the ground. This is noted but the base of the hillside, in concert with other physical features, could also provide a readily recognisable boundary. Adopting this

boundary would ensure the inclusion of an important tract of downland that clearly satisfies the statutory criteria.

Agency's response

7.615 Although initially included in the PSDNP, the eastern flank of Sheepcote Valley was excluded so that the boundary could follow a more clearly defined feature on the ground. An additional concern is the degree to which urban influences have given the Sheepcote Valley a more urban feel. Seaward views are available but they are seen in the context of urban development in the foreground.

Inspector's Conclusions

7.616 As I understand it, the Agency accepts that the eastern flank of Sheepcote Valley is a tract of ancient and unspoilt chalk downland of considerable ecological value. However it opposes its inclusion in the PSDNP on 2 grounds. Firstly, because of the need to secure a clearly identifiable boundary for the PSDNP and, secondly, because the natural beauty of the landscape is diminished due to urban influences.

7.617 Taking these in turn, it seems to me that the objectors' alternative boundary, which appears to be identical to that favoured initially by the Agency, can be discerned on the ground. For most of its length it corresponds with the base of the hillside, as revealed by the pronounced change in slope, and for the remainder of its length by other physical features. If it was to form the edge of the PSDNP, I doubt if any uncertainties regarding this boundary would later cause administrative or practical difficulties. I do not disregard the Agency's concerns regarding the need for a clear boundary, but in this instance I do not consider that it is a sufficient reason for excluding such an obviously important piece of landscape. I would add that of the alternative boundary options relating the sides of Sheepcote Valley I favour the boundary suggested by the South Downs Campaign. This mainly consists of the eastern flank but also includes the northern flank which seems to me to be of comparable quality.

7.618 So far as urban influences are concerned, I recognise that the valley sides are affected by the range of uses in the valley floor and the visual influence of the nearby urban areas. However, as so much of the PSDNP abuts the hard edge of Brighton and the other urban areas that line the

coast, I do not find this argument compelling. Certainly I am aware of many other sections of the boundary where landscapes included in the PSDNP are subject to a higher level of urban influence.

Inspector's Recommendation

7.619 That the designation order boundary be amended as indicated above.

b) Remainder of Sheepcote Valley

Case for objectors

7.620 Sheepcote Valley is a secret landscape, a mainly open amphitheatre enclosed and hidden by surrounding hills. It is a very large open space with a wilderness feel towards its northern boundary changing to the managed landscape of East Brighton Park at its southern edge. This urban fringe landscape is the closest tract of downland to the large East Brighton population. Much of Sheepcote Valley was degraded by extensive waste disposal but that land has now been beautifully restored – for many it is now seen as a wilderness reclaimed. Indeed, much of the valley is now designated as SSSI. The steps or terraces within the valley are now perceived as natural features rather than the product of human engineering. Most of the valley is open to the public and it is popular for a wide range of open air pursuits including formal sports.

Agency's response

7.621 Sheepcote Valley was formerly a landfill site and today contains a number of detracting features including a caravan site and sports pitches. Because it does not satisfy the natural beauty criterion it was not included in the PSDNP at any time during the designation process. It follows that it cannot provide a markedly superior recreational experience. Indeed many of the recreational opportunities on offer are unrelated to the special qualities of the downland landscape character of the South Downs.

Inspector's Conclusions

7.622 The northern part of Sheepcote Valley is different in character and appearance to the land further south. The latter has a very managed appearance and includes East

Brighton Park with its manicured grounds and delightful teasalop, areas used for a range of formal sports such as soccer and cricket, the school site complex and the large caravan site, the first municipal caravan site in the country. This area is obviously a very important recreation resource for those living nearby, possibly the most important of the recreational areas situated at the edge of Brighton built-up area. The caravan site also brings this area to the attention of those living much further afield. However it seems to me that the special qualities and attractions of this area are largely unrelated to the downland landscape. In my opinion this area is far more closely associated with the nearby urban areas than it is to the open downland to the east. In my view this land does not satisfy the natural beauty criterion albeit that the unspoilt eastern flank of the valley provides a very attractive backcloth or setting for the many activities that take place in the area. In sum, this part of the valley is special on a number of counts but I am not persuaded that it should form part of the PSDNP.

- 7.623 The more northerly part of Sheepcote Valley is quite different. This appears to be the area where waste disposal was concentrated. Although I have few details, on the cessation of the landfill activities the land was seemingly restored by the creation of a series of very broad terraces falling towards the sea. Much of this valley floor landscape is open but there is also some scrub which may have naturally regenerated. Unlike the land further south, the recreational use of this area appears to be informal.
- 7.624 In my opinion this part of Sheepcote Valley has a stronger case for inclusion in the PSDNP than the land to the south. It has an exposed and relatively wild character, largely unaffected by urban development, and to my mind has a much closer association with the adjoining tract of downland. That said the stepped landform is obviously an artificial, man-made feature; and, to my eyes, one unrelated to the rolling topography of the wider Downs. In the final analysis, I do not accept that this restored tract can reasonably be said to represent the nation's finest landscapes. With some regret I therefore consider that this area also fails the natural beauty criterion. Having reached that conclusion it seems to me that it fails the recreational opportunities test also even though it is undoubtedly a popular area for certain open-air recreational purposes and in conjunction with nearby land is the venue for a remarkable range of community based events.

Inspector's Recommendation

7.625 No change to designation order boundary.

c) Whitehawk Hill

Case for objectors

7.626 Whitehawk Hill is part of the high ridge that dominates the East Brighton landscape. It is largely treeless and open with a cover of chalk grassland. It has been a cradle of human activity from the earliest cultures and is full of archaeology. The saddle of the hill is a designated SAM and nearby land is an Archaeologically Sensitive Area (ASA). It forms one of the key gateways to the Downs and is visually anchored by Brighton's racecourse grandstand, one of the key landmarks of the eastern Downs. It is also of significant ecological value and has provisional LNR status. All around the core of ancient Down pasture are other habitats including old allotments, pony paddocks and areas of disturbed ground. Many of the most rare and scarce plant species are actually to be found in the areas of disturbed ground on Whitehawk Hill and Shepcote Valley rather than the areas of ancient grassland.

7.627 Virtually all of Whitehawk Hill is accessible to the public and much has been designated as open access land. Being high ground it offers views of the wider countryside and the sea. It is a hugely important recreational resource having the 220 year old Brighton racecourse as its focus. The Agency argues that the racecourse is one of the urban influences that weigh against inclusion in the PSDNP. That is misleading, racecourses in this country are overwhelmingly rural in location.

Agency's response

7.628 The landscape quality of the open chalk landscapes at the edge of Brighton are adversely affected by urban fringe influences. Man made infrastructure such as the racecourse grandstand and the areas of allotments are unrelated to downland landscape character. As a result they do not satisfy the natural beauty criterion. Whitehawk Hill is, in any event, also isolated from the main body of downland to the east. Some views of the wider Downs and the sea are

available but these are obtained in the context of the intervening urban development.

Inspector's Conclusions

7.629 Whitehawk Hill is an elevated finger of land at the very edge of the heavily built-up areas of East Brighton. At one time this land would have formed part of the wider Downs but the construction of the massive Whitehawk housing estate has left it virtually enclosed and heavily influenced by nearby urban development. Only the narrow neck of open land at Race Hill provides a physical link to the extensive areas of downland further east. Paradoxically it is its remoteness from the wider Downs that objectors seem to feel adds to its importance as an area of mainly open space readily accessible to the urban population. It is also said that Whitehawk Hill retains many of its special qualities unlike so much of the wider Downs where similar qualities have been lost.

7.630 The boundary promoted by the Friends of Whitehawk Hill includes the racecourse with its grandstand and associated buildings and infrastructure, the adjoining garden centre, several sizeable allotment areas, a major transmission mast and the formal sports pitches immediately alongside the Whitehawk estate. These tend to fragment the landscape and give the land in dispute an urban feel. It is not so much that the allotments, sports pitches and so on are necessarily inappropriate within the PSDNP, so much as their cumulative presence in such a relatively restricted area. Whitehawk Hill also contains remnant chalk grassland albeit that this is in the form of discrete parcels rather than a single consolidated area. When this tract is assessed overall against the Agency's natural beauty tests I am not convinced that it can be considered an area of high landscape quality. In particular it cannot be viewed as a landscape of high scenic quality or a landscape having an unspoilt character. The grandstand is a notable landmark and as such it gives this area a clear sense of place. But the presence of this large and dominating structure does not, in my view, support the case for including the otherwise mainly open land at Whitehawk Hill in the PSDNP. Including Whitehawk Hill would also leave Woodingdean isolated within the PSDNP, contrary to the Agency's boundary setting guidelines. In saying that I recognise that my conclusion that the eastern (and northern) flank of Shepcote Valley should be included in the PSDNP almost has the same effect.

- 7.631 Whitehawk Hill is important for ecological reasons, not least the area identified as a LNR (albeit that its designation may be subject to some uncertainty) and it is also of significant archaeological value as it includes the important Neolithic causewayed camp, a designated SAM. I would add that the detailed submission put forward by objectors (see Doc.2272/1/3 for example) identifies many other features and qualities in addition to those that have achieved national recognition. This material and the oral evidence presented at the inquiry leaves me in no doubt that this area is important for a range of conservation interests. Moreover I recognise that these qualities are relevant to the natural beauty assessment; unfortunately I am not convinced that they are sufficient to justify the inclusion of an area that fails in other important regards.
- 7.632 Although the City Council may have initially favoured a similarly widely-drawn boundary at Whitehawk Hill, it now favours a more conservative boundary. In particular the latest preferred boundary excludes the grandstand and the other large buildings alongside, the transmission mast, the allotment areas and the land used for formal sports. Their exclusion overcomes many of the landscape quality concerns mentioned previously. On the other hand the residual area identified by the City Council would be an equally long and even narrower finger of land extending from the wider Downs into the built-up area. While the finger includes some of the land of especial value, for example the western flank of Whitehawk valley and the SAM, it clearly does not read as part of the wider downland landscape. And although racecourses are commonly found within rural areas I have reservations regarding the ability of the racecourse with its managed appearance and associated infrastructure to meet the natural beauty test. All in all I am not convinced that the PSDNP boundary should be modified to include some but not all of the remaining areas of open land at Whitehawk Hill. I am not convinced that this land satisfies the statutory criteria.
- 7.633 I reach this conclusion with some regret. Without doubt the racecourse and other open land nearby is a very important recreational resource close to the otherwise heavily developed and socially deprived urban areas of East Brighton. It allows long distance views in many directions and opportunities for local residents to find spiritual refreshment close to their homes. This elevated ridge is also

part of one of the main feeder routes that has long allowed people to move from the coast into the more remote downland landscapes. I take some comfort from the fact that although Whitehawk Hill does not seem to me to warrant National Park status as it fails to satisfy the natural beauty criterion, in practice this land is likely to be protected for the benefit of future generations. Most of the land in question is in public ownership and properly regarded by the Brighton and Hove City Council as open space of considerable local amenity value.

- 7.634 On a point of detail it is convenient to mention at this time that I have also considered the objections to the way the boundary is drawn on the northern flank of Race Hill. In my opinion the PSDNP boundary should be retained other than to include some additional land alongside Warren Road. Brighton City Council argue for the exclusion of the Bevendean Recreational Ground but in my view it is properly included as it reads as part of the wider downland landscape.

Inspector's Recommendation

- 7.635 No change to designation order boundary other than as indicated above.

* *

Village Way, Falmer

Inspector's Note:

At the National Park Inquiry the designation order boundary at Village Way, Falmer, was discussed in detail over a period of 4 days. Objectors to the boundary fell into 2 camps. On the one hand Brighton and Hove City Council and the Brighton and Hove Football Club argue that the boundary should be rolled back at this point and follow the line of Village Way – the road that provides access to the adjoining University of Brighton site. Adopting Village Way as the boundary would leave the whole of the rectangular shaped field situated between Village Way and the A27 to the north outwith the PSDNP. Over 2000 written representations were also submitted in support of this arrangement – see CAR498. The other group of objectors, including Lewes District Council and the Society of Sussex Downsman, likewise argued that the PSDNP boundary

should be amended, but that it should include, rather than exclude, the same rectangular shaped field.

The intense interest in this relatively small parcel of land might seem surprising at first sight but in practice is easily explained. During 2003 a major inquiry was held into proposals to erect a new community stadium and transport interchange facility at this location. Amongst other things the stadium was intended to provide a new home for Brighton and Hove Football Club. The Inspector appointed to hold that inquiry subsequently reported to the Secretary of State with a recommendation that the proposals should not be granted planning permission (CD209). For reasons that I need not detail, the Secretary of State subsequently concluded that a second inquiry should be held to examine possible alternative sites for a new stadium in and around Brighton (CD209a). The Inspector charged with responsibility for the second inquiry was not satisfied that any of the sites before him would be suitable for that purpose. Faced with that conclusion the Secretary of State decided that planning permission should be granted for a new community stadium and transport interchange facility north of Village Way.

I would add that I am aware that the First Secretary of State has agreed to submit to judgement following Lewis District Council's High Court Challenge to his Falmer decisions. However this does not fundamentally alter the conclusions that follow as it is by no means certain that this would result in a different decision. But, even if it did, as indicated below, I would in any event have recommended a change to the PSDNP boundary to follow Village Way.

My brief rehearsal of the recent planning history of the PSDNP boundary at Village Way is necessary as the cases presented by objectors at the inquiry have been overtaken by events, it seems to me. In particular the considerable uncertainty regarding the possibility of built development at this location has largely been removed. To my mind the recent grant of planning permission for the community stadium and associated development has clear consequences for the selection of an appropriate boundary at Village Way. Although, somewhat surprisingly, the Agency's boundary setting guidelines do not expressly mention that land at the edge of the designated area having the benefit of planning permission for major built development should be excluded from the National Park, in my view any other conclusion would be bizarre. Helpfully the Agency's guidelines do mention that *"major industrial and commercial developments for which land is allocated in adopted development plans"* would normally be excluded from a National

Park. A grant of planning permission indicates, it seems to me, an even greater likelihood that land will be developed.

Accordingly I see no purpose in setting out the cases presented by objectors in support of alternative boundaries and my views on their relative merits. In my opinion it would be nonsensical to amend the boundary to include even more of the field north of Village Way – that is the western half of the field - in the light of the recent grant of planning permission. Similarly, for the same reason, I see no grounds for excluding only the eastern half as shown in the designation order. Whatever view one takes of the decision on the stadium proposals, it seems to me that for boundary setting purposes the land north of Village Way should be regarded as falling within the urban structure rather than as part of the adjoining open countryside. Put simply, to reflect the recent grant of planning permission, I recommend that the PSDNP boundary be amended to follow Village Way. CAR464, paragraph 4.41, mentions that in the event that the stadium proposals obtain planning permission, the Agency also considers that Village Way should mark the boundary.

I would add a rider to the above. Even if the stadium proposals had not been granted planning permission, I would have recommended an amendment to the designation order boundary. North of Village Way the boundary is unrelated to any physical features on the ground and simply follows the administrative boundary between Brighton and Hove City Council and Lewes District Council administrative areas. As such this length of the designation order boundary is at odds with the Agency's own boundary setting guidelines (CD31, Table 1, 2e and 2f). Of the obvious alternative boundary options, i.e. the western boundary of the field and Village Way, I consider, on balance, that when assessed in the light of the statutory criteria and the boundary setting guidelines, the latter has most to commend it.

This conclusion takes into account the fact that the western half of the field north of Village Way is identified as a site for possible development in the adopted Brighton and Hove Local Plan – I say possible because of the policy requirements that anticipate development in very limited circumstances only. While it is difficult to gauge what form, if any, such future development might take (if the community stadium proposals do not proceed), in my view this allocation lends support to the selection of Village Way as the appropriate PSDNP boundary. Certainly it makes the western boundary of the field a less appropriate boundary option.

Finally, it might be helpful to mention that I have given some thought to the possibility of pulling the PSDNP boundary back from

Village Way. For example, rather than follow Village Way the boundary could follow the field boundary slightly higher up the hillside. However, having briefly considered this matter, I see no basis for adopting this or any other alternative line in preference to Village Way. So far as I am aware, there is a consensus that the land south of Village Way is of high landscape quality and satisfies the statutory criteria.

Inspector's Recommendation

7.636 That the designation order boundary be amended as indicated above.

* *

Westlain Plantation, Falmer

Inspector's Note:

The University of Brighton objects to the way the PSDNP boundary is drawn at the northern end of Westlain Plantation. Having re-considered the boundary at this point, the Agency accepts that a slight amendment is appropriate. This is shown on the plan attached to the letter to the University dated 10 August 2004 see CD256. So far as I am aware this amendment overcomes the objector's concern. On that basis no further comment seems necessary.

* *

Falmer School

Case for objector

7.637 Brighton and Hove City Council argues that an area of woodland at Falmer School should be excluded from the PSDNP. This would improve safety as it would reduce the likelihood that people would enter the school grounds and approach children out of sight of staff. The woodland already enjoys protection as it is designated as an SNCI. Excluding the woodland would also reduce the impact that the school buildings would have on the wider downland.

Agency's response

7.638 The objection area is covered by dense mature woodland. It is part of a sweep of landscape that flows down to the urban edge at Falmer. Because the woodland screens the school buildings they have a negligible impact on the wider landscape.

Inspector's Conclusions

7.639 The land in dispute is attractive woodland that is formally recognised as being of intrinsic ecological value. I am in no doubt that it reads as part of the wider Downs and accordingly satisfies the natural beauty criterion. Little of this is in dispute. The main and understandable concern regarding the inclusion of this land in the PSDNP is child safety. As a parent and grandfather I have no difficulty accepting that if the inclusion of the land put children at risk it would be a compelling reason for adopting the boundary suggested by the City Council. While the Agency has clear guidelines to assist the boundary setting process, circumstances could arise where a different boundary would be preferable. Child safety could be one such circumstance. Whether the inclusion of the woodland in the PSDNP would present an additional risk to child safety is, however, far from certain. The City Council's submission refers to existing problems as a consequence of unauthorised access to the woodland. It seems to me therefore that child safety is a live issue for the school and other parties to address irrespective of National Park status. On the basis of the available evidence I am not convinced that if the land is excluded from the PSDNP it would aid child safety. In my opinion this is a matter to be addressed by other means.

Inspector's Recommendation

7.640 No change to the designation order boundary.

* *

University of Sussex

Case for objectors

7.641 Lewes District Council, Professor R Milner-Gulland and others note that the University of Sussex campus is within the

Sussex Downs AONB and argue that it should be included in the PSDNP. With the exception of a few small areas that have suffered landscape degradation, AONB land elsewhere is included in the National Park. The exclusion of the campus is inexplicable. It contains 10 listed buildings including the first post World War II building to be listed Grade 1. These sit sympathetically within the beautiful setting of the 18th century landscape of the Stanmer Estate, properly recognised by its inclusion in the AONB. The campus is also of ecological value in its own right, not least the 21 English Elms on the site. Basil Spence's vision linked the major buildings on the campus to their downland setting, a link that should be maintained via the current designation process. There has been some additional built development at the campus over the years but it has not changed the character and quality of the campus significantly.

- 7.642 If the campus is excluded from the PSDNP there will be intense pressure to develop the land at this sensitive location. Without AONB or National Park protection it will be far more difficult to maintain a balanced relationship between the campus and the wider Downs.

Agency's response

- 7.643 Although within the AONB, many of the buildings on the campus post-date AONB designation. The listed buildings and other features of ecological value are not sufficient to warrant the inclusion of the campus when considered against the totality of the built development on the site. Concerns regarding pressure for development are noted but safeguarding land from development is not part of the statutory criteria. And it is not a reason that would justify the campus retaining its AONB status. In addition, the immediate landscape setting is affected by the nearby A27 and its associated infrastructure. Although the public visit the campus for recreational purposes, these are not generally for open-air recreational purposes.

Inspector's Conclusions

- 7.644 I can well understand why the initial decision to exclude the University of Sussex campus attracted objections. At that time there appears to have been little if any recognition that the campus contained a number of important "listed" buildings. The assertion in CD33 that neither the campus

nor the nearby University of Brighton campus contained buildings of architectural merit was clearly wrong.

- 7.645 That the University of Sussex campus contains an important collection of buildings at its core is no longer in dispute. However the Agency argues that these cannot justify its inclusion in the PSDNP given the totality of the built development at the campus. It is also said that much of the development appears to post date the decision to include the campus in the AONB. Some of the more recent buildings seem to me to be of limited intrinsic value and the car parking areas and associated infrastructure hardly enhance the campus – see CAR 124, photo D for example. It also seems to me that the campus now contains a heavy concentration of built development and no longer reads, if it ever did, as an integral part of a wider tract of mainly open land. Therefore, notwithstanding that the campus contains a collection of important listed buildings as well as other features of ecological value, I doubt if it satisfies the natural beauty criterion.
- 7.646 Even if I am wrong about that, the fact that members of the public visit the campus to attend concerts and other cultural events and to participate in formal sports does not persuade me that the separate recreational opportunities criterion is satisfied. Visits for these purposes are clearly unrelated to the special qualities of a downland landscape.
- 7.647 In this sub-section it is convenient to add that I am likewise not convinced that the PSDNP should be amended to include the University of Brighton campus on the opposite (southern) side of the A27.

Inspector's Recommendation

- 7.648 No change to designation order boundary.

* *

Coldean Wood

Case for objectors

- 7.649 This land is mainly dense ancient woodland and lies within the Sussex Downs AONB. The area has not changed significantly since the AONB was designated. It is an

integral part of Stanmer Park which is included in the English Heritage Register of Parks and Gardens of Special Historic Interest. Although it is separated from the main body of Stanmer Park by the A27, visual links are not significantly interrupted as the road is in a deep cutting. Part of the Coldean Woods has also been designated as a LNR and there are proposals to extend the designation to the whole area. The objection land is also of archaeological value.

- 7.650 Public access is available and an underpass and 2 footbridges across the A27 link the area to the remainder of Stanmer Park and Stanmer Great Wood and in turn to the wider Downs. It is an important recreational resource for the local population. Both statutory criteria are therefore satisfied. Finally, if the land is excluded from the PSDNP and loses AONB status, it would be subject to additional development pressures.

Agency's response

- 7.651 The land between Coldean Lane and the A27 was excluded from the PSDNP as it is separated from the main body of Stanmer Park to the north by the A27 and lacks visual connectivity to the wider Downs. The locality has changed significantly since the AONB was designated; in particular due to the construction of the A27 and the Varley Halls of Residence. Although the land is part of Stanmer Park, and part of the objection land at least is designated as a LNR, it does not satisfy the natural beauty test. As a consequence it cannot provide a markedly superior recreational experience even though it provides opportunities for open air recreation.

Inspector's Conclusions

- 7.652 Brighton and Hove City Council argue that the PSDNP boundary should be amended to include all of the land between Coldean Lane and the A27 save for the Varley Halls of Residence; the South Downs Campaign seeks only the inclusion of the land situated to the south-east of the Halls of Residence.
- 7.653 Construction of the A27 has tended to physically separate the land alongside Coldean Road from the wider Downs to the north. In the absence of the A27 I am in no doubt that Coldean Road would have been seen as the appropriate PSDNP boundary. All of this land is within the AONB and it

also falls within the Stanmer Historic Park and Garden. In addition it includes ancient woodland, land of archaeological value and part at least is a designated LNR. In my opinion it can be said to satisfy the natural beauty criterion so long as it reads as part of the wider downland landscape. The objection land is also an important recreational resource as part of the gateway route leading from the built-up area of Brighton into the wider Downs. Varley Halls of Residence have introduced an element of built development but in my opinion they have a fairly localised impact and do not warrant the exclusion of all of this land from the PSDNP.

7.654 The A27 is a major highway and potentially forms a clear and easily recognisable boundary feature. Not surprisingly in a number of places it has been selected as the appropriate boundary between the coastal conurbation and the wider Downs. At Coldean, however, it is a less disruptive and divisive feature. Because the road runs in a deep cutting it seems to me that from a number of important vantage points the objection land reads as part of the wider landscape. The road does not interrupt visual connectivity across this landscape to the degree that one might expect. There are also very good physical links between this area and the land to the north of the A27. These allow the local population to permeate through the site and access the high quality landscapes of Stanmer Park and beyond with ease. As such the objection land is effectively part of a wider tract that provides a markedly superior recreational experience.

7.655 Although the decision in respect of this land is finely balanced, in the final analysis I consider that at least some of the land south of the A27 should be included in the PSDNP. A case can be made for including all of the open land south of the A27 but in my view it is more appropriate to include only the land south-east of the Varley site.

Inspector's Recommendation

7.656 That the boundary be amended as indicated above.

* *

Hollingbury Hill

Case for objectors

7.657 The Moulescombe Forest Garden and Wildlife Project, the Friends of Dead Mans Wood and the Brighton and Hove Community Wildlife Forum claim that the exclusion of the southern and western fringes of Hollingbury Hill makes no sense in landscape or land management terms. Exclusion would leave these areas vulnerable to development pressure. A particular concern is the threat to the allotment sites as land used for that purpose is often lost to built development.

7.658 The additional land at Hollingbury Hill that should be included in the PSDNP can be considered under a number of heads. Firstly, Dead Mans Wood including Queensdown Special School and Moulescombe Forest Garden. This area is within the AONB and a provisional LNR (other than the school buildings). Dead Mans Wood itself is a well used area of woodland at the edge of the built-up area and is an important refuge for wildlife. Moulescombe Forest Garden includes allotments that are managed cooperatively and has strong links with the local community. Secondly, the Lower Roedale and Roedale Valley allotment areas. Both contain a significant number of plots but are actually remnants of a much larger area of allotments and smallholdings that covered the Hollingdean Ridge. Both sites lie within the provisional LNR. Thirdly, Hollingbury Park and the covered reservoirs. Hollingbury Park was formerly part of Hollingbury Golf Course and today is properly viewed as a downland park, like East Brighton Park, rather than a conventional urban park. The covered reservoirs have the look of pre-historic earthworks and are notable for their floristic value.

7.659 Brighton and Hove City Council, on the other hand, argue that land in the Moulescombe Valley should be excluded from the PSDNP. This land includes intensively used playing fields and a small urban park. This land is therefore used for the benefit of the urban population.

Agency's response

7.660 Hollingbury Hill has areas of high landscape quality and strong visual connections to the wider Downs. Some of the peripheral land, however, is more urban in character. These

areas do not meet the natural beauty criterion due to their poor scenic quality and urban influences. Dead Mans Wood, for example, is closely associated with Queensdown Special School and as such is more related to the urban area than the wider Downs. It has also suffered some loss of quality due to trespass. Moulescombe Forest Garden is undoubtedly important for community related activities but also has an urban fringe character, as do the Lower Roedale and Roedale Valley allotment sites. Hollingbury Park has a formal recreational appearance that detracts from its natural beauty. It clearly has a greater association with the adjoining built-up area than the wider Downs. The covered reservoirs are obviously man-made and their formal appearance means they are more closely associated with the built-up area than the open downland. While the areas of land in dispute are used for recreational purposes they are not directly related to the quality and character of the landscape.

- 7.661 The land identified by the City Council is a dry chalk valley with densely wooded slopes. The valley floor has a managed look but is largely divorced from surrounding urban development and retains a sense of tranquillity. It is popular for informal and formal recreation and is linked to Hollingbury Hill by a right of way.

Inspector's Conclusions

- 7.662 At the outset it is necessary to reiterate that National Parks are not designated as a means or mechanism to deter or resist built development. If land is to merit inclusion in the PSDNP, the statutory criteria set out in the 1949 Act have to be satisfied. Allotment sites on the flanks of Hollingbury Hill, or land used for other purposes, cannot be included in order to help protect these areas from development pressures.
- 7.663 My conclusions in respect of the objection land on the southern flanks of Hollingbury Hill are as follows. Firstly I note that Dead Mans Wood (including Queensdown Special School and the Moulescombe Forest Garden site) is within the AONB and a provisional LNR. Although the wood is not in pristine condition it is an attractive and largely unspoilt landscape feature conspicuous in views from the eastern side of Moulescombe Valley. From that side of the valley it reads as part of the hillside rising up to Hollingbury Fort. Queensbury Special School is part of this area but it is

largely hidden by mature timber and is only visible from close quarters. The Moulescombe Forest Garden site supports worthy community initiatives and is likewise largely hidden from view. On balance I consider that the natural beauty criterion is satisfied and I am in no doubt that Dead Mans Wood is part of a wider tract of land that offers a markedly superior recreational experience.

7.664 Secondly, I am not convinced that any of the allotment sites identified by the objectors merit inclusion in the PSDNP. In my opinion these are all more closely associated with the adjoining urban areas than the wider Downs and accordingly fail to satisfy the natural beauty criterion. They undoubtedly provide important recreational opportunities for the plot holders but these are largely unrelated to the special qualities of a downland landscape.

7.665 Thirdly, I am not convinced that Hollingbury Park merits inclusion. This small park contains a childrens play area and tennis courts and has a formal managed appearance. In my opinion it is much more closely associated with the adjoining built-up area than the downland landscape of Hollingbury Hill. There is some attractive woodland on the eastern edge of the park but even this does not alter my overall assessment that the park should remain outside the PSDNP. I note the suggestion that the covered reservoirs resemble pre-historic earthworks but to most people they are likely to be perceived as man made features of much more recent origin. In sum I am not convinced that the statutory criteria are satisfied.

7.666 So far as the land identified by the City Council is concerned, I note that this area includes playing fields and a small urban park. While these are uses associated with nearby urban areas, the valley as a whole seems to me to read as part of the wider downland landscape rather than as part of the urban area. The City Council's suggested boundary would exclude a finger of land that projects into the tract of land leading to the summit of Hollingbury Hill. In my opinion the objection land satisfies the statutory criteria and is properly included in the PSDNP.

Inspector's Recommendation

7.667 That the designation order boundary not be amended other than as indicated in paragraph 7.663 above.

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West of Ditchling Road

Case for objectors

- 7.668 Brighton and Hove City Council, the South Downs Campaign and the Brighton and Hove Archaeological Society are among those who seek the inclusion of the land at Hollingbury Hill that lies to the west of Ditchling Road. Most of this land is within the AONB and all falls within the proposed LNR. In support of inclusion it is said that it is an attractive and conspicuous hillside consisting of scrub and downland pasture. The urban edge is the obvious boundary for the PSDNP; the land alongside Ditchling Road reads as part of the wider tract of downland leading to Hollingbury Fort.
- 7.669 The northern third of the area is designated an Archaeologically Sensitive Area. It is part of a wider area that was densely occupied during the Bronze and Iron Age periods. Hollingbury Hill, including the land west of Ditchling Road, is an area of downland of considerable archaeological significance.
- 7.670 The public enjoy *de-facto* access over most of the land and if it meets the natural beauty test there can be no doubt that it provides a markedly superior recreational experience. It is readily accessible from the adjacent residential area and provides an important gateway to the wider Downs.

Agency's response

- 7.671 Hollingbury Hill includes areas of high quality but the downland character of the narrow strip of land west of Ditchling Road has been significantly eroded by the influence of the urban fringe. The more northerly section is heavily influenced by the adjoining industrial development, the land to the south is narrow and sandwiched between residential areas and the busy Ditchling Road. This road separates the objection land from the wider landscape of Hollingbury Hill. On balance the natural beauty criterion is not satisfied. Even if that is not accepted, the recreational opportunities on offer are diminished due to the narrowness of the strip and the proximity of urban development. The archaeological

and ecological value of the area is not in dispute but this does not tip the balance in favour of inclusion.

Inspector's Conclusions

7.672 Most of the land at Hollingbury Hill to the west of Ditchling Road is within the AONB. That designation was deemed appropriate in the mid-sixties notwithstanding that the land to the west had been developed by that time. I accept that the neighbouring residential and industrial development does nevertheless impact on this area; as it does almost everywhere the PSDNP boundary is hard against the urban edge. Even so I am not convinced that any adverse urban influence warrants the exclusion of this land from the PSDNP. As I see it, the land west of Ditchling Road is an integral part of the conspicuous and attractive downland ridge that extends northwards from Hollingbury Fort to the A27 and beyond. It is indistinguishable in character and appearance from the more extensive area of downland on the opposite side of the road, land that is properly included in the PSDNP. Significantly, as it is at a much lower elevation, the adjoining urban development does not interrupt intervisibility or visual connectivity between Hollingbury Hill and the wider Downs to the north of the A27. To my mind the objection land is part of an important downland landscape that Ditchling Road happens to cross. In my opinion, the natural beauty criterion is satisfied. The fact that the land is clearly of archaeological and ecological importance, matters not challenged by the Agency, supports this conclusion.

7.673 Having concluded that the natural beauty criterion is met, I am satisfied that the objection land is part of a wider tract that also satisfies the recreational opportunities criterion. The Agency argues that the recreational opportunities do not result from the special qualities of the downland landscape. I am not certain that I understand this contention given the downland character of the objection land. In any event, given that the land is readily accessible for open air recreational pursuits that are clearly related to the special qualities of the landscape, I have to disagree.

Inspector's Recommendation

7.674 That the designation order boundary be amended as indicated above.

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Ladies Mile

Case for objectors

7.675 Although Ladies Mile is not within the AONB, Brighton and Hove City Council and others argue that it is a projection of the wider Downs into the urban structure and merits inclusion in the PSDNP. It is a ridge of unimproved plateau-top downland that is almost all designated as a LNR. It is also important as part of an historic Romano-British landscape and because the A27 is in a deep cutting it has a strong visual connectivity with the wider Downs. It has the same relationship to the urban edge as nearby Coney Hill which is properly included in the PSDNP. Ladies Mile is popular for a range of quiet recreation pursuits and acts as an important gateway to the area north of the A27. Areas such as Ladies Down are actually far more valuable than more remote and less accessible tracts of downland. In sum, this area satisfies the statutory criteria.

Agency's response

7.676 In the years since the AONB was designated this part of Brighton has been extensively developed. It is now a relatively small area of remnant downland virtually enclosed by built development. Construction of the A27 has also physically separated Ladies Mile from the wider Downs to the north. Inevitably the recreational opportunities that are available at Ladies Mile are related to its urban fringe location rather than to the open downland. Where natural beauty and recreational issues are finely balanced, features of ecological or archaeological value can tip the balance in favour of inclusion. In this instance the issues are not finely balanced.

Inspector's Conclusions

7.677 Ladies Mile was not included in the AONB when it was designated and it is generally agreed that in the intervening period this northern edge to the built-up area has been affected by extensive development and the construction of the A27. Its random use by members of the travelling community also affected its scenic quality at the time of my inspection though I have ignored this point as their occupation of the land is likely to be limited in duration.

Although there is some visual connectivity between Ladies Mile and the rising land to the north, it seems to me that the A27 with its associated earthworks has weakened its relationship to the wider Downs and the Hollingbury/Ditchling ridge. Given the intervening presence of the A27 and the residential area on the opposite side of the road to Eastwick Barn, I am not convinced that Ladies Mile now reads as part of the wider Downs. Rather it reads as a lung of open land within, and heavily influenced by, the nearby densely built-up urban area. As such I am not convinced that the natural beauty criterion is satisfied. I say that with some regret given that the land is clearly of ecological and archaeological value. Fortunately other protective designations can ensure that such interests are safeguarded.

- 7.678 Given my conclusion regarding the natural beauty criterion, it follows that I do not consider that the objection land provides a markedly superior recreational experience. It is nevertheless land that is well used by the local population and is on a route that allows access to the wider Downs albeit via the footway alongside the A27.

Inspector's Recommendation

- 7.679 No change to designation order boundary.

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Green Ridge

Inspector's Note:

The boundary to the north of Green Ridge has changed during the course of the designation process. Some of the objectors to the boundary in this locality appear to have assumed that most if not all of this land is outwith the SDNP. It is in fact all now included other than the finger of land alongside the A27 between the Devil's Dyke junction and the footbridge over the road at the western end of Coney Hill. The following material therefore considers the case for the inclusion of this finger of land.

Case for objectors

- 7.680 The objection land is in the AONB and forms the southern side of Waterhall Valley. It is clothed in scrub and trees and

reads as part of the wider Downs. It should be included in the SDNP. It is separated from the wider Downs by the A27 but at this point the road is tucked into the hillside and largely hidden from view. The designation order boundary is also defective inasmuch as it severs a small section of the bridleway leading to Waterhall leaving the prospect of fragmented management. It would also leave the land divorced from the mainly built-up area to the south; land that is under the planning control of Brighton and Hove City Council.

Agency's response

7.681 This land forms part of the A27 road embankments and is bounded on its southern side by the slip road to the Red Hill junction. As such it has a strong association with the A27 and is largely isolated from the wider Downs. Given the localised impact of the A27 and its isolation from the surrounding countryside it does not offer a markedly superior recreational experience. Future management issues are not relevant to the boundary setting process.

Inspector's Conclusions

7.682 The embankments either side of the A27 are generally excluded from the PSDNP. They are only included where the land to the south of the road is deemed to satisfy the designation criteria.

7.683 For reasons that I do not fully appreciate the Agency has decided to include a narrow strip of land at Green Ridge south of the A27 but not the intervening road/embankment area. This seems to me to be contrary to the usual approach to the inclusion or otherwise of the A27's associated embankments. In practice it means that the highway and associated land west of the footbridge over the A27 at Windmill Road is excluded from the PSDNP, whereas the length to the east is included as part of the sweep of landscape leading to the summit of Coney Hill. I find this arrangement difficult to understand and it also creates an awkward and convoluted boundary.

7.684 This situation could be avoided by adopting the boundary promoted by the South Downs Campaign, in effect by including all of the land north of Green Ridge in the PSDNP. Another option would be to exclude the narrow strip of land north of Green Ridge as well as the adjoining A27 and its

embankments. Either option is, to my mind, preferable to the designation order boundary. On balance I consider the former to be more appropriate. This brings all of the AONB land north of Green Ridge into the PSDNP. Adopting this option also seems to me to provide a more logical link to the designation order boundary at Toads Hole Valley. For reasons set out in the following sub-section, I consider that this land should be included in the PSDNP. It may be helpful to add that if Toads Hole Valley is left out of the PSDNP it would seem to me that the boundary should run along the northern edge of the A27 and thus exclude all of the land north of Green Ridge.

Inspector's Recommendation

7.689 That the designation order be amended as indicated above.

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Toads Hole Valley

Case for objectors

7.690 Brighton and Hove City Council and the South Downs Campaign are amongst those objecting to the exclusion of Toads Hole Valley from the PSDNP. In support of its inclusion it is noted that it is all within the AONB and part is designated as an SNCI and land for open access under the CROW Act. It is a large (43ha) and valuable open space that has generally retained its downland character. It is effectively the southern end of a long dry valley. While the adjoining length of the A27 is on an embankment, it does not interrupt visual connectivity between Toads Hole Valley and the wider Downs to the north of the road to a significant degree. Indeed, the road was specifically designed to address that issue. It is recognised that the land has deteriorated since it was last farmed in about 2002, largely as a result of unauthorised trespass and fly tipping, but it would be relatively straightforward exercise to return it to high quality chalk downland. If it is excluded from the PSDNP that is much less likely. As the objection land is located at a very narrow point in the Eastern Downs, there is no scope for any further loss of open downland.

7.691 Comments made by Inspectors regarding the appearance of Toads Hole Valley and its connectivity to the wider Downs

are of interest, though some of the comments appear to have been influenced by the Agency's initial decision to exclude the land from the PSDNP. So far as recreational opportunities are concerned, the objection land is a gateway to the wider Downs. A right of way at the edge of the site provides access from the urban area to Devil's Dyke for cyclists and walkers.

Agency's response

- 7.692 Toads Hole Valley is a discrete area of land sandwiched between the A27 and the built-up area of Hove. Construction of the road across the valley has altered its character and eroded its scenic quality and sense of place. The land is orientated towards the urban edge and views to the north (and to the south from within the PSDNP) are interrupted if not severed by the A27 on its embankment. The land now reads as part of the urban context. Lack of management and unauthorised trespass in recent years means that the land has lost its characteristic downland qualities. The Inspector dealing with objections to the Brighton and Hove Local Plan Inquiry appears to have reached the same conclusion – see CD151, paras. 6.85, 6.87 and 6.91.
- 7.693 Apart from the open access land, there is no public access into the area and the A27 severs the land from the recreational opportunities available in the wider Downs. The long distance trails identified by objectors are peripheral to the site. That said it is recognised that the steep south-western slope is of nature conservation value and as such might tip the balance where natural beauty and recreational issues are finely balanced. In this instance they are not finely balanced. The land does not satisfy the statutory criteria.

Inspector's Conclusions

- 7.694 Toads Hole Valley is assymetrical in shape with steeply sloping land along its south-western boundary and more gently sloping land on its north-eastern flank. It is largely open ground free of built development and, so far as one is able to judge at this point in time, it was understandably and properly included in the AONB when it was designated. Since then the A27 has been constructed on embankment across the valley. All agree that the road has tended to physically sever the land from the dramatic rolling

landscapes to the north of the road. Inevitably this raises doubts as to Toads Hole Valley's suitability for inclusion in the PSDNP. Even so it seems to me that there remains a clear and obvious visual connectivity between this land and the wider Downs. In my opinion Toads Hole Valley reads as part of the wider tract of downland landscape to the north of the A27. The road is not itself a conspicuous feature and the passing traffic is a relatively minor landscape detractor within this large-scale and expansive landscape. At 43ha Toads Hole Valley cannot be described as a small area of "left-over" downland severed from the wider Downs by the construction of the road. It is a significant tract of land in its own right.

- 7.695 I accept that the intrinsic quality of the land has deteriorated in the last few years. No longer farmed, it has the unkempt appearance often associated with "set aside" land and it has also suffered some superficial damage due to trespass and unauthorised motor cycle use. All of this is unfortunate but in my judgement Toads Hole Valley remains a large and distinctive area of open land at the edge of the urban area; land that exhibits a strong downland character due to its underlying landform and open and exposed character. Given, also, that the steeply sloping south-western flank is identified as being of ecological value, on balance I consider that the natural beauty criterion is satisfied.
- 7.696 I recognise that this land has been assessed by fellow Planning Inspectors on a number of occasions over the years for various reasons. At the inquiry both sides of the argument drew attention to comments that seemingly supported their case. I have read the comments with interest. Clearly different Inspectors have perceived this land differently. One claimed that "*its relationship with the wider Downland has not significantly changed by the construction of the bypass*" and that "*it continues to make an important contribution to both the AONB and the exceptionally fine setting of the town of Hove*". Another that "*it is severed from the downland*" and is "*no longer a natural piece of countryside, or very attractive physically.*" If nothing else the conflicting comments illustrate the subjective element of landscape assessment. In the final analysis, notwithstanding my professional regard for the individuals in question, as none of the assessments were for National Park boundary setting purposes I attach little weight to them.

7.697 So far as recreational opportunities are concerned, much of the land is not available to the public albeit that it is subject to a high degree of *de facto* access. That said I understand that the south-western flank of the valley is open access land under the CROW Act and a right of way at the edge of the valley leads to the long distance Monarchs Way. In my view Toads Hole Valley is reasonably described by objectors as one of the gateways into the South Downs. Additionally the public can enjoy views of and across this land from every side. Elsewhere in the PSDNP other far less visible and accessible land has been deemed to provide a markedly superior recreational experience. My overall conclusion, therefore, is that the recreational opportunities criterion is satisfied.

7.698 One final comment. Some objectors also favour the inclusion of the parcel of land known as Three Cornered Copse. This is located at the north-eastern edge of the Toads Hole Valley. Significantly, however, this land is surrounded by built development. Given its urban context I do not favour its inclusion in the PSDNP.

Inspector's Recommendation

7.699 That the designation order boundary be amended to include Toads Hole Valley.

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Benfield Valley

Inspector's Note:

The majority of the objections to the PSDNP boundary at Benfield Valley focus on the land to the north of Hangleton Lane and to the east of the Hangleton Link Road. A number of objectors additionally seek the inclusion of the finger of land that extends from Hangleton Lane as far south as the A270. It is also said that the land known as Hangleton Bottom to the west of the Link Road should be included in the PSDNP. All of these objections are addressed in this sub-section.

Case for objectors

7.700 Brighton and Hove City Council, the South Downs Campaign and the Brighton Urban Wildlife Group are amongst those

seeking the inclusion of the land north of Hangleton Lane and east of the Hangleton Link Road. In support of its inclusion it is said that this wedge shaped parcel of land has a distinct downland character and is part of the ridge of land leading to Benfield Hill north of the A27. The northern part of the objection land is within the AONB. Dense woodland planting visually separates this area from the busy Hangleton Link Road and the adjoining length of the A27 is in cutting and therefore out of sight. All of this land is designated as a SNCI and it is also of archaeological value.

- 7.701 It is a popular area of open space partly occupied by a golf course and criss-crossed by footpaths that link to the downland to the north via a footbridge over the A27. A Grade 11 listed barn at the edge of the objection land (and within the Benfield Barn Conservation Area) has the potential to be used for purposes that can aid understanding and enjoyment of the special qualities of the PSDNP.
- 7.702 Land south of Hangleton Link is said to also warrant inclusion in the PSDNP as it is part of a mainly open finger of open space that helps to connect the South Downs to the coastal fringe.
- 7.703 Hangleton Bottom is within the AONB. It has been subject to some unauthorised development and is identified as a possible development site in the Brighton and Hove Local Plan. However it is clearly visible from peripheral vantage points including the higher ground to the west, the A27 and land to the north of the road. It forms part of the green approach to Hove and should be included in the PSDNP.

Agency's response

- 7.704 Benfield Valley is finger of remnant downland that projects into the urban area. It has changed significantly since the northern portion was included in the AONB, not least due to the construction of the A27 and the Hangleton Link Road and the formation of the golf course. Rather than characteristic downland it now has a "country park" character. It is of some ecological and archaeological value but these are insufficient to tip the balance in favour of its inclusion in the PSDNP. Overall this land does not satisfy the statutory criteria. The possible uses for the "listed" barn are not dependant on the objection land being within the PSDNP.

- 7.705 It must follow that if the land north of Hangleton Lane cannot satisfy the statutory criteria, the same must apply to the land to the south of it. Indeed this land is subject to an even greater degree of urban influence.
- 7.706 Hangleton Bottom is low-lying ground, separated from the wider downland by the A27. Its scenic quality is affected by the paddocks and tarmac areas that occupy much of the land.

Inspector's Conclusions

- 7.707 I begin with the land east of the Hangleton Link Road and north of Hangleton Lane. The northern portion of this area is within the AONB but the boundary shown on the relevant plans does not correspond with any physical feature(s) on the ground. In these circumstances it seems to me that the PSDNP boundary should not follow the AONB boundary. An alternative boundary is required and the only realistic options are the A27 and Hangleton Lane.
- 7.708 The land that would be brought into the PSDNP if Hangleton Lane formed the boundary is free of built development and is largely used as a golf course. The course itself has a managed appearance and spans the A27; 7 holes lie south of the road, 2 to the north of it. Land to the west and east of this open area is almost all in residential use and the northern boundary is formed by the A27. Although the objection land is not without some scenic attraction, and is also of some ecological and archaeological value, it seems to me that it reads as valuable open space within the built-up area rather than part of a wider sweep of downland. Most of the objection land was not deemed to warrant AONB status in the 1960s and since then this locality has been affected by the new highways with their attendant traffic and noise disturbance as well as some additional housing development. Inevitably such developments tend to emphasise the urban character of the locality. In my opinion the objection land cannot be considered a landscape of national importance. It is, nonetheless, an important recreational resource for those living nearby, not least because it acts as a gateway to the wider Downs. If I had concluded that the land met the natural beauty test, I would not have criticised it on recreational resource grounds.
- 7.709 If the land north of Hangleton Lane does not satisfy the statutory criteria then the same must apply to the land to

the south of it. This narrow finger of land is heavily influenced by adjoining urban development including a large supermarket. Even if I had been persuaded that the land north of Hangleton Lane could properly form part of the PSDNP, I would not have recommended the inclusion of this additional area.

7.710 Hangleton Botton is a parcel of undistinguished land to the west of the Hangleton Link Road and immediately alongside the embankment carrying the A27. In my opinion this land is of limited scenic value, and no longer reads as part of a wider sweep of downland. I do not find it surprising that it is identified by the City Council as a possible development site in the draft Brighton and Hove Local Plan. I understand that it is also separately identified as a waste transfer site in the draft Waste Local Plan. Even if these proposals are not carried forward into the adopted plans, I am in no doubt that Hangleton Bottom is properly excluded from the PSDNP. It simply does not satisfy the statutory criteria. In arriving at that conclusion I recognise that fellow Inspectors have viewed this land more favourably in the past. Of course none of the previous assessments judged the land against the statutory criteria set out in the 1949 Act. For my purposes the earlier assessments are therefore of limited relevance.

Inspector's Recommendation

7.711 No change to the designation order boundary.

* *

Land near Foredown Tower

Inspector's Note:

The objection by the South Downs Campaign to the PSDNP boundary close to Foredown Tower concerns land either side of the A27. In this sub-section only the land south of the A27 is considered. The land to the north of the road is a shallow embankment, one of many on the northern side that are excluded from the PSDNP. My comments regarding the inclusion or otherwise of A27 embankment land appears in my preamble to section P.

Under this sub-section it is convenient to mention that the Portslade Group of Companies objected to the inclusion of land at Foredown Hill to the east of Thornhill Rise. However, at the inquiry session where this was to be aired the objection was withdrawn. No further comment is necessary.

Case for objectors

7.712 Foredown Tower is an important educational and interpretative centre that acts as an important entry point to the wider Downs. It includes a camera obscura that allows outstanding views of the Downs as well as a 360 degree view of the city and the sea. The additional land near the tower that objectors seek to include in the PSDNP is within the AONB. It is a steeply sloping bank of chalk grassland that helps to provide a downland setting for the tower. The hillside is an important landscape feature, visible from a wide area to the east and north including Devil's Dyke Road. Contrary to the Agency's claims, as the A27 is at a low level as it passes Foredown Hill it does not have a significant impact on the landscape.

7.713 Whilst the objection land was subject to a allocation in the Hove Local Plan (for urban fringe recreational activities), in the emerging Brighton and Hove Local Plan only the adjoining land at Hangleton Bottom is allocated for development.

Agency's response

7.714 The downland character of the objection land suffers from the influence of the A27 and its association with the urban edge. It is physically severed from the wider Downs by the road which is not in cutting at this point. There is no public access to the land and any recreational experiences would be significantly influenced by the proximity of the urban edge and the A27. The statutory criteria are not satisfied.

Inspector's Conclusions

7.715 The southern end of Foredown Hill is physically severed from the wider Downs to the north and north-east by the A27. Having considered this land in the light of its guidelines for considering land fragmented by transport corridors, the Agency asserts that the ridge-top land to the west of Foredown Road satisfies the statutory criteria but not the land to the east of it. Because the A27 is in a deep cutting

as it passes the land included in the PSDNP, I accept that the road has a limited impact. As the A27 passes the objection land it emerges from the cutting and onto an embankment. It therefore impacts on the objection land to a more noticeable degree. On the other hand the A27 does not significantly interrupt visual connectivity between the objection land and the wider Downs to the north. From Devil's Dyke Road, for example, the objection land is perceived as a conspicuous landscape feature rising to the crest of Foredown Hill. Overall I consider that the objection land reads as part of a sweep of largely unspoilt downland landscape, notwithstanding the intervening presence of the A27. On balance I consider that the natural beauty criterion is met.

7.716 In arriving at that conclusion I have also borne in mind that the land to the west of Foredown Road, land that is within the PSDNP, is essentially hidden from view. This land and especially the finger that projects south beyond Foredown Tower, is also more significantly influenced by the urban edge than the objection land, it seems to me.

7.717 Like the land within the PSDNP to the west of Foredown Road, the objection land does not offer public access. This is not of itself an overriding point. Recreational experiences have to be judged in a wider context; it is not a field by field exercise. To my mind the objection land is part of a wider tract of downland that offers markedly superior recreational experiences, not least it is the foreground in the outstanding views available from the long distant route that follows Foredown Road (the Monarchs Way). The objection land is also part of the setting to Foredown Tower. This facility can play an important role in bringing the special qualities of downland landscape to the attention of the public. However, as the tower is physically part of the urban area, I consider that the structure is properly excluded from the PSDNP.

Inspector's Recommendation

7.718 That the designation order boundary be amended to include land to the east of Foredown Road.

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Mile Oak

Case for objectors

- 7.719 Land at Mile Oak to the south of the A27 is the southern end of Cockroost Hill. While severed to a degree from the wider Downs by the A27, it reads as part of the wider downland sweep, a visual continuation of Cockroost Hill. Indeed the rough pasture at the centre of the objection site and the paddocks at the western end have a far greater continuity of land-use than the downland north of the road. The proposal to designate part of this area as a SNCI in the emerging Local Plan reveals the ecological value of the objection land and its scenic quality is reflected in the fact that much of it is actually designated as AONB. The importance of including this land in the PSDNP is emphasised as it stands at a point where the chalk hills are at their narrowest.
- 7.720 Although it is privately owned, the paddocks and rough pasture land are well used by the local population. Mile Oak also stands alongside one of the most important entry points into the wider Downs. Access is available via Mile Oak Road as well as the underpass at the eastern end of the objection land.
- 7.721 The South Downs Campaign also argue that land at Mile Oak to the north of the A27 should be included in the PSDNP. The small area in question contains a covered reservoir, open downland and some development associated with a water works. Much of this area is within the AONB and it generally reads as part of the wider Downs.

Agency's response

- 7.722 Mile Oak is a remnant parcel of land severed from the main tract of downland by the A27. Nowadays it is more closely associated with the urban area than the adjoining countryside. Construction of the road has also eroded its intrinsic scenic quality and sense of place. Although part of the objection land is within the AONB, it does not satisfy the natural beauty criterion.
- 7.723 There is no public access into the area and it is not a gateway to the wider Downs albeit that the road at the western end of the objection land leads to an underpass under the A27. The recreational experiences available are

more closely associated with the urban area than the wider downland.

- 7.724 Regarding the objection land north of the A27, although much is within the AONB the landscape is degraded due to the presence of a covered reservoir, a mobile phone mast and associated development. It is therefore excluded as it does not satisfy the statutory criteria.

Inspector's Conclusions

- 7.725 Mile Oak is severed from the main bulk of Cockroost Hill by the A27. The central and major portion of the block of open land at Mile Oak is down to rough pasture. This is the area within the AONB and, as I understand it, is the land proposed as a SNCI. It is also the area that the Brighton and Hove City Council wishes to see included in the PSDNP. This central area may have the best case for inclusion but it seems to me that all of the open land at Mile Oak should be included in the PSDNP, or none of it. To the west of this central parcel are pony paddocks and to the east is an area of allotments. Other objectors additionally seek their inclusion.
- 7.726 The PSDNP properly includes land south of the A27 where it reads as part of a wider sweep of downland. Mile Oak retains some downland characteristics but I am not convinced that it now reads as part of the wider Downs. It is relatively limited in extent and the allotments and pony paddocks are hardly characteristic of the landscape to the north of the A27. Physically severed from the wider Downs by the A27 corridor, this area seems to me to be more closely associated with the adjoining urban area. I am not convinced that it satisfies the natural beauty criterion.
- 7.727 The land is subject to *de facto* access and Mile Oak Road and the separate underpass provide a means of accessing the wider Downs. Even so I doubt if the objection land can be said to provide a markedly superior recreational experience. I recognise that the SNCI designation indicates that the land is of ecological value and that this is relevant to the satisfaction of the statutory criteria. That said the site summary sheet suggests that the designation at Mile Oak is mainly justified on the strength of its good accessibility to the urban area rather than its intrinsic qualities. Even if I am wrong about that, I am not convinced that this local

designation tips the balance in favour of including the objection land in the PSDNP.

- 7.728 Not all of the land north of the A27 at Mile Oak is included in the PSDNP. A relatively small area is excluded as it is deemed not to satisfy the natural beauty criterion. While I accept that the covered reservoir and other nearby land is of slightly lower landscape quality, in the interest of providing a much more easily understood boundary to the PSDNP I consider that this land should be included. In effect I see it as part of a sweep of high quality downland that extends to the edge of the A27. Similarly, as explained in the preamble to section P, I also favour the inclusion of the embankment land on the northern side of the A27.

Inspector's Recommendation

- 7.729 That the PSDNP boundary be amended to follow the northern edge of the A27 but not to include the open land south of the road.

* *

Land south of Southwick Hill

Case for objectors

- 7.730 Capital & Regional plc objects to the inclusion of land in its ownership at Southwick Hill in the PSDNP. In support of the objection a letter was also submitted indicating that the owner of the land immediately to the west also objected. The land in question has the potential to help meet the conurbation's urban housing needs and could also allow for visitor parking and improved access to the wider Downs. The objection land is on the south facing slope of Southwick Hill and is within the urban domain. It is separated from the wider Downs by the A27 and the twin National Grid transmission lines. The illustrative scheme shown in Doc.2681/1/1b is one possible way in which the site could achieve its full potential.
- 7.731 Adur District Council, on the other hand, seeks the inclusion of additional land in the PSDNP. The land in question is located at the south-eastern corner of the wider area subject to the Capital & Regional plc objection. It is broadly similar

in character to the land to the north that is deemed to satisfy the statutory criteria.

- 7.732 This is also one of the areas of land that West Sussex County Council say in Doc.1881/5/3 would be under increased development pressures if the PSDNP is established and the Sussex Downs AONB is revoked. However, the plan attached to CAR135 indicates that this area is actually outside the AONB.

Agency's response

- 7.733 The open land south of the A27 at Southwick Hill is virtually all within the AONB. It has not been significantly degraded since the land was designated in 1966. The whole area has strong visual and physical connections to the wider Downs; connections that are not undermined by the A27 as the road is either in cutting or a tunnel. It reads as part of a sweep of downland and in my opinion it clearly satisfies the natural beauty criterion. Moreover, the area contains an excellent network of rights of way network including Monarchs Way and the starting point of the Sussex Border Path. These allow access to the National Trust land at Southwick Hill and the wider Downs beyond. Given the quality and character of the landscape and its accessibility, the objection land clearly satisfies the recreational opportunities criterion. Assertions regarding its suitability for additional housing are noted, but significantly none of this land is allocated for development in the adopted Adur District Local Plan.

- 7.734 The land subject to the Adur District Council objection is not within the AONB. It is free of built development but has a managed appearance and is used for informal recreation. It is not devoid of scenic attraction but essentially reads as part of the urban area. The statutory criteria are not met.

Inspector's Conclusions

- 7.735 The land subject to the Capital & Regional plc objection is a large area of downland that is almost all designated as AONB. Unlike most of the land severed from the wider Downs by the A27, the construction of the road appears to have had only a limited impact on the objection land. By and large the road is hidden from view being either in cutting or in the tunnel under Southwick Hill. To my mind the objection land is not significantly severed from the wider Downs; rather it reads as part of the wider sweep of

downland leading down from Southwick Hill. Southwick Hill itself is part of the National Trust estate. Not surprisingly traffic noise on the A27 can be heard, but the area otherwise retains a relatively wild and untamed character. In my opinion it satisfies the natural beauty criterion even though its intrinsic scenic quality is affected by the 2 major transmission lines that pass close to its eastern edge.

- 7.736 This open area also functions as a major gateway to the wider Downs via Southwick Hill. Several rights of way, including the long distance Sussex Border Path, cross this area linking the adjoining urban area to the land north of the A27. It was evident at my site visit that the land itself is also a very popular recreational resource in its own right. I am satisfied that the land provides a markedly superior recreational experience. In sum I am in no doubt that the objection land satisfies the statutory criteria and, accordingly, is properly included in the PSDNP.
- 7.737 The merit or otherwise of additional residential development at this location is a matter to be addressed via the separate development plan process. In the absence of any development plan allocation, or extant grant of planning permission, the possibility of residential development at this location at some future date is not, in my opinion, a consideration that weighs against its inclusion in the PSDNP.
- 7.738 So far as Adur District Council's objection is concerned, I note that the land in question is open ground and is similar in character to the adjoining land to the north. However it is different in a number of important respects. Amongst other things this land is not within the AONB and has the more manicured appearance of amenity land commonly found within urban areas rather than the less managed look of the land to the north. It is also more closely contained by existing built development and has the 2 transmission lines running through the middle of the area. On balance I am not persuaded that this land satisfies the statutory criteria.
- 7.739 One final point. I note that the Agency accepts the suggested amendment to the boundary close to the entrance to the Southwick tunnel put forward by the South Downs Campaign (CAR265). The objection has therefore been withdrawn and I see no need to comment further.

Inspector's Recommendation

7.740 No change to the designation order boundary other than that shown in CAR265.

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Mill Hill

Case for objectors

7.741 Adur District Council and others argue that land at Mill Hill should be included in the PSDNP. This land is visually and functionally linked to the wider downland. It is grazing land alongside the River Adur that is designated as SSSI. It is bordered by public rights of way.

Agency's response

7.742 The objection land is within the AONB but it is now severed from the wider downland landscape to the north by the A27. Severance is emphasised by the large scale structures associated with the junction arrangements with the A283. Post and wire fencing associated with the use of this "left-over" land as rough grazing and paddocks has also lessened its scenic quality. The land clearly does not satisfy the statutory criteria.

Inspector's Conclusions

7.743 When the Sussex Downs AONB was designated in 1966 I do not doubt that the objection land was properly included. Since then, however, this locality has changed dramatically. In particular the objection land is now physically and to a large degree visually severed from the wider Downs to the north by the A27 and its complicated grade separated junction with the busy A283. The highway arrangements are major engineering structures that dominate the locality. Juxtaposed between the A27/A283 junction and the built-up area, it is hardly surprising that the objection land has taken on a pronounced urban fringe character. In my opinion it cannot now be considered a landscape of national importance. In my judgement it does not satisfy the natural beauty criterion. And as the recreational experiences on offer are more related to the urban area than the special qualities of the downland landscape, it seems to me that the

objection land fails to satisfy the recreational opportunities criterion also.

- 7.744 I recognise the concern that if this area is not in the PSDNP and loses its AONB status it could be vulnerable to development pressures. However, this is not relevant to the boundary setting process which is, rather, concerned with the satisfaction or otherwise of the statutory criteria set out in the 1949 Act.

Inspector's Recommendation

- 7.745 No change to the designation order boundary.

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Lower Adur Valley including Shoreham Airport

Case for objectors

- 7.746 Rather than adopt the A27 as the boundary, a number of objectors argue that the open land extending south from that road to the A259 should be included in the PSDNP. Amongst other things this extensive tract of mainly open land separates Lancing and Shoreham and is said to provide an attractive setting to the Downs. It is one of the few open corridors between the Downs and the sea. When this landscape is viewed from distant vantage points within the Downs, for example the Mill Hill Nature Reserve, the odd landscape detractors such as the buildings at Shoreham Airport have a limited visual impact. From the A259 looking north, exceptional views of the Downs are available across the intervening valley landscape. If the land close to the A259 cannot be included in the PSDNP, a compromise would be to extend the boundary as far south as the railway line.
- 7.747 The possibility that Shoreham Airport might be sold also raises concerns regarding further commercial or industrial development within this tract of open land. If the land is included in the PSDNP, it would be possible to exercise appropriate controls over future development proposals. Inclusion could also help ensure that the use of the Airport did not diminish the quiet recreational experiences available within the PSDNP.

Agency's response

7.748 The landscape character of the objection land is much more closely associated with the coastal plain than it is to the Downs. Overall the quality of the landscape south of the A27 is considerably lower than it is to the north of the road. It is largely occupied by urban fringe uses including caravan parks. Shoreham Airport itself contains a number of large buildings that dominate the landscape. Reference is made to the link to the sea but the A259 and associated development physically separate this land from the coast. Overall this landscape does not satisfy the natural beauty criterion. It follows from this that although there a range of open-air recreational activities can be obtained, the land does not provide markedly superior recreational experiences.

Inspector's Conclusions

7.749 The lower Adur Valley is a tract of mainly open ground that keeps Lancing and Shoreham apart and helps them maintain their separate identities. While it is clearly important in strategic terms, for this reason if no other, I note that this extensive tract of land is not part of the AONB and, to my eyes at least, is of limited landscape quality. Bounded by the A27 and A259 to the north and south respectively, much of the land is used for fairly typical urban fringe uses. A significant proportion is occupied by Shoreham Airport with its collection of substantial buildings and associated infrastructure. In my opinion the extensive tract of land south of the A27 cannot be considered a landscape of national importance notwithstanding that it is visible from vantage points north of the A27 and that the high quality chalk landscapes are themselves visible in the distance from the A259 corridor. A number of open-air recreational activities can be undertaken within this area but given my assessment of the quality of the landscape, I am not convinced that the objection land is an important resource able to satisfy the statutory recreational criterion. It follows that I do not accept that land south of the A27 should be included in the PSDNP. For completeness I would add that I am likewise not convinced that a compelling case can be made for extending the boundary only as far south as the railway line.

7.750 I note the concerns regarding the prospect of additional development at the Airport and elsewhere if the objection

land is exclude from the PSDNP. Whether or not this concern is well founded, it is a matter more properly addressed via the separate development plan and development control processes.

Inspector's Recommendation

7.751 No change to the designation order boundary.

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Macintyre's Field, Lancing

Case for objector

7.752 Lancing College objects to the inclusion of land known as Macintyre's Field, Lancing. The land in question is part of the College Estate and is not within the AONB. A Development Strategy prepared for the College (Doc.281/4) indicates that once short needs have been satisfied, the only part of the Estate able to sustain future development is Macintyre's Field. If it is included in the PSDNP it could constrain development opportunities which could in turn prejudice the long term future of the College.

7.753 Having undertaken a detailed landscape impact assessment (Doc.281/2 and 3), taking into account the Agency's approach to boundary setting, it is evident that the objection land does not form part of the visual flow of open land from the coastal plain to the core Downs. It is not a landscape resource of national importance; rather it is a transitional landscape between the urban areas of North Lancing and countryside to the north. It has some scenic qualities but they are not significant in the context of the South Downs. The obvious boundary for the PSDNP is Hoe Court Road which forms the eastern edge of the objection land. So far as recreational opportunities are concerned, the objection land consists of arable land with some private dwellings. There are no public rights of way within the site and views of the land are generally screened by dense woodland and existing housing.

Agency's response

7.754 The arable fields and mature tree belts that mark the boundary of Macintyre's Field give the objection land a sense

of rurality and tranquillity. It reads as countryside rather than urban fringe and is similar in character to the adjoining areas of high quality chalk landscape. The dwellings on the objection land are low density and well screened by mature trees and hedgerows. They are detached from the urban areas of Lancing. A number of rights of way about the objection land allow views of the wider downland as well as the objection land itself. Overall Macintyre's Field is a high quality landscape that satisfies the statutory criteria.

Inspector's Conclusions

- 7.755 There is no dispute that Lancing Chapel is a notable landmark building and that the College complex itself stands within a broad tract of high quality chalk downland landscape. Other than Macintyre's Field, it all understandably lies within the AONB. Looking to the future, the College considers that Macintyre's Field could help meet its longer term development needs. Having considered carefully the landscape impact assessment put forward in support of the objection, it seems to me that this land probably could accommodate College related development more easily and appropriately than other areas of open land within the College Estate. Much of the latter land is very conspicuous and features in the dramatic views of the high quality chalk landscapes north of the A27.
- 7.756 Macintyre's Field is a less noticeable and conspicuous piece of landscape. Views of and across the land are generally filtered if not obstructed by mature timber and existing residential development. Even so it seems to me that from peripheral vantage points such as the A27, the objection land reads as part of the mainly open countryside east of Lancing. As such it forms part of the dip slope of the chalk escarpment that runs down to the coastal plain from Lancing Hill. The objection land does contain some built development but the residential units are clearly detached from the built-up area and, to my eyes at least, are perceived as a small collection of dwellings set within the countryside. Macintyre's Field may not be within the AONB but in my judgement it is part of a wider tract of high quality landscape that satisfies the statutory natural beauty criterion. On balance I consider that the PSDNP boundary should follow the southern and western edge of Macintyre's Field rather than Hoe Court Road as suggested by the objector.

7.757 So far as recreational opportunities are concerned, firstly I note that the land is not open to the public. In that regard it is no different to many if not most of the individual parcels of land at the margins of the PSDNP. Nonetheless I consider that the objection land contributes to the recreational experiences that are related to the special qualities of this downland landscape. For example, it features in some long distance views of the wider downland and a right of way runs along its northern edge allowing movement to Lancing Ring and beyond. A short distance to the west is Lancing Ring Local Nature Reserve which benefits from open public access. The objection land itself is also of known archaeological value. Overall, I am satisfied that the statutory criteria are met.

Inspector's Recommendation

7.758 No change to the designation order boundary.

* *

Lyon's Farm, Worthing

Case for objector

7.759 Hargreaves Securities argue that the PSDNP boundary should be amended to include additional land at Lyons Farm, Worthing. Virtually all of the land in question is outside the AONB. The AONB boundary itself is not suggested as the new PSDNP boundary as it no longer corresponds to any physical features on the ground. The objection land is not part of the wider sweep of downland and is, rather, subject to strong urban influences such as the Downlands Business Park and the Lyons Way Retail Park with their large scale buildings. When assessed against the Agency's natural beauty test it is evident that the objection land is not of a standard that warrants designation. It is not rare or representative of the wider Downs, is not of high scenic quality and is not identified as being of conservation value. Moreover there are no public rights of way across the land and it clearly does not provide markedly superior recreational experiences.

7.760 A cautious approach should be adopted towards the inclusion of land abutting urban edges. Once a National Park is defined it is unlikely that its boundaries will be

reviewed. This could have serious implications for the ability of urban centres to accommodate future growth. Development opportunities are extremely limited in Worthing as the town is hemmed in between the sea and the South Downs. Lyons Farm is one of the few locations at the edge of Worthing largely free of significant development constraints.

- 7.761 The Agency itself recognises that the PSDNP boundary in this part of Worthing should not run hard against the urban edge. Reflecting the Agency's approach towards boundary setting within transitional areas, the boundary should be drawn within the transition at Lyons Farm, where urban influences are less noticeable, not close to the urban edge.

Agency's response

- 7.762 The objection land at Lyons Farm is elevated downland that is part of the dip slope of the chalk escarpment. As indicated in CD58, the test criteria for assessing whether land satisfies the natural beauty criterion were applied at a broad scale. In this instance the assessment revealed the objection land to be part of a sweep of landscape that clearly met the natural beauty criterion. It has an open and undulating landform and strong visual links to the core Downs. Unlike the land alongside Beeches Avenue, it is not enclosed by urban development on 3 sides. Moreover urban influences such as the retail/business parks are limited due to the presence of dense hedgerows at the edge of the urban area.

- 7.763 The objector is wrong to claim that that there are no rights of way across the objection land. A footpath runs across the south-eastern corner and this and the footpath along the western boundary of the objection land means that the area is an important gateway into the wider Downs.

- 7.764 So far as boundary setting in transitional areas is concerned, in this instance there is little if any transition. It is not an area undergoing gradual change. Land is either urban or, as in the case of the objection land, downland in character.

Inspector's Conclusions

- 7.765 Virtually all of the objection land at Lyons Farm is excluded from the AONB. No evidence is before me indicating why the boundary was drawn to exclude this area. All that is

certain is that at the time of designation it was deemed inappropriate to include the land in the AONB. Be that as it may, for National Park boundary setting purposes, I am in no doubt that the land reads as part of a wider tract of downland that extends from the urban edge of Worthing northwards to the summit of Tenants Hill. In my judgement the objection land is representative of a landscape that is of national importance and one that is of high scenic quality. While the objection land stands close to the collection of large buildings on the nearby business/retail parks, these do not impact upon the downland in question to anything like the degree claimed by the objector. Like the Agency, I consider that the transition from urban development to downland is narrow at this point. In sum, I am satisfied that the natural beauty criterion is satisfied.

- 7.766 So far as the recreational opportunities test is concerned, the right of way at the south-eastern edge of the objection land together with Charmandean Lane at its western edge allow the public to enjoy the recreational experiences offered by this nationally important landscape. It was evident at my site inspection that these experiences are enjoyed by many members of the public. To my mind this is an important gateway into the wider Downs and, on balance, I consider that the recreational opportunities test is also satisfied
- 7.767 I fully understand the concerns regarding the ability of urban centres to accommodate additional growth. Worthing, like other towns along this part of the South Coast, is juxtaposed between the sea and the South Downs; both significantly constrain development opportunities. However the accommodation of future development needs is no part of the National Park designation process; it is, rather, a matter to be addressed by regional and strategic planning arrangements. In any event, no compelling evidence is before me indicating that the land at Lyons Farm should be excluded from the PSDNP on the basis that it is required for future urban purposes. Indeed I note that the local planning authority rejected the Inspector's recommendation that nearby land north of Beeches Avenue should be allocated for housing development in the Worthing Local Plan. That land stands between the objection land and the existing urban edge. The local planning authority's decision hardly supports the claim that the objection land will be required to meet future development needs.

Inspector's Recommendation

7.768 No change to the designation order boundary.

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Beeches Avenue

Case for objectors

7.769 Worthing Borough Council and the Beeches Action Group are amongst those claiming that the PSDNP should include the 2.8ha parcel of land to the north of Beeches Avenue. Some objectors additionally seek the inclusion of the land immediately to the east of it, namely the Woking United Football Ground. In addition it is said that the nearby Charmandean Lane and Hill Barn Lane bridleways should be within the PSDNP.

7.770 The land north of Beeches Avenue is open countryside grazed by sheep and horses. It forms part of the attractive setting to the wider Downs and is important in views in and out them. It is indistinguishable in character to the land to the north, land that is within the PSDNP, and it is also of ecological and cultural value. This land north of Beeches Avenue clearly satisfies the natural beauty criterion. Being a gateway to the wider Downs it also satisfies the recreational opportunities criterion.

7.771 The Inspector considering objections to the draft Worthing Local Plan recommended that the land be allocated for a housing development of 90 units. That recommendation was not accepted by the Council and the land is not identified as an allocation in the now adopted Local Plan. It is therefore outside the defined built-up area and protected from inappropriate built development. The widespread public support for this stance was readily apparent when proposals to develop the land were mooted. The Inspector's recommendation regarding this land appears to have led to its exclusion from the PSDNP; the land having been included earlier in the designation process. That recommendation has, of course, been overtaken by events.

7.772 The Charmandean Lane bridleway leads north from the A27 to Cissbury Ring. It is widely used by walkers cyclists and

horse-riders. This route together with the adjoining disused quarry should be included in the PSDNP.

- 7.773 Hill Barn Lane bridleway is also extensively used by walkers, cyclists, horse-riders and a few vehicles. It is a rural land deserving protection. An application has been made to have this route and Charmandean Lane designated as bridleways on the Definitive Rights of Way Map. In that event the Agency accepts that they should be included in the PSDNP.

Agency's response

- 7.774 The land north of Beeches Avenue was initially included in the PSDNP. It was deemed a borderline case given that it is not within the Sussex Downs AONB and has urban development on 3 sides. Subsequently it was excluded in the light of the Inspector's recommendation that the land be allocated for housing development. Even though that recommendation was not accepted by the Council, further scrutiny indicates that the land is properly excluded from the PSDNP. While it is part of the sweep of characteristic downland, only areas of high landscape quality are designated. In that regard the land north of Beeches Avenue is fragmented by fencing into smaller paddocks and its scenic quality is further eroded by its urban containment including the car repair business on part of the land. The references to the ecological and cultural value of the land area noted but these are not supported by any statutory designations. Put simply the natural beauty criterion is not fully satisfied.
- 7.775 As the land does not satisfy the natural beauty criterion it cannot offer a markedly superior recreational experience. In any event it is not accessible to the public and views from within the core Downs are dominated by the nearby built development.
- 7.776 So far as Charmandean Lane and Hill Barn Lane are concerned, they are excluded from the PSDNP as they are not shown on the Definitive Rights of Way Map. Their exclusion does not limit their use for recreational purposes. Including Charmandean Lane would also require the inclusion of a disused quarry, land that clearly does not satisfy the natural beauty criterion.

Inspector's Conclusions

- 7.777 Although the land north of Beeches Avenue is not within the Sussex Downs AONB it was initially included in the PSDNP. Subsequently it was excluded by the Agency, mainly if not solely it seems to me, because it was recommended for housing development by the Inspector considering objections to the draft Worthing Local Plan. That recommendation was not accepted by the Council. Having reviewed the land in the light of the Council's decision, the Agency is satisfied that the land is properly excluded from the PSDNP. It seems to me that the Agency's assessment of this land has altered over time. That may be deemed unfortunate but in the final analysis my recommendation is based on my assessment of the merit or otherwise of the boundary as shown in the designation order, not on the basis of any perceived inconsistencies in the designation process.
- 7.778 From Beeches Avenue the objection land reads as part of the sweep of downland that rises from the urban edge to Tenants Hill and beyond. I am conscious, nevertheless, that the land exhibits fairly typical urban fringe characteristics, not least it has been fragmented into smaller paddocks with the usual infrastructure associated with "horsiculture". And being contained on 3 sides by urban related development, including a car repair business on the site itself, its scenic quality is affected by its urban context. To my mind this land is part of the transition from the wider Downs, land that is undoubtedly of high landscape quality, to the Worthing urban area. In these circumstances the Agency's approach seeks a boundary within the transition, not at its edge, in order to ensure that only high quality land is included in the PSDNP. In this instance the choice of boundary is not straightforward but, on balance, I consider that the PSDNP boundary is appropriate. The fact that the land north of Beeches Avenue is seemingly visible from high buildings within Worthing Town Centre does not persuade me otherwise: especially as from views within the Downs, such as from Lambleys Lane, the site reads as part of the urban area.
- 7.779 Having concluded that the land does not satisfy the natural beauty criterion, it is only necessary to add that I doubt if the land north of Beeches Avenue provides a markedly superior recreational experience. I say that even though the

nearby rights of way that lead to the wider Downs serve an important gateway function.

7.780 Charmandean Lane is one of the rights of way mentioned above and would be included in the PSDNP if it appeared on the Definitive Rights of Way Map. As I understand it, that is also the position in respect of Hill Barn Lane. An application has been made for both to be included in the Definitive Map. As I do not know the outcome I am unable to support their inclusion in the PSDNP even though I recognise that both are attractive routes that allow local residents to access and enjoy the wider countryside.

7.781 One final point. The many objections to the exclusion of the land north of Beeches Avenue from the PSDNP appear in large part to be based on a concern that the land otherwise would be even more vulnerable to development pressures. The suitability of this or any other land for housing development is not part of PSDNP boundary setting process. In the first instance at least it would be a matter for the local planning authority to determine. The fact that this land is outside the defined built-up area in the recently adopted Worthing Local Plan would seem to me to be relevant to decisions on any development proposals.

Inspector's Recommendation

7.782 No change to the designation order boundary.

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SECTION Q (see CD23 for extent)

Introduction

7.783 The objections to the boundary in section Q are considered under the following headings:

- Land south of A27
- Castle Goring and land east of Titnore Lane
- Highdown Hill
- Ferring Rife

Inspector's Note

Under the first heading I consider the claim that the PSDNP should not extend south of the A27 (or the AONB boundary that appears to coincide with the road's alignment prior to its improvement). The other 3 headings address objections to the detailed boundary in the event that it is deemed appropriate for the PSDNP to extend south of the A27.

Land south of A27

Case for objectors

- 7.784 Arun District Council argues that the A27 should form the PSDNP boundary. It is a busy dual carriageway road and would make an easily recognisable and more appropriate boundary. It physically severs the land south of the road from the wider tract to the north and is itself damaging to the scenic quality and tranquillity of the locality. Land south of the A27 is different from the land to the north in terms of its landscape quality and character and this is reflected in the fact that it is not within the Sussex Downs AONB. It does not satisfy the natural beauty criterion and it does not offer any markedly superior recreational experiences either.
- 7.785 Messrs JF and CCF Somerset also promote the A27 (or the AONB) as a more appropriate boundary for the PSDNP. They own and manage the Castle Goring Settled Estate. This extends to about 1700 acres, about half situated to the north of the A27 and the remainder to the south. The A27 disrupts and severs this land from the AONB land to the north. It is a clear and obvious boundary unlike the PSDNP boundary which does not follow an easily distinguishable feature on the ground. The land south of the A27 is clearly not suitable for inclusion in terms of either its landscape quality/characteristics or in terms of public access. Applying the Agency's own approach to the selection of a boundary within transitional areas, the A27 is the obvious boundary within the transition.
- 7.786 Defra also, exceptionally, accepted a late objection from Mr J Salbstein. In this he also promotes the A27 as a much more appropriate boundary to the PSDNP. Additionally he argues that land he owns at North Barn Farm should be excluded in

any event. I deal with the second point in the section "Highdown Hill".

Agency's response

7.787 The main reason for extending the the PSDNP south of the A27 is to include the high quality chalk outlier of Highdown Hill. Land at the summit is part of the National Trust estate and is also identified as being of cultural and archaeological value. The hill is strongly associated with the wider Downs both physically and geologically and it provides memorable views towards the coast and inland. The A27 is not a significant barrier to views and the road has a limited influence on the surrounding landscape. The lower flanks of the hill are also similar to the land to the north of the A27 and meet the statutory criteria in their own right. Apart from the National Trust land, the area is well served by rights of way and there is little doubt that it provides a markedly superior recreational experience.

Inspector's Conclusions

7.788 The PSDNP boundary includes a significant tract of land south of the A27; land that presumably was not deemed to be of outstanding landscape quality at the time the AONB was designated. Since then the road has been upgraded to a dual carriageway. The A27 is now a very significant feature in the local landscape and would make an obvious and easily recognisable boundary to the PSDNP.

7.789 On the other hand, if the A27 formed the boundary, the notable landmark of Highdown Hill would be left out of the PSDNP. This is a high quality chalk outlier that is a sizeable and conspicuous piece of landscape in its own right. It is not a small parcel of land severed from the wider Downs by the A27. Having walked the land it seems to me that it has strong visual and physical associations with the wider Downs to the north. It is very popular with walkers and riders who are able to travel to the wider Downs via an underpass under the A27. It is undoubtedly an important recreational resource and it is also of significant cultural value. In the section of the same name, I provide some additional comments on the importance of Highdown Hill but for the moment it is sufficient to note that I am in no doubt that it satisfies the natural beauty and the recreational opportunities criteria. It seems to me, therefore, that there is merit in extending the PSDNP south of the A27 to include

the sweep of landscape that includes Highdown Hill. How much of the hill and other nearby land to include, are matters addressed in the following sections.

Inspector's Recommendation

7.790 That the A27 should not form the boundary of the PSDNP.

* *

Castle Goring and land east of Titnore Lane

Inspector's Note:

At this point it may be convenient to refer to a concern raised by the Forum of Arun District Amenity Groups regarding a potential conflict of interest. This matter was drawn to the attention of the Agency because its expert witness team, CPM, also acts for the West Durrington Consortium, registered objectors to the boundary at Castle Goring. This is not a matter directly within my remit but it may be helpful to note that I see no difficulty with this arrangement. As I understand it, having been appointed to represent the Agency at the South Downs Inquiry the CPM team ceased to represent the Consortium in respect of its boundary objection. The boundary at Castle Goring was determined before CPM entered the fray and it also worth noting that at the inquiry the Consortium's case was promoted by FPD Savills. CD147 provides a more detailed account of CPM's work in respect of the South Downs Inquiry and its work for the Consortium.

Case for objectors

7.791 I begin with the objections to the inclusion of land east of Titnore Lane (referred to on some maps as Titnore Road). Most of this land is woodland that forms part of the Castle Goring Estate. It is mainly hazel coppice with an over-storey of oak and ash and was planted in about 1815 to provide wood to help replace ships lost in the Napoleonic wars. Some of the under-storey was cleared about 25 years ago. Although it enjoys SNCI status it is not part of the wider Downs and being heavy clay it is very different in terms of its character and land-use. It is separated from the wider Downs to the north by the dual carriageway A27 and from Highdown Hill and the land to the west by the busy Titnore Lane. There is no public access whatsoever to this land.

- 7.792 The West Durrington Consortium likewise argue that land east of Titnore Lane should be excluded from the PSDNP. A large area of land east of Titnore Lane is allocated for development in the adopted Worthing Local Plan. It is anticipated that that this will form an extension to the urban area containing a minimum of 700 dwellings. The development package will also secure improvements to Titnore Lane including a roundabout to provide access to the development area. In the Consortium's view this land does not comply with the statutory criteria. Amongst other things it is part of the coastal plain rather than downland and the poor quality of the landscape is reflected in the fact that it does not currently have any national or local landscape designation. Additional recreational use is inappropriate and unlikely in any event as there is no public access into the area. If the PSDNP is to extend south of the A27 then Titnore Lane (as proposed for improvement) would form a clearly distinguishable boundary. By contrast the PSDNP boundary is difficult to identify on the ground.
- 7.793 Other objectors, including the Forum of Arun District Amenity Groups and the Worthing Society, argue that the PSDNP boundary should be amended to include additional land east of Titnore Lane. There is no consensus regarding the extent of any additional land but the key concern appears to be that Castle Goring, a Grade 1 Listed Building, and its associated parkland should be included. It is also said that many of the objectors now support the detailed boundary promoted at the Inquiry by The Worthing Society and others. Some objectors additionally seek the inclusion of land to the east of the lane; land that is allocated for development in the adopted Worthing Local Plan. For obvious and well founded reasons that I support, the Agency's approach to boundary setting excludes land at the margins of the PSDNP where it is allocated for development in an adopted development plan.
- 7.794 Additional land east of Titnore Lane is said to warrant inclusion as the Agency's approach allows for the inclusion of features of historic and other values at the margins of a National Park where practicable. Castle Goring is a Grade 1 listed building so there can be no dispute regarding its historic and architectural value. Contrary to the Agency's assertion, the building is visible from Highdown Hill. The parkland in front of the building is inextricably linked to it and has changed little since it was laid out two centuries

ago. The PSDNP boundary is also defective inasmuch as it excludes part of the Titnore Woods SNCI. It appears that the Agency was initially reluctant to include land east of Titnore Lane because of possible conflict with the West Durrington scheme. However the development brief for that site indicates that the parkland must be maintained as the setting to Castle Goring. The objection land may not offer public access but it has the potential to provide excellent recreational opportunities.

Agency's response

- 7.795 Land south of the A27 and east of Titnore Lane was included in the PSDNP during the course of the designation process as it was felt to be part of a wider area of woodland of similar character and quality. It may not of itself provide public access but it is part of a wider sweep of landscape that is accessible to the public. This is not a matter to be addressed on a field-by-field basis.
- 7.796 So far as objections seeking the inclusion of additional land are concerned, the parkland associated with Castle Goring is not within the Castle Goring Conservation Area or the Titnore Woods SNCI. The parkland is not itself deemed to be of outstanding quality and the landscape setting to Castle Goring has been damaged by the A27 which runs only a short distance to the north. An additional concern is that the large scale West Durrington development will tend to have an urbanising influence that will disrupt the setting of Castle Goring. There is a lack of recognised rights of way over the Castle Goring parkland and it is therefore incapable of providing a markedly superior recreational experience.

Inspector's Conclusions

- 7.797 Following the Local Authority Consultation exercise, the PSDNP boundary was amended to include the mainly wooded area to the east of Titnore Lane. This amendment was favoured as the woodland was deemed to be comparable in quality to the woodland area west of the road. The woodland itself is identified as having ecological value and the segment to the east of Titnore Lane is part of the same SNCI. I note, however, that the amendment to the draft boundary did not bring all of the SNCI into the PSDNP. The SNCI additionally includes some of the woodland that is part of the historic parkland associated with Castle Goring.

The SNCI would therefore remain part within and part outwith the boundary of the PSDNP.

- 7.798 Having decided to include land east of Titnore Lane, I find it surprising that the Agency did not favour the inclusion of the mature parkland that provides the setting to a house recognised as being of considerable national importance; especially as the parkland itself appears to have changed little over the intervening centuries. I make that comment bearing in mind that features of acknowledged historic or cultural value at the margins of a National Park are normally included under the Agency's approach to boundary setting.
- 7.799 I have given careful consideration to the reasons why the Agency does not favour the inclusion of Castle Goring and its parkland. So far as the impact of the A27 is concerned, as the traffic noise and disturbance generated by the road has not prevented the inclusion of the land to the west (Titnore Woods), it is difficult to see why it should count against Castle Goring and its parkland. I am not convinced that the impact of the road is as significant as the Agency claims in any event. The Agency's responses to the various objections also refer to the urbanising influence of the West Durrington scheme. This is a major development and when it is eventually built-out it is likely to extend to the edge of the historic parkland. Even so, given that the development brief specifically refers to the protection of the parkland setting to Castle Goring, I am confident that the planning process can ensure that the parkland is not disrupted to an undue degree.
- 7.800 It seems to me, therefore, that if the PSDNP is to extend east of Titnore Lane it should go the extra distance and include the additional land identified by the Worthing Society and others. As I understand it, the additional land is essentially the tract of historic parkland identified by the Inspector in his consideration of objections to the draft Worthing Local Plan.
- 7.801 There are, however, certain matters that persuade me that the PSDNP should not extend east of Titnore Lane. Firstly, the PSDNP boundary is itself complicated and difficult to follow. Titnore Lane would provide a far more obvious and easily recognisable boundary. Secondly, unlike the land to the west of the lane, the land to the east does not seem to have obvious downland characteristics and the strong visual links to the wider Downs to the north of the A27 are absent.

Thirdly, and most importantly, there is no public access to either Titnore Woods or the historic parkland. Other than from the footpath north of Forest Farm, there are few if any views into and across the objection land due to the presence of intervening woodland and trees. In these circumstances I find it hard to accept that the land east of Titnore Lane provides a markedly superior recreational experience. Some objectors emphasise that it could provide excellent recreational opportunities if it was open to the public. I think that is right but there is no evidence before me indicating that public access is in prospect. With some regret I have therefore reached the conclusion that the PSDNP should not extend east of Titnore Lane. For the avoidance of doubt it may be helpful to mention that this conclusion also applies to the educational land east of Titnore Lane and immediately north of the A2032.

- 7.802 On a point of detail, as the proposals to improve the alignment of Titnore Lane seem well advanced it might be sensible for the boundary to follow the anticipated western edge of the lane rather than its existing alignment.

Inspector's Recommendation

- 7.803 That the PSDNP boundary be amended to exclude land east of Titnore Lane.

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Highdown Hill

Case for objectors

- 7.804 I begin with those who argue that land at Highdown Hill should be excluded from the PSDNP. Firstly, on behalf of Castle Goring Farm the owners of much of the land between the A27 and the A259, it is accepted that the summit of Highdown Hill is downland in character and is an outlier of the wider Downs. It is owned by the National Trust and is intensively used for recreational purposes. That said, the downland at the summit of the hill is relatively limited in extent and the land to the north of the summit is heavy clay and far more typical of the Weald than downland. Visually this land does not read as part of the wider Downs. Because of the barrier presented by the A27 and its junction with the A280, physical connections to the Downs are also difficult.

This land clearly does not meet the Agency's own guidelines for inclusion.

- 7.805 Mr J Salbstein also opposes the inclusion of land in his ownership on the south-eastern and eastern flank of Highdown Hill. In his view this land will be required to meet Worthing's ever increasing land needs at some future date. The inclusion of the land in question is particularly odd as the land immediately to the west is the foreground to the crest of Highdown Hill yet is excluded from the PSDNP.
- 7.806 By contrast a number of objectors, including Worthing Green Party, Ferring Conservation Group and the East Preston and Kingston Preservation Society, argue for the inclusion of additional land (150ha) on the southern flank of Highdown Hill. Rather than include only the top third of the hill, the PSDNP should extend down to the A259 and include it all. Miss PMW Ross and others argue for the inclusion of part of this additional tract. Amongst other things it is said that the A259 is a far more appropriate boundary than the bridleway favoured by the Agency. It is noted that the land fronting onto the A259 is used for a miscellany of rural activities, not least for horticulture and "horsiculture". While there are some landscape detractors, overall it is of high landscape value and forms an integral part of the hill. The Agency draws attention to "extensive glasshouses" but they take up less than 10% of the total area. Emphasis is also placed on the views that are available from the summit of Highdown Hill largely ignoring the views available from other directions.
- 7.807 The objection land is also of ecological value, being part of the important green corridor that links the Coast to the South Downs. It is also a very important archaeological site having been a Stone Age encampment, a Bronze Age settlement, an Iron Age fort and the site of a Roman bath-house. Occupation was not limited to the summit, the whole hill was farmed and worked.

Agency's response

- 7.808 Highdown Hill has strong visual and physical connectivity with the land north of the A27. The road is not a significant barrier to walkers or riders and it does not significantly interrupt views. The land between the hill and the AONB also satisfies the statutory criteria. So far as Mr Salbstein's land is concerned, in the Agency's view it is part of the wider

sweep of land that satisfies the statutory criteria. It is an intact and unspoilt piece of chalk landscape and also contains North Barn an attractive vernacular building that is grade 11 listed. The claim that the land may have long-term development potential is not a relevant boundary setting consideration.

- 7.809 Turning to the claims that the PSDNP boundary should be amended to include additional land, at the outset it should be noted that the land in question is not within the Sussex Downs AONB and is not subject to any landscape protection designations. Unlike the summit area, the objection land does not contain any protected archaeology nor is it designated for its nature conservation importance. Applying the Agency's natural beauty tests, it does not have visual continuity with the wider Downs; its scenic quality has been eroded by glasshouses, equestrian activities and other development and there is little to distinguish it from other urban fringe land. It is a transitional landscape that relates more strongly to the coastal plain than the chalk downland.

Inspector's Conclusions

- 7.810 I have already stated that I consider that there are compelling reasons for the PSDNP boundary to include additional non-AONB land south of the A27. Key to this conclusion is the merit of including the sweep of landscape up to and including the summit of Highdown Hill. This is very distinctive chalk outlier with strong associations with the wider Downs. The summit itself is downland in character and includes National Trust land open to the public, a SAM and a SNCI and gardens that are included in the National Register of Gardens. It is a high quality landscape and an important recreational resource. Land on the southern flank of the hill overlooks the coastal plain and therefore does not have the same visual connectivity with the wider Downs. Even so it seems to me that its inclusion in the PSDNP is warranted where the land forms an integral part of the sweep of landscape that satisfies the statutory criteria. On that basis I consider that the land at North Barn Farm warrants inclusion. I note the suggestion that this land may be required to satisfy long-term development needs but this is not a matter that the designation process can properly take into account.
- 7.811 Mr Salbstein also perceives an inconsistency between the inclusion of his land and the exclusion of the adjoining land

to the west. The latter is the land that the Worthing Green Party and others wish to see included in the PSDNP. If Mr Salbstein's land and other land on the southern flank of Highdown Hill warrants inclusion, it might seem odd that the A259 was not selected as the PSDNP boundary. The road is an obvious physical feature and if it was to form the boundary it would allow the hill in its entirety to be included in the PSDNP.

7.812 It seems to me, however, that the land at North Barn Farm can be distinguished in landscape quality terms from the adjoining land to the west. Most of the land between North Barn and the A280 by-pass is intensively used for a miscellany of purposes. Significant elements include the Hangleton Equestrian Centre, said to be the largest in the South of England with 140 loose boxes and stabling for over 200 horses, several garden centres and the huge Roundstone Pick-Your-Own operation with its car-park for over 500 cars. Cumulatively these have a significant impact of the scenic quality and character of the locality. It is not just the built development and other structures and development associated with them, such as the 15ha or so of glasshouses, but the way in which the landscape itself has been fragmented by the introduction of new field boundaries, screen planting and the like. This has all affected the character and appearance of the landscape when viewed from the A259 and other nearby vantage points as well as from the more elevated parts of Highdown Hill.

7.813 Overall I am not convinced that the land fronting onto the A259 west of North Barn satisfies the natural beauty criteria. Certainly it is of lesser landscape quality than the land to the north and it also appears to be of lesser ecological and cultural value. I do not doubt that it is of some ecological and cultural value but this is not recognised by any national or local designations. Similarly there is no dispute that the objection land offers a range of recreational experiences, particularly the opportunities to walk or ride to the summit of Highdown Hill and beyond, but many of the experiences mentioned by objectors are unrelated to the quality and character of the landscape. I have in mind, for example, the experience of visiting the Roundstone site to collect fruit and vegetables and recreational visits to the garden centres. Bearing the above points in mind I am not convinced that the PSDNP boundary should be amended. The bridleway that marks the boundary may be a less conspicuous feature

than the A259 but it can be easily identified on the ground as it is flanked by a line of mature vegetation. In my judgement the bridleway represents the appropriate boundary within this transitional landscape, a transition that extends from the core downland at the summit of Highdown Hill down to the A259.

7.814 I would add that I have considered whether a more restricted area such as that identified by Miss Ross should be included as an alternative arrangement but I am not convinced that this would be appropriate either.

Inspector's Recommendation

7.815 No amendment to the designation order boundary.

* *

Ferring Rife

Case for objectors

7.816 A number of objectors argue that the PSDNP boundary should be amended to also include mainly open land south of the A259. This land lies to the west of Ferring Rife watercourse and is part of a green corridor that leads down to coast. It is part of the important strategic gap that keeps Littlehampton and Worthing apart and its intrinsic natural history value is reflected in the designation of Ferring Rife as an SNCI.

Agency's response

7.817 The objection land does not have any visual connectivity with the wider Downs. It is separated from the outlier at Highdown Hill by a lower quality landscape containing glasshouses, equestrian activities and other development.

Inspector's Conclusions

7.818 Having concluded that the PSDNP boundary should not generally extend as far south as the A259, it follows that I do not favour the inclusion of land even further removed from the core downland landscapes. This land is important, nevertheless, in strategic terms and it is not without ecological value. Even so, I am not convinced that it should

form part of the PSDNP. It simply does not satisfy the statutory criteria.

Inspector's Recommendation

7.819 No change to the designation order boundary.

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SECTION R (see CD23 for extent)

Introduction

7.820 The objections to the boundary in section R are considered under the following headings:

- Arundel and the land south, south-east and south-west of it
- Binstead village and surrounding land

Inspector's Note

(i) Evolution of the boundary at Arundel

Before turning to the objections in respect of the headings listed above it is helpful to set out briefly the way the PSDNP boundary in section R evolved during the course of the designation process. The following account of the key events draws primarily upon material contained in the Agency's response (CAR444) to the objections lodged by the West Sussex County Council. So far as I am aware, none of this material is in dispute.

The existing AONB boundary includes Arundel Castle but not the rest of the town. However, the Agency's initial assessment of Arundel concluded that the town merited inclusion due to its intact historic core and high quality landscape setting. It was also noted that the adopted Arun Local Plan illustrated a "protected line for a new road" – effectively a new by-pass for Arundel. During the Agency's public consultation exercise a number of respondents argued that the safeguarded route should be excluded from the PSDNP, not least because the Agency's approach to boundary setting indicates that land allocated for development on the margins of a National Park should be excluded (CD31, Table 1 section 2(i)).

The results of the public consultation exercise were reported to the Agency's Board (CD39) and a new revised boundary was put forward for local authority consultation. However, as the safeguarded route at Arundel was protected from development rather than allocated for development in the Local Plan, it was recommended that the safeguarded land should remain in the PSDNP but should be kept under review and reconsidered when the results of the then on-going Highways Agency review (The South Coast Multi-Modal Study (SoCoMMS)) were available. The Board accepted this recommendation.

Later in the year (September 2002) the Study identified a route for a new road. This route was in turn shown as a protected route in the Review Arun Local Plan - slightly to the south of the previously protected route. In the light of these circumstances, officers' recommended in November 2002 that the safeguarded land be excluded from the PSDNP even though a final decision on a route had not been taken (CD38). Because the precise route was not known it was deemed more appropriate to adopt an alignment following easily definable features such as ditches and hedgerows rather than the highway itself.

In June 2003, however, the Secretary of State announced that he did not support the Arundel by-pass scheme and requested that the Highways Agency and other bodies examine less damaging options (CD190). This was brought to the attention of the Agency's Board (CD507) and in September 2003 the Agency concluded that the scheme was "highly unlikely" to go ahead. Accordingly, it decided to make a variation order under the provisions of the 1949 Act and section 45 of the Wildlife and Countryside Act 1981 in order to add the land excluded from the final boundary the previous November.

At the same time the Board decided that consultation on the variation order should take place over a 6 week period in October/November 2003 and that it should go on formal deposit for public inspection the following February. This timetable allowed the objections to the Order to be considered at the on-going National Park inquiry. A brief summary of the outcome of the public consultation exercise is set out below.

The land subject to the variation order is in 2 parts; a corridor cutting across the River Arun floodplain and a parcel of land further to the west known as Tortingham Common. These are physically separate and, as I see it, the inclusion or otherwise of these areas should be considered on their individual merits.

The National Park inquiry did not consider the objections to the designation order boundary in section R and the variation order separately. This secured a more efficient use of inquiry time as it allowed participants to make a single case rather than separate cases on the respective orders. This arrangement was to everyone's satisfaction so far as I am aware. However, it does not avoid the need for separate recommendations in respect of the PSDNP boundary as shown in the designation order and that shown in the variation order.

(i) Outcome of public consultation exercise

CD509, annex 1, includes a summary of the 34 responses to the variation order. Of these 22 were objections. Objectors to the order include SEERA, SEEDA, the Highways Agency, West Sussex County Council and Arun District Council. Points raised include the following:

- the land subject to the order does not meet the statutory criteria;
- the order is premature in advance of the Highway Agency's highway review and may influence the outcome of that exercise;
- the need for a by-pass has been proven and the route has been agreed by SEERA, the Highways Agency and the relevant local authorities.
- The by-pass is a safeguarded route which will not be withdrawn or amended until the Highway Agency's review is complete.

Supporters of the order include English Heritage, the Council for National Parks and the South Downs Campaign.

* *

Arundel and the land south, south-east and south-west of it

Case for objectors

7.821 West Sussex County Council's objection to the boundary at Arundel is supported by a detailed landscape assessment (Obj.1881/1/8-9). The boundary objection represents a fall-back position in the event that the County Council's "in-principle" objection to the PSDNP is not accepted. Key points contained in the landscape assessment and the accompanying submissions can be summarised as follows:

- The local area falls into 2 national character areas, "South Downs" and "South Coast Plain". The former contains the high quality landscapes of the South Downs with their distinctive topography and relative lack of settlement. Both character areas have been sub-divided at a County level into county character areas and for the purposes of the current exercise into local character areas. Arundel lies at the boundary between the chalk and the coastal plain, albeit that the boundary is blurred by the presence of "Head" and "Clay with Flints" deposits.
- Recreational opportunities have been assessed under 2 broad heads – recreational facilities such as footpaths and open access land and less tangible elements such as wildness and tranquillity. In summary the South Downs landscapes contain a high density of footpaths and bridleways and areas of tranquillity and relative remoteness and of course the highly distinctive downland landscapes. The coastal plain contains fewer footpaths, more general disturbance and settlement and limited access to the Arun floodplain. The Agency's claim that the criterion is met also relies on a range of indoor attraction that are irrelevant to a consideration of open-air recreation.
- The New Forest National Park exercise is of considerable relevance to PSDNP boundary decisions. Amongst other things this confirmed that if there is to be a South Downs National Park, it should consist of the South Downs and not other areas such as the Weald or the coastal plain landscapes south of Arundel. It also identified towns and large villages as incompatible with the statutory criteria and that major roads such as the A27 can sever land from core landscapes. The New Forest report also highlighted deficiencies in the Agency's use of up-to-date assessment criteria, not least the failure to take account of the guidance on natural beauty introduced by the revised national guidance (CD57).
- Deficiencies in the initial Area of Search stage of the designation process (CD36) have led to the inclusion of land that does not satisfy the statutory criteria. At Arundel this includes coastal plain landscapes that are not of high landscape quality, do not have the characteristic natural beauty of the South Downs and are both severed and disturbed by the A27 which is heavily trafficked and difficult to cross. No markedly superior recreational experiences are identified south of the A27.
- The Agency has also failed to follow its own boundary setting guidelines (which are themselves open to criticism on a

number of counts). Table 1, 2i, for example, refers to the exclusion of land allocated in development plans. This is relevant to the by-pass issue. Given that it is a Highways Agency scheme, supported by the County Council and shown in the adopted Arun Local Plan, the variation order is clearly premature. Although the Secretary of State rejected the specific by-pass proposal he did not dismiss the notion outright. Uncertainty regarding the likelihood of a by-pass in the wake of the Secretary of States response is therefore little different to that pertaining when the Agency decided to exclude the safeguarded land. Moreover the Agency's claim that land protected from development is different to allocated land for the purposes of Table 1, 2i, was not accepted by the New Forest Inspector.

- The boundary put forward by the County Council takes proper account of the statutory criteria and up-to-date landscape assessment methodology. West of Arundel landscape quality and distinctiveness declines from north to south; from the very high quality and highly distinctive High Wooded Downs to the undistinguished landscapes of the coastal plain. The A27 effectively severs the high quality woodland on the Downs from woods on the upper coastal plain such as Binstead Wood and Tortington Common. Both are attractive and the ecological value of Binsted Wood is recognised by its SNCI status, but they are not of outstanding quality at a national level. Not surprisingly the AONB follows the pragmatic line of the A27.
- The A27 similarly marks a change in quality and character in the Arun Valley. North of the road the river has distinctive meanders and is enclosed by high valley sides. South of the road the meanders are less well marked and the floodplain is wider with minimal enclosure and only a limited sense of wildness and tranquillity. The designation and variation order boundaries across the valley appear arbitrary and are very difficult to discern on the ground.
- A similar north to south graduation in quality and distinctiveness occurs east of Arundel. At Crossbush the A27 is associated with a miscellany of transport related developments that dominate the locality.
- Arundel itself has a population of about 4,250 and is outwith the AONB. It is at the edge of the Downs not embedded within it. It has an historic core but south of the A27 is an extensive area more modern and undistinguished housing. If the principle of not splitting a settlement is followed, the whole town should be excluded from the PSDNP. Arundel is a relatively large settlement and as such cannot be said to have "natural beauty". It offers a range of recreational

experiences but they are unrelated to the enjoyment of the wider landscape.

- In summary the current AONB boundary is an easily distinguishable boundary that effectively differentiates areas that satisfy the statutory criteria from areas that do not. To the north lie the high quality and distinctive landscapes of the South Downs including Arundel Park and Castle. The AONB also includes parts of the upper coastal plain where they are high quality and adjoin or are surrounded by downland landscapes.
- The County Council proposed boundary is shown on plan 1881/HAD30. On a point of detail, as the AONB includes a number of listed buildings on the High Street in Arundel it might be deemed appropriate for the PSDNP boundary to deviate from the AONB and exclude them in order to comply with the Agency's splitting settlements guideline.

7.822 I now turn to the other boundary objections at Arundel. Firstly the Joint Downland Area Committee, Arundel Town Council and others claim that the land subject to the variation order does not satisfy the statutory criteria. The non-AONB land south of Arundel is an undistinguished section of the coastal plain having no South Downs character and offering only limited public access. There are no compelling reasons to extend the PSDNP beyond the long established and logical AONB boundary. An additional concern is that the variation order could mean that any future by-pass proposal could be diverted further south which could in turn lead to the road following a more southerly and disruptive route through the Binstead area. While the Binstead Woods SNCI complex might merit inclusion, it is doubtful if the adjoining Tortington Common land satisfies the statutory criteria. The former is ancient woodland, the latter a mainly new conifer plantation.

7.823 Extending the PSDNP boundary further south could rule out a permanent solution to the horrendous highway difficulties on this length of the A27, difficulties that will get worse in years to come. The variation order is clearly premature pending the outcome of the Highway Agency's review. In passing it is worth noting that the issue of prematurity is also raised in many of the written representations on the variation order, not least in the representation from the Highways Agency.

7.824 Not all of the objectors to the boundary at Arundel seek to pull back of the boundary. A number, including the South

Downs Campaign, the National Trust, the CPRE and the British Mountaineering Council, favour the inclusion of additional land.

- 7.825 The South Downs Campaign argues, for example, that the PSDNP boundary should be amended to include all of the Arun Valley as far south as the coastal railway line together with land north of Tortington – see Ob.3275/35/1 for details. The objection land has a downland character and is of high landscape value in its own right. It is also the foreground to the magnificent views of Arundel framed by the South Downs. The Agency's boundary across the valley is obscure and does not fully recognise the power and beauty of the landscape context. Indeed the magnificence of the downland landscape is more apparent from vantage points to the south, for example from the coastal railway line, than it is from the Agency's boundary. This point is recognised by the adopted Arun District Local Plan which contains a policy that aims to resist development that would adversely affect views of Arundel or its special setting. The policy area itself extends as far south as the A259, well beyond the coastal railway line.
- 7.826 So far as recreational opportunities are concerned, the footpath along the western river bank allows uninterrupted views of the town and its landscape setting. Other footpaths are present to the west and east of the valley. The river itself is much used for water based recreation. Overall the objection land provides a markedly superior recreational experience. It is also relevant that the additional land would underpin the role of Ford station as a gateway to the National Park.
- 7.827 The National and the Sussex Branch of the CPRE, with the support of the Youth Hostels Association (YHA) and Littlehampton Town Council and others, also promote the inclusion of the land identified by the South Downs Campaign and in addition seek the inclusion of a tract of land situated between the coastal railway line and the coast at Climping – see Ob.3387/1/2. The CPRE also seeks the inclusion of the church and other land beyond the Campaign's boundary at Lymester. It may be helpful to mention that the CPRE also argue for the inclusion of land to the west of the Arun Valley. The inclusion or otherwise of this area is addressed under the Binstead sub-heading.

- 7.828 According to the CPRE, inclusion of the land south of the coastal railway line would support the Agency's aim to provide a variety of landscape character within the PSDNP. The river valley, tidal estuary and coastline is itself an assemblage of outstanding quality and national importance with fundamental geological and cultural linkages to its downland catchment. Views northwards to Arundel and the chalk hills are of especial importance. Minor blemishes such as Ford Prison are insignificant by comparison. Climping Gap is the last section of open and undeveloped coastline between Selsey Bill to the west and Seaford in the east. It is a rare and exhilarating landscape recognised by Nairn and others.
- 7.829 The CPRE does not dispute that the boundary in areas of transitional landscape should be drawn within the transition. However, it doubts of the Arun Valley is a transitional landscape given that the quality of the landscape is maintained all of the way to the coast. This is reflected in the designation of the shingle beach and sand dunes as the Climping SSSI. The Climping Gap also contains a LNR, an historic fort and small settlements with downland vernacular architecture. The river is itself a powerful unifying factor and the cultural heritage of Arundel is strongly linked to the coast. By including the objection land, the entire Rother/Arun river catchment could be brought into the PSDNP. The Agency's decision to exclude part of a complete valley landscape appears to have been influenced by the bypass proposals. There is little evidence that the Agency closely scrutinised the valley landscape south of Arundel. And in its response to the CPRE objections (CAR408), it makes no attempt to refute or answer the claim that the coastal area should be included in the PSDNP as it satisfies the statutory criteria.
- 7.830 So far as recreational opportunities are concerned, the CPRE endorses the case made by the YHA. This refers to the importance of the youth hostels at Arundel and Littlehampton which both have footpath links into the Arun Valley. Attention is also drawn to the good public transport accessibility via railway stations at Arundel, Ford and Littlehampton. These allow the public to visit the area without needing to use private transport. South of Arundel the Arun Valley merges with the coastal plain but it retains its visual, historic and social links with the Downs. It would make sense for the entire river valley system to be brought within one management regime. Given the range of

recreational opportunities available within this area there is little doubt that it offers a markedly superior recreational experience.

Agency's response

(i) Prematurity

7.831 The variation order land satisfies the statutory criteria and is therefore properly included in the PSDNP. Including the land simply reflects the importance bestowed on the area by the Secretary of State for Transport in his July 2003 statement setting out reasons for not supporting the SoCoMMS by-pass proposal. By making the variation order the Agency has reverted to its original boundary and has included all of the land that genuinely meets the designation criteria. It is not accepted that the variation order is premature in advance of the Highways Agency review of less damaging options. Furthermore it does not fetter the Secretary of State's decision on an Arundel by-pass as any such decision is likely to be made in advance of any decision to confirm the PSDNP. Until then the variation order is simply a material consideration. Furthermore, confirmation of the variation order does not of itself mean that any road improvement/building cannot take place.

7.832 If the by-pass had been an allocation in the adopted Local Plan rather than land protected from development, it would have been excluded from the PSDNP to reflect the Agency's boundary setting guidelines.

(ii) Land south of the AONB up to and including the variation order land

7.833 The water meadows in the Arun Valley and woodland at Tortington Common that are the subject of the variation order are distinctive landscapes representative of the dip slope of the Downs. The water meadows are high quality and are an integral part of Arundel's setting. They are largely intact and form the foreground in views of Arundel and the backdrop of the wider Downs. They give rise to a strong sense of place. Although the banks of the Arun are artificial, they do not have a significant adverse impact on the quality of the water meadows as a whole. The national importance of Arundel's setting is formally recognised in the adopted Local Plan. South of the variation order land there is a decline in quality as the small scale fields are replaced

by larger arable fields. Tortington Common, on the other hand, is mixed woodland containing semi-natural and ancient replanted woodland that is part of a much wider wooded landscape. The absence of any formal nature conservation designation does not detract from its landscape value. Overall the variation order land and other land south of the AONB satisfies the natural beauty criterion.

7.834 The same land also satisfies the recreational opportunities criterion. While the indoor attractions identified in Arundel are a consideration, it is accepted that they are not a substitute for open air recreational opportunities. So far as the latter are concerned, the footpath/cycleway along the west bank of the River Arun provides a markedly superior recreational experience. Fishing and boating on the river are additional experiences. The rights of way network around Tortington and Binsted provide more intimate and very different recreational experiences. Although major roads can fragment landscapes, in this instance the land south of the A27 is a significant tract in its own right and as it is possible to cross the road at a number of places the road does not form a significant physical barrier.

7.835 It is accepted that towns cannot themselves have natural beauty. But that is not the test for inclusion. CD33, rather, identifies the factors to be taken into account in deciding whether a town should be included in the PSDNP. In respect of these factors there is no dispute that Arundel has an historic core. It gives the town its identity and it is not subsumed by the more recent modern development south of the A27. In views from the south the more modern development is well integrated into the landscape. The landscape surrounding Arundel varies in character but is all clearly high quality. Downland landscapes extend to the edge of the town and a series of footpaths link the town to wider area. As such Arundel occupies a gateway location and acts as an icon or advertisement for the Downs beyond. In sum, Arundel clearly complies with the Agency's guidelines.

7.836 While the County Council promote the AONB as a preferred boundary, it ignores the fact that the AONB boundary splits Arundel contrary to the boundary setting guidelines and excludes the high quality water meadows and woodlands to the south of the A27. All of the land south of the AONB that is within the PSDNP is considered to meet the statutory criteria. In the Agency's view the appropriate boundary

within this transitional landscape is much further south than the A27 at the point where field patterns begin to change and the Downs become more remote.

(iii) Land in the Arun Valley situated between the variation order and the coastal railway line

7.837 The quality of the landscape declines south of the variation order land. The small to medium sized fields in the northern meadows are replaced by larger arable fields. The boundary therefore reflects the gradual decline in quality as the traditional field patterns cease to dominate the character of the area and the associations with the Downs lessen. The character of the land promoted by the South Downs Campaign and others is also influenced by a number of urban detractors.

(ii) Land south of the coastal railway line

7.838 Some of the land proposed for inclusion by the CPRE, the YHA and others is low quality and it is all remote from the Downs. South of Ford station the floodplain is fragmented by dispersed settlement, the prison complex and other development which all detract from the natural beauty of the area. As it cannot meet the natural beauty criterion, it is incapable of providing a markedly superior recreational experience. The historic and cultural associations identified by the objectors does not carry sufficient weight to warrant the inclusion of land that is not considered to be of high scenic quality and is lacking a distinctive sense of place. Littlehampton hostel can provide bedspaces for visitors whether or no it is included in the PSDNP.

Inspector's Conclusions

7.839 For convenience my conclusions in respect of the Arun Valley follow the same headings as those in the Agency's response.

(i) Prematurity

7.840 The evolution of the boundary in this area is summarised in the preamble and I therefore see no need to rehearse the factual background. Having considered the Secretary of State for Transport's statement rejecting the SoCoMMS by-pass proposal, the Agency decided to make a variation order to include, in the main, the land identified for the new road. Having considered the Secretary of State's statement, with

its references to the negative impacts on heritage and landscape as well as the water environment, it is not entirely surprising that the Agency took the view that a by-pass is now less likely to be built. Before the statement was issued it seems to me that there were very good grounds for concluding that a new by-pass could be expected to the south of Arundel. In its wake, a new by-pass seems far less likely.

- 7.841 Even so, I doubt if the prospect of a new by-pass can be discounted. As the outcome of the Highway Agency's review is unknown, at least to me, there must be a possibility that the other options under consideration could be equally damaging in environmental terms and/or less beneficial in highway terms. In these circumstances, notwithstanding the concerns identified by the Secretary of State, the need for and benefits of a new by-pass would have to be weighed against the adverse consequences for a tract of open countryside that may not be subject to any landscape or ecological designations but is, nonetheless, part of the important setting to the historic town of Arundel. It almost goes without saying that any such exercise would be undertaken against the background of the relevant national policy framework and the competing demands on available resources.
- 7.842 In the light of the uncertainty regarding the possible new by-pass it seems to me that the prematurity concerns have some substance. As things stand, a decision in favour of a new by-pass would directly affect land deemed by the Agency to warrant National Park status. The obvious conflict between these two positions hardly amounts to joined-up thinking. Even so, I am not convinced that the prematurity concerns are of themselves sufficient to warrant the rejection of the variation order. There are a number of reasons for this. Firstly, I am told that an in-principle decision on a new by-pass is likely to be made well in advance of any decision(s) to confirm the relevant National Park orders. Decisions regarding the appropriate boundary for the PSDNP in and around Arundel can therefore take account of the by-pass decision as appropriate. Secondly, the Agency itself recognises that the inclusion of the variation order land in the PSDNP need not prevent the construction of the by-pass in any event. Inclusion would be, rather, one of the many matters to be taken into account in the decision making process.

7.843 Having reached the above conclusion on the prematurity issue, I now turn to the arguments concerning the qualitative merits of the PSDNP boundary in this area.

(ii) Land south of the AONB up to and including the Variation Order land.

7.844 Few dispute that the Arun Valley to the north of the A27 satisfies the statutory criteria and warrants inclusion in the PSDNP. This area is all within the Sussex Downs AONB and extensive areas are accorded SNCI status. The combination of an expansive valley floor enclosed by striking chalk hillsides create a strong sense of place and, to my eyes at least, a landscape of high scenic value. Landscape detractors are largely absent.

7.845 Although it is outwith the AONB, the Agency argues that this high quality landscape extends south of the A27 up to and including the land subject to the variation order. I accept that the pastoral landscape of small fields enclosed by ditches, fences and hedgerows does extend south of the road. However it seems to me that the landscape is less intact than the Agency claims due, primarily, to the loss of some field boundaries. The distinctive enclosure of the wide valley floor by downland hillsides is also absent south of the A27. Roughly coincidental with the line of the road, the Arun breaks out of the Downs and begins its passage across the much more open and less distinctive landscapes of the coastal plain. The land south of the AONB up to and including the variation order land is also fragmented from the core downland landscapes to the north by traffic on the busy A27, built development close to Arundel Railway Station and by the town of Arundel itself. All of the above argues against the inclusion of the non-AONB land south of the A27.

7.846 Setting aside my doubts concerning the satisfaction of the natural beauty criterion, I am also conscious that there are few opportunities to obtain markedly superior recreational experiences south of the A27. In marked contrast to the situation north of the road, south of the A27 the very extensive valley floor landscape is devoid of any public rights of way. In saying that I note that the Arun is itself used for boating and other water-based recreational purposes and that a right of way exists along the embankment that forms the western river bank. This route is well used by walkers and others seeking open-air

recreation and it allows the public to enjoy the superb views of Arundel and the wider Downs beyond. The views north across the valley floor are rightly commended by the Agency and others but I am not convinced that they justify the inclusion of land that is not itself of especial value. I do not dispute that this land makes an important contribution to the setting of Arundel - an important matter on any count - but this point is effectively addressed by a protective policy in the adopted Arun Local Plan.

7.847 I also share the concerns regarding the precise PSDNP boundary across the valley floor. The boundary may be marked by hedges and ditches but the line is very difficult to discern from the few available public view points. In my opinion the public would find great difficulty understanding why land one side of the PSDNP boundary is deemed to warrant inclusion, while the land on the other side of it does not. The A27 (or even the coastal railway line to the south) is a far more recognisable boundary.

7.848 The Agency's boundary setting guidelines do not allow the PSDNP boundary to "split" a settlement. Both the A27 and the AONB do precisely that. It follows that neither can mark the PSDNP boundary if the Agency's guidelines are to be followed. While the built-up areas of Arundel either side of the A27 are similar in size, the AONB boundary only separates a line of properties in High Street from the remainder of the settlement. A small departure from the AONB boundary would therefore overcome any concerns on this point. More precisely the "split" point would be met if the boundary ran to the rear of the High Street properties. This would leave Arundel Castle within the PSDNP.

7.849 Many are likely to be disappointed if Arundel is excluded from the PSDNP given that it is an important historic settlement containing many very fine buildings and is situated at the edge of the chalk. Nonetheless, its exclusion is wholly consistent with the Agency's guidelines in the light of my conclusion that the town is not surrounded by high quality landscapes. If I had reached a different conclusion on the latter point, I might have supported its inclusion in the PSDNP even though settlements are not of themselves "naturally" beautiful.

7.850 I would add that many of those who oppose the inclusion of land generally to the south of the AONB favour a boundary that would bring Arundel into the PSDNP. In my opinion the

boundary at Arundel (and any other settlement at the edge of the PSDNP) should exclude rather than include the settled land.

7.851 I now turn to Tortington Common. This is an area of woodland that appears to consist mainly of conifer plantations but also includes some deciduous woodland and heathland. It is not identified as being of nature conservation value, unlike Binsted Wood and Stewards Copse to the west and east respectively, which are both SNCIs, but a note attached to the South Downs Campaign submission (Ob.3275/35/1, annex B) indicates that it is nonetheless of some ecological value. More importantly, perhaps, it seems to me to be an integral part of a very extensive area of woodland generally to the west of Arundel that extends over the chalk dip slope and the upper coastal plain. I recognise that this area is fragmented by the A27 which tends to form a barrier to north south movements. Even so, the woodland area south of the road is very extensive and generally of high landscape quality and on balance I consider that it satisfies the statutory criteria. I therefore support its inclusion in the PSDNP. This conclusion is qualified insofar as I accept that if the Highways Agency's review leads to a decision in favour of an Arundel by-pass on the line that is safeguarded in the Arun Local Plan, it would seem sensible to exclude Tortington Common from the PSDNP.

7.852 My final comment under this head relates to the claim that the variation order might lead to pressure for a future by-pass to take a more southerly route across the Arun Valley and beyond. It is said that such a route could have adverse implications for the countryside to the west of the valley. Given that I do not support the inclusion of land in the valley south of the AONB, I see no need to comment on the claims that a more southerly route would be more damaging. The relative merits of alternative routes fall outside the remit of the South Downs inquiry in any event.

(iii) Land in the Arun Valley situated between the variation order land and the coastal railway line

7.853 Given my conclusions in respect of the land south of the A27, it follows that I do not favour the inclusion of additional land extending as far south as the coastal railway line. I would add that even if I had reached a different conclusion on the land further north, I would not have supported the

inclusion of the objection land. Like the Agency, I consider that there is a progressive decline in the intrinsic landscape quality of the valley floor away from the A27 and the influence of the core Downs is also less marked.

(iv) Land south of the coastal railway line

7.854 It must follow that if I do not support the inclusion of the land north of the railway line in the PSDNP, the same conclusion must apply to the land to the south of it. Although it will be of little comfort to those seeking to extend the PSDNP down to the coast, I would add that the carefully conceived submission put forward by the CPRE, and the submissions put forward by other objectors, persuade me that the coastal landscape at Climping is very special. Unfortunately I consider that it is too far removed and detached from the core Downs to warrant inclusion in the PSDNP.

Inspector's Recommendations

7.855 Firstly, that the PSDNP boundary follows the AONB boundary across the Arun Valley and around Arundel save for the exclusion of properties in the High Street. Secondly that the variation order is not confirmed in respect of the corridor of land in the Arun Valley but is confirmed in respect of Tortington Common (subject to the outcome of the Highways Agency's review).

* *

Binsted village and surrounding land

Case for objectors

7.856 A number of objectors argue that the boundary should be amended to include land to the south of Binsted Wood. The CPRE seeks the inclusion of the tract extending as far south as the coastal railway line and as far west as the western edge of Binsted Rife. The Friends of Binsted Church and others seek the inclusion of a slightly smaller area and the South Downs Campaign argue for the inclusion of only the fields and woodland immediately south of Binsted Wood.

7.857 I begin with the wider area. In support of its inclusion it is said that the land is well maintained and exhibits the traditional characteristics of the lower downland slopes. It is

different to other coastal plain landscapes and is linked to the wider Downs by its landform, landscape and history. It is also well related to the Arun Valley to the east, land that should also be included in the PSDNP. The delicate topography and secrecy of the Binsted area is vital to the setting of Arundel. Binsted Rife has a remote and magical quality and provides a strong boundary between a rich rural landscape of Binsted Parish and the damaged landscapes further west. Public footpaths and country lanes allow access to the historic parkland at Binsted Park and the remainder of this largely unspoilt rural area. Both statutory criteria are clearly met.

- 7.858 The more limited area promoted for inclusion by the South Downs Campaign (and supported by the Friends of Binsted Church and others as a "fall-back" option if the inclusion of a wider area is deemed inappropriate) includes some woodland areas that are part of the Binsted Woods SNCI and a small number of enclosed fields. Inexplicably, the woodlands that are excluded are part of the best areas for wildlife and recreation. This area has benefited from a programme of landscape enhancement work that has offset the ravages of Dutch Elm Disease. In time this work will make the land in question feel even less like the coastal plain. Including this area would bring more bridleways and footpaths into the PSDNP and provide additional recreational opportunities.

Agency's response

- 7.859 The wider objection area extending as far south as the railway line contains medium to large fields surrounded by dense hedgelines. Less wooded than the land further north, it is more open as a result. It is a transitional landscape that lacks a strong sense of place and, overall, is more closely associated with the coastal plain than the rolling landscapes further north. While this area contains pockets of attractive countryside it is not generally of outstanding natural beauty. It does not satisfy the natural beauty criterion. It follows from this that it cannot offer a markedly superior recreational experience.
- 7.860 The more restricted area identified by the South Downs Campaign includes some arable fields that have some attraction but are not of outstanding quality. The areas of woodland within the objection area are linear in shape and read as part of the sweep of arable countryside.

Inspector's Conclusions

7.861 The extensive tract of countryside in the vicinity of Binsted that the CPRE, the Friends of Binsted Church and others wish to see included in the PSDNP forms part of the assemblage of landscapes that make up the coastal plain. To my mind this is one of the more remote and higher quality tracts within the coastal plain – a character area that frequently suffers from the presence of unwelcome urban fringe type developments. By comparison to the wider character area, the countryside in the vicinity of Binsted is scenically attractive with few landscape detractors. I say this even though it is outside the AONB and is not subject to any other protective landscape designations so far as I am aware. Unfortunately I am not convinced that it should all form part of the PSDNP. Overall it lacks core downland characteristics and the visual associations with the chalk landscapes to the north are weak. It may be better than “ordinary” countryside, whatever that might mean, but I doubt if it amounts to countryside of especial importance. It also seems to me that my conclusion that the Arun Valley should not form part of the PSDNP tends to undermine the case for including all of the land in the vicinity of Binsted. The Binsted area is, in any event, far less important than the Arun Valley to the landscape setting of Arundel.

7.862 I now turn to the far more restricted area of land identified by the South Downs Campaign and others. It seems to me that this area has close associations with Binsted Wood, not least because the fingers of woodland within this area are also part of the same Binsted Wood SNCI. Earlier in the report I indicated that in my opinion this wood should form part of the PSDNP. It also seems to me that the open countryside at the edge of the wood lies towards the upper end of a transition that extends generally from the high quality core downland and associated landscapes in the A27 corridor to the flatter and less distinctive landscapes of the coastal plain. Unlike other parts of the coastal plain, this area also benefits from the programme of landscape restoration work that has been undertaken in recent years. This work has strengthened key landscape elements such as the mature hedgerows that help to give the local landscape a clear sense of place. On balance I consider that this area at least meets the natural beauty criterion. It is also relevant to note that the local rights of way network allows the public to visit and enjoy this area. To my mind it is part

of a wider tract that offers markedly superior recreational experiences.

Inspector's Recommendation

7.863 That the PSDNP boundary be amended insofar as it should include the land identified by the South Downs Campaign in Doc.3275/15a – appendix A.

* * *

SECTION S (see CD23 for extent)

Introduction

7.864 The objections to the boundary in section S are considered under the following headings:

- Slindon Common
- Edge of Slindon Wood
- Boxgrove Common
- Strettington

Inspector's Note

Maps provided by the Agency indicate that objection 1628 (Holter) seeks, amongst other things, an amendment to the PSDNP boundary to include all of the land east of Chichester and north of the coastal railway line. CAR 607 is listed as the Agency's response to this objection but so far as I can see it does not actually refer to the land in question. This is unfortunate but in this instance I feel able to express my conclusions without the benefit of an Agency response. Briefly the extensive tract of land suggested for inclusion in the PSDNP includes large areas of degraded and/or poorer quality coastal plain landscapes together with sizeable settlements such as Walberton, West Barnham, Eastergate, Westergate and Tangmere. In my opinion this area clearly does not satisfy the statutory criteria.

Slindon Common

Case for objectors

7.865 Slindon Parish Council and others argue that south of Slindon the A27 should form the boundary of the PSDNP. The A27 is favoured by objectors as it provides a readily identifiable boundary and, conveniently, adopting the road as the boundary would avoid splitting Slindon Parish. It would also bring the Ashbeds into the PSDNP. This is an area of Ancient Woodland linked to other woodlands that are properly already included in the PSDNP. It is a rare if not unique example of an 18th century woodland that was established to provide wood for the Slindon Estate. To the east of the Ashbeds is Woodlands Farm. Formerly an important dairy farm it is now a high class equestrian establishment. It provides important open air recreational experiences as do the network of local footpaths and bridleways.

Agency's response

7.866 The draft boundary at Slindon was amended during the course of the designation process to bring additional land into the PSDNP. This was primarily to ensure that the boundary did not split the settlement of Slindon. However the amended boundary excludes all of the land north of the A27 that does not satisfy the statutory criteria. The historic value of the Ashbeds is not disputed but this area of woodland is only a small component of the area in dispute. The remaining land is mainly down to horse paddocks that are of limited intrinsic value with weak visual and physical links to the downland to the north.

Inspector's Conclusions

7.867 Without doubt the A27 south of Slindon would provide a clear and easily recognisable boundary to the PSDNP. Unfortunately I am not convinced that all of the land north of the road satisfies the statutory criteria. None of it is within the AONB and most consists of horse paddocks subdivided by post and wire fencing. It is more characteristic of the coastal plain than the downland landscapes to the north. Indeed I am not entirely convinced that the Agency was correct to amend the boundary during the course of the designation process and include additional non-AONB land

simply to avoid a perceived splitting of Slindon village. However in the absence of any objection to this arrangement, and in the face of the detailed representations to the contrary put forward by the Parish Council, I do not recommend the deletion of the land in question.

7.868 I recognise that the Ashbeds is an attractive parcel of woodland and that the northern portion is identified as Ancient Woodland. Evidence put before the inquiry also revealed that it has an interesting history as part of the management of the Slindon Estate. However I am not persuaded that these points justify the inclusion of a much wider tract of land of lesser quality. In my opinion the land in dispute does not satisfy the statutory criteria. For completeness I would add that I appreciate that the PSDNP boundary splits Slindon Parish but for reasons set out elsewhere in the report – see section 5 - I see no particular difficulty with this.

7.869 Finally I note than in response to concerns raised by a number of objectors the Agency accepts that the properties known as Little Barn and Tye Cottage should be included in the PSDNP. I see no reason to disagree.

Inspector's Recommendation

7.870 No change to the designation order boundary other than to include Little Barn and Tye Cottage.

* *

Edge of Slindon Wood

Case for objector

7.871 The National Trust argues that the boundary should be amended to include land to the east of Day's Lane and in-between Slindon Wood and the A27. This small area has a parkland appearance and provides a buffer between Slindon Wood and the busy A27.

Agency's response

7.872 This area is physically separated from Slindon Wood by a road and is closely associated with the A27. It is not within the AONB and is more characteristic of the coastal plain than the landscapes to the north.

Inspector's Conclusions

7.873 The PSDNP boundary follows the current AONB boundary. On balance I consider that this is more appropriate than the boundary promoted by the National Trust albeit that the A27 would make a clear and more obvious physical boundary. Including the land highlighted by the objector might provide a buffer to Slindon Wood but that is not a ground for including land in the PSDNP.

Inspector's Recommendation

7.874 No change to the designation order boundary.

* *

Boxgrove Common

Inspector's Note

A number of objectors argue for the inclusion of all or part of the tract of land to the north of the A27 that is roughly centred on Boxgrove Common. I begin by considering the case put forward by the Council for British Archaeology, South East (CBA). This seeks an amendment to the PSDNP boundary to include land that lies to the north of The Devil's Ditch. I then turn to the objections that promote the inclusion of additional land to the south of the Ditch.

Case for objectors

7.875 The CBA claims that The Devil's Ditch and the land to the north of it meets the statutory criteria, not least because of its cultural heritage importance, and should therefore be included in the PSDNP. The archaeology at Boxgrove is of international significance; nowhere else in Europe contains such a vast collection of pristine material. The archaeological remains are associated with an ancient beach line that otherwise is all included in the PSDNP. The juxtaposition of geological sequences with archaeological remains allows a clear understanding of early human behaviour and lifestyles. Highly relevant is the fact that the Boxgrove Project aims to establish an interpretive and educational centre at Boxgrove to enhance the enjoyment and understanding of the area in the wider context of the PSDNP. The former gravel pits will be backfilled with

archaeologically uncontaminated soil and then sensitively landscaped.

- 7.876 The significance of this area is reflected in the decision of English Heritage to purchase the western portion of the objection land – this is the area where the remains of the 500,000 year old “Boxgrove Man” were found. To the east of this area is Eartham Pit, an SSSI. Devil’s Ditch itself is a scheduled ancient monument that is part of the Iron Age system of banks and ditches that surround Chichester. In promoting the inclusion of this area, CBA is satisfied that the suggested boundary satisfies the Agency’s boundary setting considerations.
- 7.877 Mr J Wright also commends the inclusion of this area for the same reasons as the CBA but favours the use of Tinwood Lane and Halnaker Barn Lane as the PSDNP boundary.
- 7.878 Other objectors argue that all of the land situated between the A27 and the A285 should be included in the PSDNP. It is noted that gravel extraction in this area is now complete and much has been returned to agriculture. The villages of Boxgrove and Halnaker retain their downland character and the latter is within the AONB.

Agency’s response

- 7.879 None of Boxgrove Common is within the AONB. Moreover this area has experienced mineral extraction in the years since the AONB was designated. Some extraction continues. While the CBA understandably highlights the archaeological importance of this area, it forms only one of the matters considered under the natural beauty test. Because of the impact of the mineral activities and the transition in landscape quality and character, Boxgrove Common does not warrant inclusion in the PSDNP. The area also lacks strong links to the wider chalk downland to the north. It is appreciated that further landscape restoration may benefit the individual extraction sites but this overlooks the fact that the wider landscape is not high quality. The proposed visitor centre may serve an important educational and interpretive role, if and when it is constructed, but it would not provide an open-air recreational experience as envisaged by the 1949 Act.
- 7.880 So far as CBA’s detailed boundary is concerned, the length east of Ounces Barn does not relate to a clearly

distinguishable feature on the ground and as such would be inappropriate. It is also defective as it cuts through a building. The villages of Halnaker and Boxgrove may contain some attractive buildings, and the latter is within the AONB, but neither warrant inclusion in the PSDNP. Adopting the A285 at Halnaker as the PSDNP boundary is also inappropriate as it would split the settlement contrary to the Agency's boundary setting guidelines.

Inspector's Conclusions

- 7.881 Boxgrove Common was excluded from the AONB when it was designated in the 1960's presumably because the landscape was not deemed to be of a sufficiently high standard at that time. Since then the area has been subject to additional large scale mineral activity. To my mind this must have further reduced the scenic quality and character of the local landscape. That said I note that on the cessation of mineral extraction some mineral sites in this area have been restored and returned to agriculture use. I am in no doubt that restoration would have removed many of the landscape detractors that are an inevitable consequence of mineral working and that the scenic quality of the area would have benefited as a consequence. Even so I am not convinced that the land to the south of the A285 at Boxgrove Common currently meets the natural beauty test. To my mind this area is more representative of the lower quality landscapes that make up the coastal lowlands; landscapes that generally lack the distinctiveness and quality of the downland areas to the north.
- 7.882 I recognise that the land highlighted by the CBA is also to be restored in the near future. This will undoubtedly benefit the local scene but I doubt if it will elevate the local landscape to National Park standard. Indeed the case put forward by objectors in support of the inclusion of land south of the A285 in the PSDNP seems to rest almost exclusively on the archaeological value of this land. That the land is of international importance on this score is not in dispute. However I am not convinced that this point should lead to the inclusion of land in the PSDNP if the intrinsic quality of the landscape is not sufficient to satisfy the statutory criteria. To include part or all of Boxgrove Common because of its archaeological (or cultural heritage) importance would tend to assign that matter especial if not overriding importance. As National Parks are primarily

landscape designations that seems to me to be inappropriate.

- 7.883 Even if I am wrong about that, I would not favour the boundary promoted by the CBA. East of Ounces Barn the CBA's boundary does not correspond with any physical features on the ground and as such it is at odds with the Agency's boundary setting guidelines. The boundary identified by Mr Wright is not defective on this count but it would bring even more land that I consider to be lower quality into the PSDNP. If the land identified by the CBA and Mr Wright does not warrant inclusion it must undermine the case for including the more extensive tract that extends as far south as the A27. The ability of this wider area to meet the natural beauty test is also undermined by the presence of major transmission lines, noise and disturbance associated with the A27 and modern development at Boxgrove village.
- 7.884 Halnaker village is mainly within the AONB but is all outside the PSDNP. I understand why this may be deemed unfortunate but on balance I consider that the village is properly excluded from the PSDNP. The A285 through Halnaker may be a more recognisable feature than the property boundaries favoured by the Agency but if the road was to mark the boundary of the PSDNP it would split the settlement contrary to the Agency's guidelines. Having said that, a representation submitted by Mr Wright following his inquiry appearance (Doc.3335/1/5) indicates that the boundary to the east of the main body of Halnaker village sub-divides 2 properties, Beech Tree House and The Lodge. A minor amendment to the PSDNP boundary to address this matter seems to me to be appropriate.

Inspector's Recommendation

- 7.885 No change to the designation order boundary other than to exclude Beech Tree House and The Lodge.

* *

Strettington

Case for objectors

7.886 A number of objectors argue that the PSDNP boundary should be modified to include Strettington. It is said that the village retains its downland character and benefits from views to the Downs to the north. The boundary put forward by one objector includes not only the village and its immediate setting but also a much more extensive tract that includes Goodward Aerodrome and Motor Racing Circuit.

Agency's response

7.887 Part of Strettington was initially included in the PSDNP but was later excluded as the boundary split the settlement and the village as a whole was not deemed to satisfy the statutory criteria. Settlements are included in the PSDNP where they sit within a high quality landscape, a description that does not apply to the generally flat and uninspiring landscapes east of Chichester.

Inspector's Conclusions

7.888 Strettington is a small settlement that contains some modern development. In my opinion it is properly excluded from the PSDNP particularly as it sits within a wider tract of poorer quality landscape. In my opinion the PSDNP properly follows the Lavant Straight and excludes Goodwood Aerodrome and the other land to the south of the road. It may seem odd that the boundary departs from the Lavant Straight at Strettington but that is necessary to avoid splitting the settlement.

7.889 In the following section - section T - I address, amongst other things, objections in respect of that portion of the Lavant Valley that lies to the west of Goodwood Aerodrome.

Inspector's Recommendation

7.890 No change to the designation order boundary.

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SECTION T (see CD23 for extent)

Introduction

7.891 The objections to the boundary in section T are considered under the following headings:

- Lavant Valley South
- Land west of Chichester
- Chichester Harbour
- West Ashling area

Inspector's Note

For convenience I address the objections in respect of land to the east of the A286 under the first sub-heading, and those to the west of the road under the second. Taken together, these areas support the claim that the PSDNP should wrap closely around Chichester not be separated from it by a band of open countryside.

Lavant Valley South

Case for objectors

7.892 Messrs D and R Heaver argue that at the western end of the Lavant Straight the boundary should continue on the same roughly east to west alignment and should not deviate to the south to include land within the Lavant Valley. The land in question is in agricultural use and is of limited landscape value. It has little connectivity with the core Downs and provides few opportunities for open air recreation. The objectors add that they own the land in the Lavant Valley immediately to the south of the PSDNP boundary. They strongly support the Agency's assessment that this land fails to satisfy the statutory criteria. Inclusion of this land in the PSDNP would limit the options for future development at Chichester that are identified in the West Sussex Structure Plan Review.

7.893 Wates Landmark also objects to the way the boundary is drawn to the north of Chichester. At the inquiry it put forward detailed submissions in support of its case – see Doc.3336/1/1 and 3336/2/1 to 4. As I understand it, the objections to the boundary at Chichester are put forward by Wates Landmark in the event that its "in-principle" objection to the PSDNP is not accepted. Having concluded in my Part

1 report that there are no overriding "in-principle" objections to a new South Downs National Park, it is therefore necessary to address the boundary objection on its merits.

- 7.894 Briefly Wates Landmark notes that Chichester is identified in the Draft West Sussex Structure Plan as a strategic location for large scale mixed use development. It adds that the EIP Panel has confirmed that there is a need and scope to provide about 1250 new dwellings in the Chichester area. The precise sites are a matter for the forthcoming Local Plan Review process but it is clearly unhelpful to constrain development options and thereby prejudice the outcome of the Review. As the PSDNP extends up to the edge of the built-up area it does precisely that. To put this concern in context, Wates Landmark is promoting 2 housing allocations to the north of Chichester through the Review process.
- 7.895 Having carefully assessed the land in question, Wates Landmark is in no doubt that the Lower Lavant Valley should be excluded from the PSDNP. It is not a high quality landscape; it has limited scenic attraction, weak visual connectivity to the wider Downs and is influenced by its urban surroundings as well as Goodwood Aerodrome and a sewage works. There is nothing to distinguish this area from other tracts of "ordinary" countryside and, in particular, it does not have the sense of "relative wildness" required by the Agency's new policy. In drawing the boundary in this area the Agency has therefore disregarded its own boundary setting guidelines. The fact that the boundary in this area changed during the designation process suggest that its inclusion in the PSDNP is at the least arguable. As the landscape is not high quality it clearly cannot satisfy the agency requirement to provide a markedly superior recreational experience. Including coastal plain landscapes such as the Lower Lavant Valley devalues the National Park concept.
- 7.896 The alternative boundary proposed by Wates would focus on the rolling chalk downland landscape and much more closely reflect the AONB boundary.
- 7.897 Chichester City Council, the South Downs Campaign, Chichester Society, Funtington and Lavant Parish Councils (the Chichester Sub-Group) and others argue for the inclusion of the tongue of land situated between the edge of the Chichester built-up area and Goodwood Aerodrome and to the north of Westhampnett Mill [i.e in the main the land

mentioned in the preceding paragraphs.] The Chichester Sub-Group and others claim that this part of the Lavant Valley has strong visual, ecological and physical links to the wider Downs. It is of high landscape quality and its inclusion would bring the National Park closer to Chichester. This would reflect the fact that the city has always had a close association with the Downs. Public access to this part of the Lavant Valley is limited at present but a new cycleway is proposed along the western edge of the valley. This would allow Chichester residents a sustainable means of access to the wider Downs. In addition to the land in the Lavant Valley, the boundary should be amended to include the field at the northern edge of Chichester immediately to the east of the A286. This field is the foreground in the spectacular views of the Downs that are available from the road itself.

Agency's response

- 7.898 The non-AONB land in the lower Lavant Valley that is included in the PSDNP is at the edge of the Downs. It is of high scenic quality and has strong visual associations with the downland to the north. The urban edge of Chichester is not intrusive due to the local topography and the intervening hedgerows. The few landscape detractors that exist do not warrant its exclusion from the PSDNP. Overall the corridor of open land between Chichester and Mid/East Lavant satisfies the natural beauty test. Moreover the local rights of way network provides excellent opportunities to experience the special qualities of the Lavant Valley and to enjoy the memorable views of the wider Downs. The future allocation of land for housing in and around Chichester is not a relevant consideration for boundary setting purposes.
- 7.899 So far as the proposed Wates Landmark boundary is concerned, it is significant that it splits a settlement contrary to the Agency's boundary setting guidelines. The alternative boundary promoted Messrs D & R Heaver is not defective on that score but is inappropriate nonetheless as in part it is unrelated to any recognisable physical features on the ground.
- 7.900 Turning to the case put forward by the Chichester Sub-group, it is not accepted that the objection land in the Lavant Valley meets the natural beauty criteria. The land in question contains a number of large open fields and has a more open character than the valley landscapes to the north. It is also affected by its proximity to the built-up area

of Chichester and development at Goodwood Aerodrome. The limited recreational opportunities on offer are generally unrelated to the wider downland and are more typically urban fringe in nature.

Inspector's Conclusions

- 7.901 The corridor of mainly open land separating Chichester from the generally attractive small villages of Mid and East Lavant is not within the AONB and is not subject to any other landscape quality designations so far as I am aware. Of course that does not necessarily mean that it should be excluded from the PSDNP; indeed the PSDNP includes extensive tracts of land that are not subject to any form of landscape designation. Even so I do not find the absence of any such designation surprising given the amount of built development in this section of the Lavant Valley and the presence of landscape detractors such as the sewage works and Goodwood Aerodrome site. To my mind the local landscape has some scenic attraction but could not be considered exceptional. Proximity to the areas of built development and the sometimes noisy activities at the Aerodrome must also bear on any sense of relative wildness and/or tranquillity.
- 7.902 To my mind the landscape in question is transitional in character. It lies at the point where the high quality chalk downland landscapes merge with the less distinctive landscapes of the coastal plain. Rather than flow through a steep sided valley, south of East Lavant the river flows through a much more gentle valley landscape. Overall I am not convinced that the objection land satisfies the natural beauty criterion. It follows from this that it cannot offer markedly superior recreational experiences either even though the rights of way network allows access to the wider Downs.
- 7.903 While there is some visual connectivity to the downland landscapes to the north I am not convinced that this is sufficient to warrant the inclusion of the objection land in the PSDNP given my assessment of its intrinsic landscape quality. I am also conscious that the Agency considers that the PSDNP boundary should be drawn conservatively within transitional landscapes. This point tends to support the exclusion of the land in question from the PSDNP.

- 7.904 It is important to emphasise that my conclusions on this matter are made wholly by reference to the statutory criteria in the 1949 Act. Exclusion from the PSDNP does not mean that I accept that housing development is appropriate at one or both of the sites identified by Wates Landmark. I have absolutely no way of knowing how these sites would rank in any future sequential assessment exercise. Any such exercise would, amongst many other things, need to consider the planning merits of additional built development in the sensitive "strategic" gap separating Chichester from its smaller neighbours to the north.
- 7.905 So far as the precise boundary is concerned, it seems to me that a boundary following the Lavant Straight alignment would not relate to any recognisable physical features on the ground and as such would be contrary to the Agency's boundary setting guidelines. Wates Landmark preferred boundary is also at odds with the guidelines inasmuch as it splits the settlement of Mid Lavant. To avoid this I consider that the objector's boundary should also embrace the built development at Mid Lavant that lies to the north of Raughmere Lane including the Raughmere Farm complex.
- 7.906 I now turn to the objections put forward by the Chichester Sub-Group and others. The land situated between the eastern edge of Chichester and Goodwood Aerodrome contains a number of large arable fields separated by remnant hedgerows. To my mind this part of the Lavant Valley is different in character to the more intimate valley landscapes further north. Open countryside at the edge of an urban area is always important but in this instance I do not accept that it is of high landscape quality. The objection land offers few opportunities to enjoy open-air recreation in any event although the proposed cycleway along the length of the valley would provide an important new recreational resource if and when it is available. Overall I am not convinced that this tract satisfies the statutory criteria and as a consequence I consider that it is properly excluded from the PSDNP.
- 7.907 I would add that the large field alongside the A286 is the major part of part of the open gap that separates Chichester from Mid Lavant. While it forms an important strategic role, on balance I doubt if it merits inclusion in the PSDNP.

Inspector's Recommendation

- 7.908 No change to the designation order boundary other than as indicated above.

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Land west of Chichester

Case for objectors

- 7.909 The Chichester Sub-Group and others argue that the PSDNP boundary should be amended to include a major tract of land to the west of Chichester. For convenience I initially address the case for including land situated to the south of the B2178 before turning to the objections in respect of land to the north of the road. Under the latter head I also consider the argument that the PSDNP boundary should be pulled back to exclude non-AONB land.
- 7.910 The land extending south of the B2178 to the A27 is a high quality landscape containing a mosaic of woodland, 19th century parkland and pasture. It is quite different to the flatter and more featureless landscapes of the coastal plain that lie to the south of the A27. Although it may not possess the strong visual links to the Downs that exist to the north of the B2178, this area was included in the Agency's Area of Search exercise to determine a boundary for the PSDNP. At that time it was one of only 2 areas in the Coastal Lowlands Character Area that were deemed to meet the statutory criteria. This assessment hardly supports the Agency's assertion that the landscape is fragmented.
- 7.911 It is also relevant that the land south of the B2178 contains a network of quiet lanes, bridleways and footpaths that provide important open-air recreational opportunities and add to the range of recreational resources. Special mention should be made of Centurian Way, a former railway line that runs along the eastern edge of the area and provides access to the wider Downs to the north. Also noteworthy is the South Coast Cycle Route which runs alongside the A27. Selecting the A27 as the PSDNP boundary would bring the National Park up to the edge of the city and allow residents quick and easy access to it.

- 7.912 I now turn to the land north of the B2178. Objectors' mention that this area includes areas of woodland, open pasture, Brandy Hole Copse LNR and former gravel workings now restored to a high standard and returned to agricultural use. It is generally tranquil, well maintained and of high landscape quality. It benefits from strong visual links to the dipslope of the Downs, notably Stoke Clump and Bow Hill. There is no evidence to support the claim that scenic quality declines as one travels south. The local rights of way network provide a range of open air recreational opportunities and allow access into the wider Downs. Rather than the convoluted line favoured by the Agency, the A2178 is a clear and easily recognisable boundary across this landscape.
- 7.913 It appears that the Agency has excluded this area because of the presence of the restored gravel workings and the possibility of further gravel working at a future date. On this latter point it is accepted that 50ha of land is identified in the West Sussex Mineral Plan (site 43) but no applications have been made to-date and the operational constraints imposed by the Plan render future working unlikely. Even if the land was to be worked, there is no reason to doubt that it would be restored to a high standard.
- 7.914 Rather than extend the PSDNP boundary as far south as the B2178, Tarmac Southern Limited (Tarmac) argues that to the east of Lye Lane it should be pulled back to Trumley Lane, the boundary of the AONB. Tarmac adds that if non-AONB is to be included in the PSDNP it must itself be of outstanding natural beauty. Unlike the attractive non-AONB land to the west of Lye Lane, the landscape to the east of the road consists of a number of flat and featureless fields that clearly do not display outstanding natural beauty.
- 7.915 Tarmac's detailed assessment of the character and quality of the landscape west of Chichester supports the choice of Trumley Lane as the most appropriate boundary for the PSDNP (Doc.2679/1/2). Briefly the assessment indicates that the road is the boundary between Central Wooded Chalk Uplands LCA and the Coastal Lowlands LCA. It is also the approximate boundary of the Upper Chalk and the point where the land begins to rise from the flatter landscapes further south. It is also relevant that public access is not available to the line of fields immediately south of Trumley Lane. Any doubts concerning the selection of Trumley Lane are dispelled by the New Forest National Park decision. This

indicates that the Secretary of State accepted in that instance that the critical test for boundary making was whether the landscape was of New Forest character and national quality. The land south of Trumley Lane fails that test. The New Forest decision also confirms that where transitional landscapes occur land must satisfy the statutory criteria if it is to be included in the PSDNP. By contrast the Agency's approach accepts the inclusion of pockets of land that do not meet the designation criteria.

Agency's response

- 7.916 None of the objection land west of Chichester is within the AONB. It is a transitional landscape where scenic quality declines and visual links weaken as the chalk gives way to the coastal plain. Land south of the B2178 is rural, gently undulating and includes a number of parkland estates. The estates have been degraded and fragmented with a significant conversion of pasture to arable uses. The more wooded landscapes towards the western end of this tract have few visual or other unifying links to the chalk. Obviously the A27 is a clear physical feature but it is situated at the outer edge of the transition not within it. While this area may offer opportunities to enjoy countryside as the landscape does not satisfy the natural beauty test it cannot provide markedly superior recreational experiences.
- 7.917 North of the B2178 the scenic quality of the landscape is significantly affected by the former mineral workings around Oldwick Farm and Huntersrace Farm. The restored landscape is dominated by engineered landforms. Moreover the West Sussex Minerals Local Plan (2003) contains significant allocations for further gravel working within this area. In accordance with the Agency's boundary setting guidelines these areas are excluded from the PSDNP. There is no certainty that on the cessation of any gravel extraction that the restored landscapes would be of national importance. Further west the influence of the mineral activities lessens and the landscape includes pockets that are of higher quality. However not all of the land north of the B2178 meets the natural beauty test and the boundary has been drawn at an appropriate place within the transition.
- 7.918 The boundary itself includes the high quality land at the base of the steep slopes of the Downs but excludes the relatively flat mineral extraction are further south. For part of its length it follows the important archaeological feature Devel's

Ditch – a SAM. Tarmac's assertion that this land should be excluded from the PSDNP and that Trumley Lane should mark the boundary is not accepted. While the land in dispute is classified as Coastal Plain in character, it is of high scenic quality and has strong visual and topographical associations with the downland to the north.

7.919 It is generally accepted that landscape character areas seldom reflect abrupt changes on the ground. In transitional areas pockets of land that do not meet the designation criteria become progressively more frequent away from the core and a judgement has to be made as to where these pockets undermine the quality of the tract or sweep of landscape to the extent that the land should be excluded from the PSDNP. West of Chichester the transitional landscape extends from the lower slopes of the chalk dip-slope to the A27. The designation order boundary falls well within this transitional zone and includes land of high quality that has strong associations with the core downland landscape. It is acknowledged that the boundary includes some non-AONB land but it is important to note that since the AONB was designated landscape characterisation methodology has evolved considerably. The PSDNP designation process, unlike the process when the AONBs were designated in the 1960's, has taken the latest methodology into account. The boundary favoured by Tarmac itself includes non-AONB land west of Lye Lane.

7.920 A number of access routes run through the land that Tarmac wish to exclude from the PSDNP. These provide good access to the wider downland from Chichester and elsewhere.

Inspector's Conclusions

7.921 At the outset it may be helpful to mention that I fully appreciate why the notion that the PSDNP should wrap around the city of Chichester has considerable local appeal. This arrangement would emphasise Chichester's role as a gateway to the PSDNP and allow residents and visitors quick and easy access to the protected landscapes. But this arrangement would only be appropriate if the landscapes that abut the city satisfy the designation criteria. If they do not, the status and standing of the PSDNP (and National Parks generally) would be critically undermined. Earlier in the report I indicated that I am not convinced that the portion of the Lavant Valley to the north and east of the city is of the necessary standard. That conclusion effectively

undermines any wrap around arrangement at Chichester but does not of itself undermine the case for including land to the west of the city. That land has to be appraised on its individual merits.

7.922 I begin by considering the land west of the city that lies between the B2178 and the A27. This land is of higher scenic quality than that commonly found within the coastal plain. It is rural and largely tranquil although the busy A27 introduces unwelcome noise and disturbance to at least part of this tract. So far as I could ascertain, the area contains relatively few landscape detractors and its overall intrinsic scenic value appears to me to be quite high – certainly higher than that revealed by the Agency's assessment. That said the several parkland estates in the area have been subject to some fragmentation which tends to undermine the overall landscape quality of this tract.

7.923 I am also doubtful if the visual links and other associations to the core Downs are sufficiently strong to warrant its inclusion in the PSDNP. There is a further more pragmatic reason that weighs against the inclusion of this land. In my opinion the inclusion of this tract in the PSDNP could not be justified unless the tract of land north of the B2178 is also included. The tract to the north effectively separates much of the land to the south of the road from the core downland areas. As I indicate below, I am not convinced that the tract of land north of the road can be said to satisfy the natural beauty test.

7.924 The tract of land north of the B2178 has been subject to extensive mineral working. Following the cessation of gravel extraction the areas of land in question have been restored to agricultural or related uses but the restored landform is very obviously man-made. I do not accept that these areas satisfy the natural beauty test. It would be possible to draw a boundary to exclude the restored areas but this overlooks the fact that they tend to undermine the quality of the tract as a whole. Furthermore I note that other areas of land north of the B2178 are also identified for mineral extraction in the recently adopted Minerals Plan. The Agency's boundary setting guidelines understandably exclude land allocated for development. The assertion that it will be difficult to formulate a viable scheme(s) to extract the minerals from these areas may well be right but I am not convinced that this possibility can be discounted. When the former mineral extraction areas and the allocation land are

taken together, they represent a very large proportion of the overall tract. Bearing this in mind, I have concluded that the tract north of the B2178 does not satisfy the natural beauty test even though it contains pockets of high quality land such as the Brandy Copse LNR and also provides a range of opportunities for people to enjoy open-air recreation.

7.925 Trumley Lane is the boundary of the AONB and generally marks the very obvious boundary between the Coastal Plain landscape character area and the Central Wooded Chalk Uplands landscape character area. Land south of Trumley Lane is generally level with coastal plain characteristics, to the north are the slopes leading up to Stoke Clump and other areas of attractive downland. The PSDNP does not adopt Trumley Lane as its boundary. Rather the boundary is drawn to include areas of non-AONB land to the south of the road. Tarmac does not criticise the inclusion of the land west of Lye Lane or the more restricted area of land in the vicinity of Lavant Farm further to the east. In my opinion these areas are high quality with strong links to the core downland and are properly included in the PSDNP. Tarmac argues, however, that the boundary should be amended to exclude the strip of land situated to the east of Lye Lane and to the west of the land at Lavant Farm.

7.926 I am also doubtful if this strip of land warrants inclusion. Rather than follow the long standing and clearly defined AONB boundary, the more convoluted PSDNP boundary follows the southern edge of the line of fields that abut Trumley Lane. These fields have a strong visual association with the downland to the north of the road but they are not themselves of high scenic value. They appear to me, rather, to be typical of the more mundane agricultural landscape in the generally level and low lying coastal plain. I doubt if they meet the natural beauty test. Furthermore the land south of Trumley Lane offers little in the way of open-air recreational opportunities. I am not convinced, therefore, that the National Park should extend beyond the AONB at this point.

7.927 Landscape character areas do not often provide a suitable boundary for landscape designation purposes but I consider this to be one of the exceptions. Trumley Lane may mark the edge of the transitional zone but I do not accept that this necessarily makes it a less acceptable boundary than a line drawn within the transition. The PSDNP boundary is, in

any event, very close to the upper end of the transitional landscape that the Agency considers extends from the downland to the A27. For the above reasons I consider that Trumley Lane should form this length of the PSDNP boundary.

- 7.928 For the avoidance of doubt I would add that this conclusion relates to the satisfaction of the statutory criteria set out in the 1949 Act. It takes no account of the objectors' claim that the land in dispute contains important mineral reserves.

Inspector's Recommendation

- 7.929 That the PSDNP boundary be amended to exclude land south of Trumley Lane.

* *

Chichester Harbour

Case for objectors

- 7.930 Mr D Stewart-Smith and others argue that the PSDNP boundary should be amended to include part of the Chichester Harbour AONB. This area is said to be a coastal landscape of outstanding quality that clearly satisfies the statutory criteria. Extending the boundary south of the A27 would bring the picturesque village of Bosham into the National Park together with much of the Chichester Yaught Basin.

Agency's response

- 7.931 There is no dispute that Chichester Harbour of outstanding scenic importance as reflected in its AONB status. But it is isolated from the PSDNP by the generally poor quality landscapes of the A27 corridor and has only weak associations with the downland to the north. It does not therefore warrant inclusion in the PSDNP.

Inspector's Conclusions

- 7.932 Although Chichester Harbour has long been considered to be an important part of the Coastal Lowlands character area it was largely excluded from the initial Area of Search exercise (CD36). I do not find that decision surprising. This is a

remote and often magical landscape but it is simply too far removed from the downland landscapes that form the core of the PSDNP to warrant inclusion. To my mind the area lacks visual or other strong downland associations and the case for inclusion is further weakened as much of the land between Chichester Harbour and the core downland areas to the north is of lesser landscape quality.

Inspector's Recommendation

7.933 No change to the designation order boundary.

* *

West Ashling area

Case for objectors

7.934 Dr CM Pritchard objects to the inclusion of Southbrook Farm and other land at West Ashling. In his view it is not of outstanding natural beauty and Southbrook Farm offers no recreational opportunities. West Ashling itself is a small rural community unlikely to benefit from its inclusion in the PSDNP. Other objectors likewise oppose the inclusion of West Ashling as well as the villages of East Ashling and Funtington and other nearby non-AONB land. None of this land is said to warrant inclusion in the PSDNP.

Agency's response

7.935 East and West Ashling and Funtington are small and attractive settlements within a tract of high quality landscape at the edge of the Downs. This area may not be within the AONB but the Agency is in no doubt that it satisfies the natural beauty criterion even if, like so much of the PSDNP, it is largely a man-made landscape. Public footpaths, bridleways and the network quiet local lanes offer a range of open-air recreational opportunities.

Inspector's Conclusions

7.936 None of the land in dispute is within the AONB and I accept that the case for including it in the PSDNP is far from clear-cut. Nonetheless, on balance, I think that its inclusion in the PSDNP is warranted. It is a relatively quiet, unspoilt and scenically attractive part of the coastal plain that benefits

from its proximity and strong visual associations with the downland landscapes to the north. In my judgement the statutory criteria are satisfied.

Inspector's Recommendation

7.937 No change to the designation order boundary.

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SECTION U (see CD23 for extent)

Introduction

7.938 The objections to the boundary within section U are considered under the following headings:

- Rowlands Castle and surrounding land
- Catherington village
- Forest of Bere
- Catherington Down

Rowlands Castle and surrounding land

Case for objectors

7.939 In the first instance I refer to the case made by objectors in support of the inclusion of Rowlands Castle in the PSDNP. Following this I set out the case put forward in support of the inclusion of areas of land surrounding the settlement.

7.940 Rowlands Castle is located at the southern edge of the chalk escarpment. It is an attractive and historic settlement and the presence of a railway station and a wide range of visitor facilities make it an important "gateway" for those wishing to visit and explore the area. It is not prominent in the landscape and more recent development is relatively unobtrusive. A network of footpaths and bridleways lead out from the village and allow residents and visitors alike to access the surrounding countryside.

7.941 Some objectors argue that at the least the countryside to the north and east of the settlement warrants National Park status. Other objectors claim that land generally to the south and east of the settlement also warrants inclusion.

- 7.942 In support of the inclusion of land to the north and west of the settlement, the South Downs Campaign and others note that this area mainly lies on the gentle dip slope of the South Downs. It therefore contains chalk landscape features and a chalk derived ecology typical of the east Hampshire dip slope. In its documents No.3275/28/1 and No.3275/29/1 the Campaign notes that elsewhere almost all of the chalk of the South Downs escarpment is within the PSDNP. The exclusion of the land north and west of Rowlands Castle is therefore difficult to understand given that there is no diminution of quality across the designation order boundary.
- 7.943 Havant Thicket and the other land that lies on the Tertiary strata rather than on the chalk has strong visual, cultural and historical associations with the nearby chalk landscapes and also satisfies the natural beauty criteria. It is also relevant that Holt/Stein Wood and Havant Thicket are SNCIs and are remnants of the former Royal Forest of Bere.
- 7.944 Monarch's Way long distance public footpath provides a means of access and opportunities for open-air recreation at Holt and Stein Woods. Even more opportunities are available in Havant Thicket which contains a surfaced circular walk and numerous informal paths. The land north and west of Rowlands Castle therefore satisfies the recreational opportunities criterion with ease.
- 7.945 Rowland Castle Parish Council, the Ramblers Association and others additionally claim that the land to the south, south-east of the settlement also satisfies the statutory criteria: that Rowlands Castle is, in effect, surrounded by a collar of high quality landscapes. This collar effectively separates the settlement from Havant to the south.

Agency's response

- 7.946 Rowlands Castle has been excluded from the PSDNP throughout the designation process. CD33 clarified that it did not satisfy the designation criteria because of more recent development and the fact that it is not surrounded by high quality landscape. Much of the landscape that abuts the settlement is transitional in character at the point where the Central Chalk Uplands character area merges with the coastal plain. Visual links to the downland are weak and the area has a stronger connection to the land to the south.

Rowlands Castle itself has attracted a significant amount of development in recent years.

- 7.947 Contrary to the claims made by some objectors, the village is not surrounded by high quality landscapes. The land south of the village is significantly affected by urban influences, not least by developments at Staunton Country Park. Havant Thicket is very attractive but shows signs of visitor pressure. The surrounding countryside provides a range of open-air recreational opportunities but these are not markedly superior as the land is not of high scenic quality. Features of cultural and historical importance highlighted by objectors do not of themselves warrant the inclusion of the objection land in the PSDNP. Finally, it is accepted that the village can serve an important gateway function but this does not require it to be within the PSDNP.

Inspector's Conclusions

- 7.948 Rowlands Castle has a population of about 3000 and, amongst other things, it is notable for its very large village green. The village has an attractive and historic central core that is understandably designated a conservation area. There is no dispute that the village could serve as a gateway or point of access into the PSDNP given its location on the national railway network, the presence of many facilities and services for visitors and the availability of excellent footpath links into the surrounding countryside. The village has been subject to a fair amount of new development in recent decades but the power-point presentation at the inquiry helpfully illustrated that it largely retains its identity and special character. While I can therefore understand why many feel that the village should be within the PSDNP, it is necessary for the surrounding countryside to satisfy the statutory criteria if it is to be recommended for inclusion. If the criteria are satisfied, I accept that the settlement itself could reasonably be included in the PSDNP. This must follow if the PSDNP is not to contain a "hole".
- 7.949 On this point I consider that the land in dispute to the north and west of the village is generally attractive, unspoilt and of high quality. A sizeable proportion is woodland that is designated as being SNCI standard. It seems to me that most of this area reads as an integral part of the Central Chalk Upland character area, one of the chalk downland landscapes that form the core of the PSDNP. I am in no doubt therefore that the natural beauty criterion is satisfied.

I would add that there is little in the Agency's response proofs relating to this area that argues otherwise. Havant Thicket and other land situated generally to the west of the B2149 has a more transitional character but I am satisfied that it also meets the natural beauty test.

7.950 Similarly, I consider that the land north and west of the village offers a wide range of open-air recreational opportunities and satisfies the statutory recreational opportunities criterion. This is primarily due to the extensive local and long distance rights of way network and as a result of the commendable management of its woodland resources by Forestry Enterprises. I consider, therefore, that the land to the north and west of Rowlands Castle should form part of the PSDNP notwithstanding that it is outside the existing AONB(s).

7.951 I now turn to the relatively narrow tract of land that generally separates Rowlands Castle from Havant, its much larger neighbour to the south. To my mind this area is much more subject to urban influences and is of lesser quality overall. It is clearly part of the coastal plain and has a fragmented and typically urban fringe character. This tract also contains Staunton Country Park and the very large mineral and land-fill site in Southleigh Forest. While the Country Park is undoubtedly an important recreational resource, including a number of fine listed buildings, like other heavily managed landscapes I doubt if it satisfies the natural beauty criterion. I note also that many of those who support in principle the inclusion of Rowlands Castle in the PSDNP seem to recognise that much of the land to the south of the settlement is not of high landscape quality. It follows from the above that I do not accept that Rowlands Castle is surrounded by, or set within, a landscape that satisfies the statutory criteria. Accordingly I do not favour the inclusion of the village or, indeed, the tract of land to the south of it.

Inspector's Recommendation

7.952 That the designation order boundary be amended only insofar as it includes land situated to the north and west of Rowlands Castle.

* *

Catherington village

Case for objectors

7.953 Horndean Parish Council, supported by the South Downs Campaign, CPRE Hampshire and many others, argue that the PSDNP boundary should be amended to include Catherington village and land to the east of it. Matters emphasised are that the village is an ancient Saxon hilltop settlement and is an integral part of the Western Chalk Uplands character area. This area has visual connectivity with other chalk features and is one of the few areas of chalk downland excluded from the PSDNP. From its elevated position it is possible to obtain exhilarating panoramic views towards the Solent and the Isle of Wight. The land to the east of the village includes the Catherington Lith LNR and SNCI. While the village has been subject to a modest amount of new development, this is not unduly intrusive and does not outweigh the value of its historic core. The local rights of way network provides a range of recreational opportunities than can be enjoyed in a high quality landscape.

Agency's response

7.954 Catherington village is not set within a sweep of high quality landscape; it is, rather, situated at the very edge of the PSDNP and lies well outside the East Hampshire AONB. The village has a high quality historic core but this is offset by the presence of more recent built development including a business park. Catherine Lith is a high quality parcel of downland but it is separated from the main body of the PSDNP by parcels of lower quality land. Even if the sweep of landscape containing Catherington had satisfied the statutory criteria, the boundary amendment promoted by the objectors effectively splits the settlement contrary to the Agency's boundary setting guidelines.

Inspector's Conclusions

7.955 The boundary promoted by objectors would bring into the PSDNP the historic core of Catherington village and a tongue of mainly open land to the east of it. The precise physical extent of the village is subject to uncertainty but the available evidence and my site inspection persuades me that the objectors' preferred boundary would split the settlement. More precisely, the preferred boundary would include the

attractive and important historic core of Catherington village but not the more peripheral areas of more ordinary development. As such the boundary would not comply with the Agency's guidelines as they apply to settlements situated at the edge of the PSDNP; guidelines that have been applied consistently throughout the boundary setting process so far as I am aware. It would be possible to amend the boundary to include the settlement in its entirety but that would bring into the PSDNP land that clearly fails the natural beauty test. The fact that objectors promote the inclusion of only part of the settlement seems to be a tacit recognition of this.

7.956 Even if the split settlement point did not apply, I am not wholly convinced that the sweep of landscape containing Catherington warrants inclusion. It is heavily influenced by its proximity to nearby urban development and contains landscape detractors such as power transmission lines, parcels of new housing development and some fragmentation due to horsiculture. Inclusion in the PSDNP might assuage concerns regarding the prospect of further housing development in this area but this is not, of course, a basis or reason for including land in a National Park.

7.957 Before leaving this matter it may be helpful to mention that in the light of discussion at the inquiry the Agency accepts that a minor change to the boundary at Catherington is appropriate -see CD256. The change relates to a matter of detail and has no bearing on the substantive issues in dispute.

Inspector's Recommendation

7.958 No amendment to the designation order boundary (other than in respect of the detailed change mentioned above.)

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Catherington Down

Case for objectors

7.959 The Horndean Plot Owners Association objects to the inclusion of a parcel of land at Catherington Down in the PSDNP. This land does not have any features or characteristics that warrant inclusion. Furthermore inclusion

would undermine future efforts to develop this land for residential purposes. Any such development would round-off existing built development in this area and be well related to public transport and other services. Importantly it could help to meet the urgent need for low cost housing in East Hampshire.

Agency's response

- 7.960 The objection land is part of the east facing bank of a distinctive dry valley. It has a clear sense of place and the open valley sides form a landscape of high scenic quality largely unspoilt by urban features or other detractors. A lack of management in recent times has affected the scenic quality of the objection land, but the valley as a whole nevertheless satisfies the statutory natural beauty test. The local rights of way network provides opportunities to access and enjoy the characteristic high quality chalk landscape.
- 7.961 The argument that the land is suitable for future residential development is not relevant when land is assessed for designation purposes. The land is not allocated for development in the extant development plan and there is no evidence to suggest that residential development will be permitted at this location now or in the near future.

Inspector's Conclusions

- 7.962 The objection land is part of a tract of land that is identified as an "Area of Special Landscape Quality" in the adopted East Hampshire Local Plan. The landscape qualities of this area have therefore been recognised in the past albeit that the land lies outside the East Hampshire AONB. For my part the Agency's decision to include this land in the PSDNP appears understandable and wholly appropriate. It seems to me that the dry valley containing the objection land is part of the sweep of very attractive chalk downland landscape to the west of Horndean. This area also contains the Catherington Down SSSI. In my opinion this sweep satisfies the statutory natural beauty test. Landscape detractors such as the burned out vehicle on the objection land and the overhead power line that runs across the valley are unfortunate in scenic terms, but they do not significantly undermine the overall quality of the wider landscape. I also accept that the local lanes and footpaths within this wider landscape and the presence of open access land provide opportunities to enjoy markedly superior recreational

experiences. In sum, I consider that the objection land at Catherington Down meets the statutory tests.

- 7.963 I note the Association's aspiration to develop the objection land for residential purposes at some future date. Given the content of the District Council's submission on this matter, and in particular its many doubts regarding the suitability of this land for residential development, this seems unlikely to say the least. However, my conclusions regarding the inclusion or otherwise of the objection land in the PSDNP are by reference to the statutory criteria set out in the 1949 Act. Matters such as urgent need for low cost housing in East Hampshire and the need to secure sustainable forms of development are more properly considered as part of the separate development planning processes.
- 7.964 Before leaving this section it may be helpful to record that in the light of an objection from Portsmouth Water the Agency proposes a minor change to the PSDNP boundary at the Lovedean Water Treatment Works. I support the change.

Inspector's Recommendation

- 7.965 No change to the designation order boundary (other than the minor change at the Portsmouth Water site).

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Forest of Bere/Meon Valley

Inspector's Note

Although the Forest of Bere adjoins section U of the PSDNP boundary and the Meon Valley adjoins section V, as the objections from the Gosport and Fareham Friends of the Earth Group in respect of these areas are inextricably linked, for convenience I address the objections under one head.

Case for objectors

- 7.966 The boundary should be amended to include far more of the Forest of Bere character area. It should also include the entire length of the unspoilt River Meon with its beautiful meadows and marshes up to its sea outlet at Titchfield Haven. The Forest of Bere is rich in history having been part

of the ancient royal hunting forest(s) of the Norman kings and much more recently because of its World War 1 associations. It is a largely unspoilt, intimate and enclosed landscape with several very attractive settlements such as Southwick, Wickham and Titchfield. Portsdown Hill rises above the coastal plain and provides spectacular panoramic views across Portsmouth Harbour and Porchester to the Solent and beyond and clearly warrants inclusion. A wide range of superior open-air recreational experiences such as walking, cycling, horse riding and bird watching are available, all easily accessible by public transport to the large urban areas nearby.

Agency's response

7.967 The Forest of Bere character area was included in the Area of Search exercise (CD36). At that time it was recognised that this character area included land that met the statutory criteria and that further scrutiny would be required at the boundary setting stage. Subsequently the area was assessed in more detail and found to contain a fragmented landscape with pockets of high quality land such as Creech Woods and Portsdown Hill interspersed with land of lesser quality. Overall it was judged that the Forest of Bere did not form an extensive tract that met the natural beauty criterion.

7.968 The upper sections of the Meon Valley have retained much of their cohesion and character and are therefore included in the PSDNP. West Walk Forest is an extensive tract of woodland immediately to the east of the valley and is likewise included. By contrast the length of the Meon Valley south of Wickham is subject to the influences of the M27 and other modern day developments. Wickham itself has an attractive historic core but it also contains a significant amount of recent development. Finally the National Nature Reserve at Titchfield Haven is of considerable ecological importance but lies 10km south of the designation order boundary. Including the Meon Valley in its entirety would lead to a convoluted and confusing boundary.

Inspector's Conclusions

7.969 The Forest of Bere forms part of the coastal plain situated to the south of the Western Chalk uplands. It has a special and distinctive character largely as a consequence of its history as a royal hunting forest. Some woodland remains

but much of the ancient woodland that formerly extended across this area has long since been removed. None of the Forest of Bere character area identified by the Agency in CD36 is within the East Hampshire AONB. Even so, the Agency's Area of Search exercise identified areas of high quality land and gave serious consideration to the possibility of including some or all of this character area in the PSDNP. In the final analysis only the upper Meon Valley and the West Walk woodlands to the north of Wickham are included.

7.970 On balance I share the Agency's assessment of the overall landscape quality of the character area. Dispersed settlement, fragmentation of the historic landscape and especially the removal of ancient woodland have inevitably led to a loss of character and identity. Pockets of high quality landscape remain, for example the chalk outlier of Portsdown Hill, but they are interspersed with areas of fairly ordinary countryside. Quality is also undermined by the presence of landscape detractors such as the HMS Dryad establishment at Southwick. I have no difficulty accepting that the Meon Valley and the West Walk woodlands north of Wickham satisfy the statutory criteria but it seems to me that Wickham itself and the lower section of the Meon Valley are properly excluded. I say that even though I consider that the Agency rather underrate Wickham's charms. South of Wickham the Meon Valley tends to be hemmed in by urban development and highway infrastructure albeit that it retains some attractive areas and Titchfield Haven is a tranquil and somewhat special place.

Inspector's Recommendation

7.971 No change to the designation order boundary.

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SECTION W (see CD23 for extent)

Introduction

7.972 The objections to the boundary within section W are considered under the following headings:

- Edge of Swanmore
- The Moors, Bishops Waltham
- Other land at the edge of Bishops Waltham

- Upham Parish
- Owlesbury Parish
- Compton and Shawford Parish

Edge of Swanmore

Case for objectors

7.973 Winchester City Council and Swanmoor Parish Council both argue that the PSDNP boundary should be amended to include several small parcels of land at the northern edge of Swanmore. One of these sites (No.6 in the City Council list) also attracted an objection from The Ramblers Association. Including these parcels areas would ensure that the PSDNP boundary coincides with the planning policy boundary defined in both the adopted and the emerging Winchester Local Plan. The various parcels form part of Swanmore's rural setting and are considered to satisfy the natural beauty criterion. If they are excluded from the PSDNP they could be subject to unwelcome development pressures. The Parish Council also draw attention to the way the boundary meanders either side of the road marked as Holywell Road seemingly without any obvious reason.

Agency's response

7.974 The parcels of land at the northern edge of Swanmore are all heavily influenced by development in Swanmore village. They may be part of Swanmore's rural setting but they have a distinct settlement edge character and do not form part of the wider sweep of downland. The inclusion of these parcels in order to help resist or deter future development is not relevant for boundary setting purposes. If development at any of these sites is undesirable for planning reasons this can be secured by the City Council via the separate development control process. That said it is should be noted that during the designation process the Agency amended the boundary at Swanmore to take account of the objections in respect of the 2 of the sites in dispute.

7.975 So far as Holywell Road (otherwise known as Mislingford Road) is concerned, the PSDNP boundary does not meander along the road without good reason. The boundary is drawn to ensure that the PSDNP only includes land that meets the statutory criteria.

Inspector's Conclusions

- 7.976 The tract of land that rises to the north-east of Swanmore is not within the East Hampshire AONB but as it is deemed to satisfy the statutory criteria it is included in the PSDNP. I see no reason to dissent. Although some changes were made to the detailed boundary at the edge of Swanmore during the course of the designation process there is a residual concern that several parcels of land beyond the City Council's long standing settlement policy boundary continue to lie outside the PSDNP.
- 7.977 I recognise that it would be administratively convenient for the policy boundary and the PSDNP to coincide. The policy implications for the parcels of land that lie between the respective boundaries are somewhat uncertain. Nonetheless, I am in no doubt that the PSDNP boundary should be drawn to include only land that satisfies the statutory criteria. I am doubtful if this requirement applies to the parcels of land in dispute. Like the Agency I consider that these small parcels all have an urban fringe character. Several are parts of the rear gardens of residential properties and one site is part of the grounds attached to the village school. Exclusion from the PSDNP may leave some of these parcels more susceptible to development pressures but that is not a relevant consideration for National Park boundary setting purposes.
- 7.978 I have some sympathy with the criticism of the boundary in the vicinity of Holywell Road and I accept that the alternative boundary promoted by the Parish Council would be easier to identify on the ground. However I am not convinced that the PSDNP boundary is defective in terms of the inclusion or otherwise of land that satisfies the statutory criteria. On balance I am not persuaded that this length of the boundary should be amended.

Inspector's Recommendation

- 7.979 No change to the designation order boundary.

* *

The Moors, Bishops Waltham

Case for objectors

- 7.980 Many objectors, including Winchester City Council and the Bishops Waltham Society, argue that the PSDNP boundary should be amended to include The Moors, a tract of land situated to the south-east of Bishops Waltham that is designated as a SSSI and a LNR. Some objectors also argue for the inclusion of other nearby land. In support of the objections it is said that the Agency recognises that the The Moors is of significant ecological value and is a high quality and attractive wetland landscape. There is therefore no dispute that it clearly satisfies the natural beauty criterion and it also offers a range of important open-air recreational opportunities. Five rights of way cross the land and there is permissive access over the meadows to the south of Swanmore Road which are under the control of the Hampshire and Isle of Wight Wildlife Trust.
- 7.981 The Agency claims, however, that this area is separated from the wider downland landscape by a corridor of lesser quality land. It is not accepted that the small scale fields on the southern side of Swanmore Road are of poor quality or, indeed, that they are of lower quality than those on the opposite (northern) side of the road – fields that are included in the PSDNP. Rather the fields either side of the road are similar in terms of their underlying geology (Chalk with Flints) and their landscape character and quality.
- 7.982 The Bishop Waltham Society additionally argue that the Disability Discrimination Act 1995 provides a further ground for including The Moors in the PSDNP as it is more accessible to disabled people than other areas.

Agency's response

- 7.983 The Agency accepts that The Moors is of high scenic and ecological value. It also offers a range on high quality open-air recreational opportunities. Unfortunately it is separated from the wider downland landscapes to the north-east of Swanmore Road by land that does not meet the natural beauty criteria. To include The Moors in the PSDNP would therefore require the inclusion of land that does not meet the statutory criteria. While it is accepted that the fields either side of Swanmore Road are similar in character, the landscape quality of the land south of Swanmore Road is

more influenced by the urban edge and has weaker associations with the core Downs. Swanmore Road represents an appropriate boundary within this transitional landscape.

- 7.984 The Agency is advised that the Disability Discrimination Act 1995 does not require the Agency to include The Moors and similar areas in the PSDNP. CAR610 clarifies the Agency's position in detail.

Inspector's Conclusions

- 7.985 As I understand it, the Agency does not seriously dispute that The Moors satisfies the statutory criteria. If I am wrong about that it may be helpful to note that on the basis of my site inspection and the detailed submission from the Bishop Walthams Society, I am in no doubt that the criteria are satisfied.
- 7.986 The Agency's reluctance to include The Moors in the PSDNP is primarily rooted in a concern that this important wetland area is separated from nearby downland landscapes by a relatively narrow corridor of lesser quality land. In considering this point it seems to me that the fields either side of Swanmore Road are very similar in terms of both their character and their intrinsic landscape quality. The fields on the south-eastern side of the road lie slightly further from the core Downs but that hardly amounts to a compelling point in my view. Reference is also made to the influence of the urban edge but my site inspection satisfied me that the influence is relatively muted. I say that conscious that long lengths of the PSDNP boundary directly abut the hard edge of the Brighton conurbation and other major urban areas.
- 7.987 If The Moors was of lesser quality, Swanmore Road would probably provide a clearly defined and appropriate boundary for the PSDNP. However given that The Moors is a high quality landscape separated from the designated land to the north-east by a narrow strip of unspoilt countryside, I am not convinced that it is. In my view this is an instance where any doubts concerning the land along Swanmore Road are overridden by the benefits of including The Moors in the PSDNP. Having arrived at this conclusion by reference to the statutory criteria, I see no need to consider the legal implications of the 1995 Disability Discrimination Act.

7.988 So far as the precise boundary amendment is concerned, I am not persuaded that all of the land identified by the Bishop Waltham Society and others warrants inclusion. I favour a more conservative boundary more closely focussed on The Moors.

Inspector's Recommendation

7.989 That the designation order boundary be amended to include The Moors and nearby land at Bishops Waltham in the PSDNP.

* *

Other land at the edge of Bishops Waltham

Case for objectors

7.990 Winchester City Council notes that the PSDNP excludes 2 sites adjacent to the Claylands Industrial Estate that are part of a designated LNR. The City Council also draws attention to 3 areas of land included in the PSDNP that actually lie within Bishop Waltham's defined built-up area. Mr M Hawthorne and Messrs R and M Harvey additionally seek minor amendments to the detailed boundary.

7.991 The Waltham Ramblers' Association and others argue that the PSDNP boundary should be amended to include the medieval deerpark of the Bishops of Winchester and other nearby land situated to the south-west of Bishops Waltham. Apart from its obvious natural beauty, the inclusion of this land can be justified on cultural heritage grounds. Easy access to this area from Bishops Waltham and elsewhere is available via the public footpath network.

7.992 Mr L Butt seeks the inclusion of 3 contiguous parcels of land at the northern edge of Bishops Waltham. Their exclusion is at odds with the written description of the boundary which refers to a line along the edge of the built-up area. All 3 parcels are part of the Western Chalk Uplands character area and occupy the southern flank of a low downland ridge. The central field was subject to commercial forestry some years ago though that has since been abandoned leaving the field somewhat blighted. The small field on its western side is part of the open countryside at the edge of Bishops Waltham albeit that it is currently overgrown. The more easterly field has the town cemetery in one corner and is

otherwise is good condition. Although the fields are not in pristine condition this could change in time; what is certain is that the downland ridge is a permanent landscape feature.

Agency's response

- 7.993 The Agency accepts that minor amendments to the PSDNP boundary at Bishops Waltham are appropriate. More precisely it acknowledges that the 2 sites adjacent to the Claylands Industrial estate were omitted from the PSDNP in error. On the other hand the 3 sites that lie within the settlement policy boundary were included in error. The latter comment is qualified insofar as one of the sites (site B) is not clearly defined on the ground. In that instance it is therefore considered that the PSDNP boundary should be retained. It is also considered that as the City Council's proposed amendment to the site C boundary runs through a barn a slightly different line is preferable – see plan attached to CAR210.
- 7.994 So far as Mr Hawthorne's objection site is concerned, the Agency accepts that a boundary amendment is appropriate. Of the alternative boundaries identified for the Ponside Lane site it is considered that the boundary should embrace the land identified for formal recreation in the emerging Winchester Local Plan Review. That boundary is not associated with an identifiable feature on the ground at the present time but is likely to at some future date. Mr Hawthorn's has confirmed this point in writing (letter dated 25.2.2004).
- 7.995 It is also agreed that an amendment is required in respect of the land to the north of Battery Hill. However, while it is accepted that the boundary should follow the rear fence line of properties along Churchill Avenue, it is not accepted that an amendment to the boundary immediately to the east of these properties is necessary. The boundary amendment suggested by the objectors would leave land that is an integral part of the downland sweep outside of the PSDNP.
- 7.996 With regard to the objections from the Ramblers' Association and others it is not considered the medieval deerpark of the Bishops of Winchester and other nearby land should be included in the PSDNP. This land is part of the coastal plain and has weak associations with the core Downs. It is also separated from the core Downs by the settlements of Bishops Waltham and Newtown.

7.997 It is clear from Mr Butt's evidence that at least 2 of the 3 objection fields are in poor condition and do not meet the statutory criteria. The more easterly field is in better condition but is influenced by the associated cemetery and has an urban fringe character. All 3 fields can be seen from nearby footpaths but their limited scenic quality hardly merits their inclusion in the PSDNP. While the PSDNP boundary generally follows the edge of the built-up area it excludes land if it does not satisfy the statutory criteria. All 3 fields may fall within the Western Uplands character area but as they are in poor condition and do not have distinctive downland characteristics they are properly excluded.

Inspector's Conclusions

7.998 The Agency accepts that the detailed boundary at the edge of Bishops Waltham is defective in several respects and, accordingly, puts forward a number of amendments. Those made in response to the objections from Winchester City Council and Mr Hawthorne seem to me to be sensible and, so far as I am aware, fully satisfy the concerns raised.

7.999 The amendment put forward by the Agency in the light of the objection from Messrs R and M Harvey would not seem to meet the objectors' concerns in full. Nonetheless I am satisfied that the more conservative amendment promoted by the Agency is preferable to that suggested by the objectors. It seems to me that the boundary should follow the edge of the settlement and not exclude land that is part of the sweep of adjoining high quality countryside.

7.1000 At first sight the inclusion of the medieval deerpark enjoyed by the Bishops of Winchester seems an attractive proposition. On balance, however, I am not persuaded that its inclusion is appropriate. The land has coastal plain characteristics and is separated from the core Downs by a significant amount of built development. If the deerpark was to be brought into the PSDNP this built development would also need to be included, otherwise the PSDNP would contain a "hole". Having concluded that the deerpark should be excluded, it follows that the same conclusion applies to the adjoining land also identified by objectors.

7.1001 I now turn to Mr Butt's objection. It seems to me that the land he identifies is part of the sweep of downland that runs down to the northern edge of Bishops Waltham.

Unfortunately the fields in question are generally in poor condition due to previous management arrangements (or the lack of them). Their condition could change for the better with the passage of time but the satisfaction or otherwise of the natural beauty criterion has to be on the basis of their current condition, as I understand it. With some reluctance I have therefore concluded that the fields in question should not be included in the PSDNP.

7.1002 I note the inconsistency between the written description and the mapped boundary at Bishops Waltham but I attach little weight to the point. The written description is a broad summary, it cannot describe every twist and turn that the boundary takes. Where such inconsistencies occur, it is the mapped boundary that takes precedence.

Inspector's Recommendation

7.1003 No changes to the designation order boundary other than those put forward by the Agency.

* *

Upham Parish

Case for objectors

7.1004 Upham Parish Council and others argue for the inclusion of additional land situated close to the village of Lower Upham. Much of this land lies within Upham Parish but it also merges with land closer to Bishops Waltham that is also said by some to warrant inclusion. The latter area appears to form part of the medieval deerpark that was considered under the previous heading.

7.1005 Upham Parish Council is opposed in principle to the PSDNP but separately argues that if that is not accepted then the parish in its entirety should be included. At present the PSDNP omits that part of the parish situated to the south-west of Lower Upham. The excluded area shares sufficient characteristics with the remainder of the parish to warrant inclusion.

Agency's response

7.1006 Following the public consultation stage this length of the PSDNP boundary was amended to include additional land at Lower Upham. While the land that is included in the PSDNP is typical of the Western Chalk Uplands, the land to the south-west of the settlement takes on Coastal Lowland characteristics. It is therefore a transitional landscape and the Agency approach within such areas is to draw the boundary conservatively within the transition. In the Agency's opinion the land that is excluded from the PSDNP does not satisfy the statutory criteria. In considering the Parish Council's suggestion it is also relevant to note that the Agency's boundary setting guidelines indicate that parish and other administrative boundaries rarely form suitable National Park boundaries. Doc.CD50 examines this point in some detail.

Inspector's Conclusions

7.1007 Upham Parish Council contends that if there is to be a South Downs National Park it should include the entire parish. The concern that the PSDNP should not "split" parishes is widely held. Earlier in the report I set out my reasons for not accepting this suggestion – see section 4. If parish boundaries were to be used for boundary setting purposes, often it would lead to the inclusion of land unable to satisfy the statutory criteria. In this instance it seems to me that the land in Upham Parish that is excluded from PSDNP falls into that category.

Inspector's Recommendation

7.1008 No change to the designation order boundary.

* *

Owlesbury Parish

Case for objector

7.1009 Owlesbury Parish Council is also concerned that the PSDNP "splits" the parish leaving the majority within the PSDNP but an area mainly to the south of Portsmouth Road outside of it. This arrangement would create administrative difficulties and certainly undermines the Parish Council's support for the

PSDNP concept. It is particularly unfortunate in this instance as the land south of Marwell Zoo is very similar to the land that the Agency itself accepts satisfies the statutory criteria. Indeed the land either side of the PSDNP boundary was at one time all part of the former estate of Marwell Manor.

Agency's response

7.1010 In this area the landscape is in transition. Visual links to the core downland landscapes weaken away from the core and the lower lying land in the Coastal Lowlands is subject to more urban influences. Although there is some attractive countryside in the area and Maxwell Manor has associations with the nearby downland, on balance this objection land does not satisfy the natural beauty criterion. It follows that the objection land also fails the recreational opportunities test.

Inspector's Conclusions

7.1011 None of the land in the Portsmouth Road corridor within Owlesbury Parish is part of the East Hampshire AONB. That said, I accept that there are sound reasons for concluding that at least some of the non-AONB land in this locality satisfies the statutory criteria. Indeed I readily understand why the Parish Council and others consider that the boundary as drawn excludes countryside that is largely unspoilt and scenically attractive. Even so I am not persuaded that the PSDNP boundary should be modified to include the excluded portion of the parish. My main reason for saying this is that the land in question tends to have Coastal Lowlands rather than downland characteristics. I would add that while I have no doubts that the land south of Portsmouth Road should be excluded from the National Park, the case for excluding land to the north of the road is less clear-cut inasmuch as the road generally marks the break between the landscape character areas.

7.1012 As mentioned under the previous heading, my conclusions regarding the widely held concern that the PSDNP boundary should not "split" parishes is set out in detail earlier in the report.

Inspector's Recommendation

7.1013 No change to the designation order boundary.

* *

Compton and Shawford

Case for objector

7.1014 Compton and Shawford Parish Council argues that the Compton, Shawford, Twyford and Colden Common areas are urban in character and should be excluded from the PSDNP. This point is put forward as part of a general submission that their inclusion (and the Wealden areas around Petersfield and elsewhere) will dilute the "brand" image of a South Downs National Park.

Agency's response

7.1015 The settlements of Compton, Shawford and Colden common were excluded from the PSDNP throughout the designation process. Twyford is included as it has an attractive historic core and is surrounded by high quality landscapes. It stands at the interface between the Itchen Valley and the chalk Downs. The former contains a network of water meadows and has a strong sense of seclusion and tranquillity despite the presence of the nearby M3 motorway. The Itchen itself is one of the country's best examples of a chalk river and is designated as an SSSI and SAC.

7.1016 A comprehensive rights of way network allows easy public access to this area and in turn to the wider downland. A range of water related recreational opportunities are available in the Itchen Valley.

Inspector's Conclusions

7.1017 I note that there is very little objection to the inclusion in the PSDNP of the extensive tract of non-AONB land in the Twyford area. Indeed the Agency mentions that the proposed boundary in this area received strong support during the designation process. Earlier in the report - sections A and B - I set out my views on the merit of including in the PSDNP other lengths of the Itchen Valley to the north of Twyford. In short I concluded that these lengths warranted inclusion notwithstanding the intrusive impact of the very busy M3 motorway. In my judgement the same general conclusion applies to the length of the Itchen Valley close to Twyford. Apart from its high intrinsic landscape qualities, the valley has strong historical and

visual links to the downland areas to the east. Bearing the above in mind I have concluded that although the case for including Twyford and other land in the vicinity seems to me to be far less clear-cut than the Agency claims, on balance I accept that this general area satisfies the natural beauty criterion. If that is accepted there can be little doubt that the Itchen Valley offers a range of markedly superior recreational opportunities and that the public are also able to enjoy the special qualities of the nearby downland landscapes without difficulty. In short I have concluded that the statutory criteria area met.

Inspector's Recommendation

7.1018 No change to the designation order boundary.

8.0 REVOCATION OF SUSSEX DOWNS AONB AND EAST HAMPSHIRE AONB

Introduction

8.1 The draft Sussex Downs AONB (Revocation) Order 2002 and the draft East Hampshire AONB (Revocation) Order 2002 were made as a consequence of, and on the same date as, the South Downs National Park (Designation) Order. The respective orders are inter-related because almost all of the land within the 2 AONBs lies within the PSDNP boundary and it is clearly inappropriate for land to be designated as both National Park and AONB. Section 82(1) of the CROW Act specifically mentions that AONBs are areas of "outstanding natural beauty" that are not in a National Park. Therefore, if the South Downs Designation Order is confirmed in the form favoured by the Agency, it would seem appropriate to revoke both AONB designations.

8.2 Objections and representations to both the designation order and the draft revocation orders were considered at the South Downs inquiry and are covered in my report to the Secretary of State. It may be helpful to note that while the statutory provisions require the Agency to make designation orders, they require the Agency to place draft revocation orders on

deposit. As I understand it, this arrangement ensures that if changes are made to the designation order boundary these can be taken into account before the revocation orders are confirmed.

- 8.3 One of the Position Papers prepared by the Countryside Agency for the inquiry - Position Paper 4 (CD72) – describes the procedure for revoking AONBs. It also includes a review of the objections and supporting representations in respect of both of the revocation orders and the Agency's responses to them. This part of my report relies heavily on the material set out in CD72.

Objections/representations in respect of the Revocation Orders

Context

- 8.4 The AONB revocation process prescribed by Section 83(7) of the CROW Act 2000 requires local authorities with land in the AONBs to be consulted. That task was undertaken as part of the statutory local authority consultation on the PSDNP (CD27). Most of those responding had no comments or supported the revocation arrangements in principle. A small number objected. Following this exercise draft revocation orders were put on deposit (CDs18 and 19). These took account of some of the objections, for example AONB land at Greatham was brought into the PSDNP.

Responses to the revocation proposals

- 8.5 The revocation orders attracted 8 responses from local authorities in West Sussex, 9 from local authorities in East Hampshire and 7 from East Sussex and Brighton. In addition the West Sussex AONB Revocation Order attracted 108 representations from individuals and organisations and the East Hampshire AONB Revocation Order attracted representations from 30 individuals and organisations. CD26, CD52 and CD53, all prepared for the Agency by the environmental consultancy "Entec UK Limited", identify and summarise the representations made in respect of the orders.
- 8.6 Amongst other things these core documents reveal that the few "in-principle" objections to the revocation orders were generally made in support of the argument that the existing AONB arrangements are more suitable for the South Downs than a new National Park. A small number of objectors

commented that because the consultation on the revocation orders was taking place before a final decision on the PSDNP boundary, the draft orders could not take account of any changes made to the boundary as a consequence of the inquiry process. It was also said that land within the AONBs should remain part of a nationally protected landscape unless and until the AONB boundary is reviewed.

- 8.7 However, the bulk of the objections to the draft revocation orders relate to the de-designation of one or more of the 71 separate and mainly small parcels of land that currently enjoy AONB status but are excluded from the PSDNP. Many objectors say that their objections to the revocation orders would be withdrawn if one or more of these parcels were to be included in the PSDNP. Several objectors also note that if the National Park was to be smaller than that proposed by the Agency, the revocation orders would leave other areas of land without any protective landscape designation. This would apply, for example, if the "chalk only" option favoured by West Sussex County Council and others was accepted.

Inspector's Conclusions

- 8.8 As indicated above, there are few substantive "in-principle" objections to the revocation orders. Other than those who see no need for a new National Park to replace the existing AONBs – an argument I reject in my Part 1 report - objectors are mainly concerned with site specific matters. More precisely the objections almost all relate to parcels of land that lie within the AONB but are excluded from the PSDNP. CD220 is a very helpful mapped inventory of the parcels in question. While I can appreciate why the loss of a protective designation is a concern, I do not accept that all existing AONB land should necessarily continue to be part of a nationally protected landscape. It seems to me that inclusion in the PSDNP (or any other protected landscape) must depend on the ability of the land in question to satisfy the relevant criteria.
- 8.9 Moreover by taking the existing AONBs as a starting point in its National Park boundary setting exercise, it seems to me that the Agency undertook a review of the AONB boundaries in all but name. This exercise led, on the one hand, to the identification of non-AONB land that was deemed to satisfy the statutory criteria relating to National Parks and, on the other, to the identification of AONB land that did not meet the

criteria for inclusion. It may be helpful to clarify that no land satisfying the natural beauty criterion is excluded from the PSDNP because it fails to satisfy the recreational opportunities criterion, so far as I am aware. All 71 of the de-designated parcels are therefore excluded from the PSDNP as they are deemed by the Agency not to satisfy the statutory natural beauty criterion.

8.10 CD72, annex 1, lists the 71 parcels of AONB land that are excluded from the PSDNP. Of these, 4 are part of the East Hampshire AONB, the remainder to the Sussex Downs AONB. Map 1 of CD72 illustrates that the majority of the Sussex Downs parcels are situated at the edge of the urban areas that line the south coast from Brighton to Newhaven. Many objectors claim that these parcels are important areas of urban greenspace that are both popular and highly accessible. If they lose their AONB status they will be more vulnerable to incremental development pressures. That may be correct in some if not all instances, but this point is not itself a basis for including land in either an AONB or a National Park. I say that even though many objectors' state that their support for the PSDNP is conditional on the inclusion of these de-designated parcels in any new National Park.

8.11 I see no need at this point in my report to consider the individual merits of the 71 relatively small parcels of AONB land that are excluded from the PSDNP. Most of these areas, including the parcels that attracted the bulk of the objections, are expressly or implicitly evaluated in my earlier consideration of objections to the PSDNP boundary. This group includes all of the parcels of land that were considered at the South Downs inquiry sessions set aside for the revocation orders. In some instances I have concluded that the excluded parcels satisfy the statutory criteria and should therefore form part of the PSDNP, in other instances I support the Agency's decision to exclude them. My conclusions and recommendations in respect of these areas appear in my report under the relevant boundary sections. Where I have concluded that exclusion is appropriate, because of a failure to meet the natural beauty criterion, I see no reason why the parcels of land should retain their AONB status. This stance is consistent with the Secretary of State's decision to exclude some previously protected land from the New Forest National Park unless the statutory criteria were satisfied.

8.12 Some of the parcels of de-designated land did not attract any objections or representations. The lack of objection probably

reflects the fact that some parcels have been developed or otherwise significantly altered in the period since the AONBs were designated. For obvious reasons my report does not address these parcels.

8.13 Bearing all of the above in mind, I consider that the exclusion of many small parcels of AONB land from the PSDNP should not of itself prevent the confirmation of the revocation orders. Indeed, if the Secretary of State concludes that the PSDNP should include almost all of the existing AONBs, contrary to my recommendation, confirmation of the orders is clearly appropriate. In that event the Secretary of State will then need to decide whether to accept my separate recommendations regarding the inclusion of the individual parcels of de-designated AONB land in the PSDNP.

8.14 There is, however, a further matter to consider. Elsewhere in the report I recommend that the PSDNP boundary be more closely focussed on the core chalk downland. If that key recommendation is accepted, it would leave a large part of the Sussex Downs AONB outside the PSDNP. Much of this land undoubtedly warrants AONB status and, in my view, is sufficiently large to be an AONB in its own right. In that event the Agency identifies the 2 following scenarios:

- That the revocation orders be confirmed by the Secretary of State. The Agency would then need to decide whether to re-designate any of the excluded portion(s) of the existing AONBs and issue new AONB designation orders accordingly.
- That the Agency withdraws the revocation orders and decides whether to make further AONB variation orders.

8.15 If my recommendation in respect of a more focussed National Park is accepted, either scenario could lead in due course to an AONB based on the residual Wealden portion of the Sussex Downs AONB. However, because the first scenario could leave the high quality Wealden landscapes unprotected while new AONB arrangements are under consideration, I favour the second scenario. Presumably work on any new AONB variation order(s) would be taken forward in concert with the separate exercise to determine a more focussed boundary for the National Park. Whatever the precise arrangements, withdrawing the revocation orders must delay the formation of a new South Downs National Park. While this is clearly unfortunate, in my opinion this is inevitable if the PSDNP is not to progress on a flawed basis.

Inspector's Recommendation

8.16 That the draft Sussex Downs AONB (Revocation) Order 2002 and the draft East Hampshire (Revocation) Order 2002 not be confirmed prior to a review of the designation order boundary between section E and section H.

SOUTH DOWNS NATIONAL PARK

LIST OF ANNEXES

ANNEX A: LANDSCAPE ASSESSOR'S MAIN REPORT

ANNEX B: LANDSCAPE ASSESSOR'S SUPPLEMENTARY
REPORT

ANNEX C: GOVERNANCE

Annex A:

Landscape Assessor's main report

ANNEX A

LANDSCAPE ASSESSOR'S REPORT ON THE APPLICATION OF THE STATUTORY CRITERIA IN THE DESIGNATION OF THE SOUTH DOWNS NATIONAL PARK

INTRODUCTION

I was appointed as Landscape Assessor to the South Downs National Park Inquiry in October 2003. This is my report to the Inspector on the matters of principle raised during the designation process.

The purpose of the report is to examine the way in which the Countryside Agency (the Agency) has interpreted and applied the statutory criteria, as defined by S5(2) of the 1949 Act, in the designation of the proposed National Park.

There is a strong relationship between the two statutory criteria, for example in the way that wildness and tranquillity are relevant to an assessment of both the natural beauty and the recreational experience of the proposed National Park. So while this report focuses on the natural beauty criterion, it also considers the recreational criterion.

More specifically, the report considers:

- the development of legislation and policy guidance relating to the identification of land suitable for designation as a National Park in England and Wales;
- the designation history of the 'South Downs';
- the role of the Agency, its interpretation and application of the statutory criteria in the designation process;
- the methodology used by the Agency in the designation of the proposed National Park;
- the development of landscape assessment guidance and its role in the designation process;
- relevant landscape character assessments and the information they provide about the landscape of the proposed National Park; and
- matters of principle relating to the statutory criteria arising from representations made during the Inquiry or in writing.

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SECTION

- 1 EVOLUTION OF THE STATUTORY CRITERIA AND DESIGNATION HISTORY OF THE SOUTH DOWNS
- 2 THE COUNTRYSIDE AGENCY'S INTERPRETATION OF THE STATUTORY CRITERIA
- 3 THE AREA OF SEARCH
- 4 DEVELOPMENT OF LANDSCAPE ASSESSMENT GUIDANCE
- 5 LANDSCAPE ASSESSMENTS PROVIDING BACKGROUND INFORMATION
- 6 ASSESSOR'S FINDINGS
- 7 SUMMARY CONCLUSIONS

Note on the use of the term 'South Downs'

I use the following terms to describe the different geographic areas described in the Inquiry documents:

- 'Proposed (South Downs) National Park' to describe the 'Designated Order Land' (DOL) as shown in CD12;
- 'chalk downland' as the prominent chalk ridge which stretches from Winchester to Beachy Head;
- 'Study Area' as shown on CD70 Annex 1 Map A;
- 'Area of Search' as shown on CD70 Annex 1 Map B;
- 'Coastal Lowlands' as described in the Area of Search report (CD36 para 7.2); and
- 'South Downs' in quoting other sources when the meaning should be apparent from the context.

Note that all **emphasis** in the text is mine.

Nigel Buchan MLI

1 EVOLUTION OF THE STATUTORY CRITERIA AND DESIGNATION HISTORY OF THE SOUTH DOWNS

1.1 This section describes the evolution and interpretation of the statutory criteria for National Park designation, prior to the development of the Agency’s policy and approach in 2000. I refer to the following documents, which provide the framework within which the statutory criteria have been interpreted over time:

1945	The White Paper on National Parks in England and Wales (the Dower Report)	CD73
1947	The Report of the National Parks Committee (the Hobhouse Report)	CD74
1949	The National Parks and Access to the Countryside Act	CD1
1956	Seventh Report of the National Parks Commission	CD82
1974	Report of the National Park Policies Review Committee (the Sandford Report)	CD86
1991	<i>Fit for the Future</i> – the Report of the National Parks Review Panel (the Edwards Report)	CD76
1993	Inspector’s Report of the Dartmoor National Park (Designation) Variation Order 1990 Public Local Inquiry	CD68
1995	The Environment Act	CD2
1996	Department of the Environment Circular 12/96, Environment Act 1995, Part III National Parks.	CD3
1998	<i>Protecting our Finest Countryside</i> – Advice to Government. Countryside Commission (CCP 532)	CD47

Evolution of the legislation

1.2 The Dower Report sets out the principal purposes of National Parks: to preserve and enhance the natural beauty of these areas, and to promote their enjoyment by the public. The report defines a National Park as:

*“...an extensive area of beautiful and relatively wild country in which, for the nation’s benefit ... the **characteristic landscape beauty** is strictly preserved.” (CD73 para 4)*

1.3 In considering which areas might become National Parks, the report recommends that a wide range of factors, including landscape beauty, wildlife, suitability for rambling access and popularity should be taken into account. It notes, however:

“...the concern of National Parks must be broadly confined to relatively wild country, for, generally speaking, it is only in such country that the public at large desires or can satisfactorily be given a wide measure of recreational access.” (CD73 para 5)

1.4 The Hobhouse Report accepts Dower’s definition of a National Park and

identifies the factors to be considered in selecting new National Parks:

“The essential requirements of a National Park are that it should have great natural beauty, a high value for open-air recreation and substantial continuous extent. Further, the distribution of selected areas should as far as practicable be such that at least one of them is quickly accessible from each of the main centres of population in England and Wales.... Lastly there is merit in variety; and with the wide diversity of landscape which is available in England and Wales, it would be wrong to confine the selection of National Parks to the more rugged areas of mountain and moorland, and to exclude other districts which, though of less outstanding grandeur and wildness, have their own distinctive beauty and a high recreational value.” (CD74 para 35)

1.5 The report identifies twelve areas as potential National Parks: three lowland areas, including the ‘South Downs’, and the remainder in upland areas of England and Wales.

1.6 Parliament endorsed the Dower and Hobhouse definition of a National Park in the 1949 Act. The Act established the statutory criteria for National Park designation and the role of the Countryside Agency (formerly the National Parks Commission, later the Countryside Commission) in making a designation order.

1.7 Section 5(1) of the 1949 Act (substituted by S61 of the Environment Act 1995) identifies the twin purposes of National Park designation:

“(a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas ... and (b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.”

1.8 Section 5(2) then defines National Parks as:

*“...extensive tracts of country in England ... as to which it appears to [the Agency] that by reason of – (a) their natural beauty, and (b) the opportunities they afford for open-air recreation, having regard both to their **character** and to their **position** in relation to centres of population, it is especially desirable that the necessary measures shall be taken for the purposes mentioned in the last foregoing subsection.”*

1.9 Section 114(2) provides a partial definition of ‘natural beauty’ as follows:

*“Reference in this Act to the preservation [or conservation] of the natural beauty of an area shall be construed **as including** references to the preservation [or, as the case may be, the conservation] of [its flora, fauna and geological and physiographical features].”*

- 1.10 I conclude from the above that the traditional approach to defining National Parks in England requires them to be relatively wild areas, of substantial continuous extent and possessing characteristic natural beauty. In addition, the 1949 Act:
- gives the Agency discretion to decide which areas of land meet the statutory criteria;
 - does not fully define the term ‘natural beauty’;
 - identifies that the character and geographical position of National Parks are relevant considerations; and
 - requires National Parks to be extensive tracts of country possessing natural beauty and recreational opportunities.

Subsequent National Park policy reviews

1.11 In 1974, the National Park Policies Review Committee carried out the first major review of National Parks following the 1949 legislation. The resulting Sandford Report confirms that the statutory criteria remain valid but suggests that the National Park purpose of the promotion of public enjoyment should be changed to reflect the potential harm posed by excessive or unsuitable use. The report thus established the ‘Sandford Principle’, that where there appears to be a conflict between the two National Park purposes, the conservation and enhancement of the natural beauty should be given greater weight. This principle was subsequently endorsed by the Edwards Report and incorporated in S62(2) of the Environment Act 1995.

1.12 In identifying potential areas for new National Parks, the Sandford Report recognises that:

“...it would now be right to recognise that access to country of relatively wild character, which was emphasised by Dower and the Hobhouse Committee, is not essential to the enjoyment of the majority of present day visitors to the countryside.” (CD86 para 22.4)

1.13 It recommends that the Countryside Commission should:

*“...examine more diverse types of landscape, provided that they are of the **highest quality**, than the rugged uplands which dominate our existing parks...” and “...seek, without, of course, reducing the standards applied when areas are considered for designation, to redress, to some extent at least, the existing uneven geographical*

distribution of the national parks, none of which is close to the large populations of the south and south-east of England.” (CD86 para 22.5–22.6)¹

- 1.14 The second review of National Parks took place more recently. The 1991 report of the National Parks Review Panel entitled *Fit for the Future* (the Edwards Report) also endorses the statutory criteria. It highlights the importance of the conservation of the whole environment, the need for a more discriminating approach to recreational demand and the importance of local history and culture:

“We endorse the view that the public’s enjoyment of national parks is, and should be, derived from the special qualities of the parks. This means, in our opinion, promoting only the quiet enjoyment of the parks and particularly those activities which depend upon the special qualities and natural resources of these areas.” (CD76 page 9)

- 1.15 The report describes the essence of National Parks as lying in:

*“...the striking quality and remoteness of much of the scenery, along with the harmony between man and nature which it displays, and the opportunities it offers for suitable (quiet, open-air) recreation ... lowland areas might also qualify if, for example, they contained extensive areas of semi-natural vegetation, such as forest, heathland or downland, and if they provided opportunities to **‘get away from it all’**. However, in our view, the paramount consideration is that, if areas are to merit the title ‘national park’, these qualities must be combined over an extensive tract of countryside which provides a **sense of wildness**.” (CD76 page 135)*

- 1.16 The Inspector’s report of the Dartmoor National Park (Designation) Variation Order public inquiry considers how the statutory criteria for National Park designation and boundary setting should be applied. Section 2 of the report summarises the general approach taken by the Countryside Commission in considering amendments to National Park boundaries; this approach was not the subject of an objection at the Inquiry. In terms of considering the potential quality of the land, the report notes that:

*“Although not part of the Commission’s guidance statement, it was noted that a review only had to consider the current state of land. This approach was in accord with the restoration timescale criterion for the exclusion of major development. An area did not qualify for national park designation because it had **potential**; it had to*

¹ One member of the National Park Policies Review Committee, Mr Graham Watson, disagreed with these recommendations, pointing out that it is in part the distance from centres of population that helps protect National Parks yet at the same time makes them so attractive (CD86 para 22.8).

be of the required standard at designation.” (CD68 para 2.17)

1.17 The report also confirms that:

*“It was clear that national parks had to comprise extensive tracts of land which were **outstanding** in terms of natural beauty, and that the legal definition of natural beauty was deeper in concept than solely landscape, although landscape was the major contributory factor.” (CD68 para 2.18)*

1.18 I conclude from the Inspector’s report that land has to possess outstanding natural beauty at the time of designation if it is to form part of a National Park. I consider that the report also highlights the importance of what Dower termed ‘characteristic landscape beauty’ in the following statement:

*“The critical test for boundary making in this case was whether the landscape was both of **Dartmoor character** and national quality.” (CD68 para 2.22)*

1.19 The 1995 Environment Act enabled National Park Authorities to be set up and also introduced revised National Park purposes. The 1995 Act did not change the statutory criteria, however. Circular 12/96 provides amplification of the 1995 Act. In describing National Parks it states:

“The National Parks are areas of exceptional natural beauty. They contain important wildlife species and habitats, many of which have been designated as being of national and international interest. But the Parks are also living and working landscapes and over the centuries their natural beauty has been moulded by the influence of human activity. Their character is reflected in local traditions which have influenced farming and other land management practices. It is also reflected in the local building materials and vernacular style, monuments and landscape, often of archaeological or historical significance, and in the words, music, customs, crafts and art which mark the individual characteristics of each Park. The Parks represent an important contribution to the cultural heritage of the nation.” (CD3 para 8)

1.20 The Circular provides the following advice to National Park Authorities on identifying the special qualities of their Parks:

“These qualities will be determined within the context of each Park’s natural beauty, wildlife and cultural heritage and the national purpose of the Parks to conserve and enhance them. Particular emphasis should be placed on identifying those qualities associated with their wide open spaces, and the wildness and tranquillity which are to be found within them.” (CD3 para 11)

1.21 I conclude from the Circular that the Government considers that the special qualities of the National Parks embrace cultural aspects, as well as species and habitats, and characteristics such as openness, wildness and tranquillity.

Designation history of the 'South Downs'

1.22 Poorly regulated post-war residential developments motivated the newly formed Council for the Preservation of Rural England to make the first proposal for a 'South Downs National Park' in 1929. The 'South Downs Preservation Bill' followed in 1934, but was defeated, as it was thought that the Town & Country Planning Act would provide sufficient protection.

1.23 The Dower Report does not recommend National Park status but includes the 'South Downs' in a preliminary list as 'Division C: Other Amenity Areas'. Dower points out, however:

"I should have included at least two southern areas in Divisions A [suggested National Parks] or B [reserves for possible future National Parks] if I were not reasonably satisfied that they would, in future, be adequately dealt with by other agencies; the South Downs by the county and local authorities..." (CD73 para 11)

1.24 The Hobhouse Report effectively promotes the 'South Downs' from Dower's 'Division C' to 'Division A', by including it on a list of twelve areas recommended as National Parks. In explaining the reasons for this, the report notes that:

"We were impressed with the importance of including at least one National Park within easy reach of London. There exists in the South Downs an area of still unspoilt country, certainly of less wildness and grandeur than the more rugged Parks of the north and west, but possessing great natural beauty and much open rambling land, extending south-eastward to the magnificent chalk cliffs of Beachy Head and the Seven Sisters. We recommend it unhesitatingly on its intrinsic merits as well as on the grounds of its accessibility." (CD74 para 39)

1.25 The report distinguishes the 'South Downs' from the Wealden Greensand and clay landscapes lying to the north, which are proposed as the 'Hindhead Conservation Area'. Although it suggests only the 'South Downs' as a National Park, the report notes that future National Parks may be identified from amongst these Conservation Areas. The 'South Downs' remains the only one of Hobhouse's twelve areas not yet designated as a National Park (CD74 para 229 and 231).

1.26 Map 8 of the report shows the 'South Downs' predominantly restricted to chalk downland, with a small extension into the 'Hampshire Hangers' described thus:

"At the western end of the Park we propose a northerly extension, taking in Steep Hill

and Selbourne Hanger, an outlier of the down country. This area is less known and perhaps less spectacular than the South Downs themselves, but it contains country of intimate beauty and great interest, which has been immortalised in Gilbert White's Natural History of Selbourne.” (CD74 page 106)

1.27 Notes from the National Parks Commission policy file suggest that, by the 1950s, a great deal of the downland had been ploughed up, especially during and since World War II (CD128).

1.28 The 1956 report of the Commission notes that cultivation had diminished the recreational value of the ‘South Downs’:

“The South Downs, recommended for designation as a National Park by the Hobhouse Committee, has been engaging our attention for some time and the area was visited by survey parties from the Commission in May and July 1956. The recreational value of the South Downs as a potential National Park has been considerably reduced by the extensive cultivation of the downland, and, after our inspections, we came to the conclusion that the designation of this stretch of countryside as a Park would not be appropriate. At the same time the region has great natural beauty, and its ready accessibility from London makes it especially vulnerable to development. We are accordingly proposing to consider the designation of the area as one of outstanding natural beauty and we hope during the coming year to open discussions with the local authorities concerned.” (CD82 para 12)

1.29 In designating the two current Areas of Outstanding Beauty (AONBs), the Commission decided to split the areas, which had been proposed by Hobhouse as the ‘South Downs National Park’ and ‘Hindhead Conservation Area’, along county boundaries:

“Clearly the NPC saw some logic, in terms of administrative convenience, in treating these areas, despite their undoubted national landscape status, on a county basis. This principle was followed, not just for an enlarged Sussex Downs AONB, but also in later years for the East Hampshire AONB, the Surrey Hills AONB and the Kent Downs AONB.” (CD62 page 1)

The East Hampshire AONB was subsequently confirmed in 1962, followed by the Sussex Downs in 1966.

1.30 In 1991 the Edwards Report reconsiders the status of the ‘South Downs’:

“Of the areas suggested to us as meriting national park status, four came up time and time again as priorities for further national park designation – the North Pennines, the Cambrian Mountains, the New Forest and the South Downs.” (CD76 page 134)

- 1.31 The report finds that only the New Forest fully meets the essential attributes of a National Park. In urging the Government to reconsider its designation, the report adds:

*“We have a concern that the wider the designation of national park is cast, the more the currency may be downgraded and the greater is the danger that resources will become overstretched.... But, more importantly, we believe that the criteria which need to be satisfied for designation must include an element of **wildness** and a perception of **remoteness**. Earlier reports (notably Hobhouse) have stressed the importance of having national parks accessible to the main population centres, with the implication that southern Britain is poorly served. Since these reports were written, the personal mobility of the population as a whole has increased greatly, putting a much wider range of holiday and recreation areas within easy reach of urban populations.” (CD76 page 135)*

- 1.32 In September 1997, the Countryside Commission carried out a public consultation on the future of the ‘South Downs’². Following this, it published the report *Protecting our Finest Countryside: Advice to Government*. The report concludes that the ‘South Downs’ do not meet the criteria for designation ‘as a National Park as presently defined and applied’ and refers to the decision of the National Parks Commission in the 1950s not to designate the area:

“Although the area qualified as being of great natural beauty and was accessible to centres of population, its recreational value as a potential National Park had been considerably reduced by the extensive cultivation of the Downland. It no longer had sufficient extensive tracts of open country, which provided opportunities for open air recreation. These circumstances have not changed, except that even more land is now under the plough.... If the South Downs were designated, the criteria for designation, confirmed in the Edwards Report (1991), would need to be changed.

This would lead to demands for the designation of other areas with similar qualities and recreational opportunities, e.g. the Chilterns, the Cotswolds. Consistent treatment would make it very hard for the Commission to resist such demands ... [If designated] ... there would be pressure to exclude part of the currently designated AONB (both the West Weald and land on the fringes of the Brighton conurbation).” (CD47 page 31)

² Defined as ‘the area of chalk hills extending across Sussex and Hampshire from Beachy Head to Winchester’. Footnote on page 1 *Conserving The South Downs: Providing for Their Needs* (CD102).

1.33 I conclude that, although the 'South Downs' (as described by the Countryside Commission in 1997) has long been a valued landscape, the decision to designate it as a National Park has been far from clear-cut.

2 THE COUNTRYSIDE AGENCY'S INTERPRETATION OF THE STATUTORY CRITERIA

2.1 The Agency's interpretation and application of the statutory criteria are set out in Position Papers 1 and 2 (CD69 and CD70). In this section I also refer to the following core documents:

1996	Department of the Environment Circular 12/96, Environment Act 1995, Part III National Parks.	CD3
1998	<i>Protecting our Finest Countryside: Advice to Government.</i> Countryside Commission	CD47
29 Sep 1999	Letter from the Minister for the Environment to the Agency	CD45
Oct 1999	Countryside Agency Board Paper & minutes (AP99/34) Possible National Park Status for the South Downs	CD93
Dec 1999	Countryside Agency Board Paper & minutes (AP99/51) National park Designation: a Review of how the Criteria are Applied	CD94
Feb 2000	Countryside Agency Board paper & minutes (AP00/03) National Parks: Designation Criteria Review	CD43
16 Mar 2000	Letter from the Agency to the Minister	CD46
April 2000	Countryside Agency Board Paper & minutes (AP00/15) South Downs National Park	CD42
8 May 2000	Letter from the Minister to the Agency	CD85
July 2000	Countryside Agency Board Paper & minutes (AP00/30) Approach to defining National Park Boundaries	CD44
13 Nov 2000	Letter from the Minister to the Agency	CD84
Dec 2002	Assessing Landscapes for Designation	CD58

The role of the Countryside Agency

2.2 The Agency has specific powers and duties under the 1949 Act, as the Government's adviser on countryside matters. It also has a general power under the Countryside Act 1968 to advise any Minister or public body on the conservation and enhancement of the countryside.

2.3 The 1949 Act gives the Agency a duty to designate those areas to which the statutory criteria apply. The Agency notes that:

"In carrying out its statutory responsibilities under the Act, it is for the Countryside Agency to define its own policies for use in the interpretation of the statutory criteria, which it can use at its own discretion." (CD69 para 57)

2.4 In making a designation order under the 1949 Act, the Agency must define a boundary to encompass land that meets the statutory criteria for designation.

S7(1) of the Act also sets out the procedure as follows:

“Before making an order designating a National Park [The Agency] shall consult with every joint planning board, county council, county borough council and county district council whose area includes any land to be designated a Park.”

The Agency’s policy and approach

2.5 In September 1999, the Minister for the Environment wrote to the Agency, responding to the advice of the Countryside Commission contained in CD47. In the letter, the Minister asked the Agency to reconsider its policy for applying the 1949 criteria (but not the criteria themselves) and to re-examine the case for a ‘South Downs National Park’, noting that:

“An emphasis on rugged and open country is less appropriate today.... Further, we consider more account should be taken than in the past of the need to provide for improved opportunities for open-air recreation for the population at large, including by providing recreational opportunities close to where people live...” (CD45)

2.6 In December 1999, the Agency considered a *“fresh approach to the application of the statutory criteria”*, using indicative guidelines, such as a minimum percentage of open access land. These guidelines were not subsequently adopted as policy, as the Agency Board:

“...expressly decided against an approach based on precisely defined measures for each of the statutory criteria, arguing that decisions to designate will always involve a strong element of subjective judgement.” (CD43 para 6)

2.7 The Agency agreed a new policy for interpreting the statutory criteria at its meeting in February 2000. In March 2000, the Agency wrote to the Minister, setting out the framework for the new policy:

“...any future designations of National Parks are most likely to derive from existing [AONBs]. Since AONBs have already been designated for natural beauty following a test no less strict than for National Parks, the question of designation as a National Park will turn mainly on the capability of the area to provide for recreation ... any decision to designate a National Park in an area already designated as an AONB should relate to the following two questions:

- *Is it an extensive tract of country providing or capable of providing sufficient opportunities for open-air recreation? ...the area needs to have characteristics that mark it out as different from the bulk of ‘normal countryside’; so it needs more than simply a network of rights of way. It should contain qualities that might merit investment to deliver a markedly superior recreational experience. While the countryside did not need to be rugged and open, a sense of **relative wildness***

would be important.

- *Is it especially desirable to provide for the leadership of a national park authority, with the powers and duties laid down in the Environment Act 1995?... the designation must lead to the integrated management of the area and in particular in markedly better recreational experience than can be achieved by the local authorities alone. This recreational experience must be available, promoted and interpreted to the 'socially excluded' as well as to the more mobile in the society, as a result of the work of that special authority." (CD46)*

2.8 The February 2000 Board paper contains a checklist for use by the Agency when applying the statutory criteria (CD43 Annex 2). This identifies the key parameters for each of the criteria, which I summarise as follows:

Extensive tract of country – an area of sufficient size and accessibility to afford opportunities for open-air recreation for large numbers of people

Natural beauty – quality of landscape, brought about through:

- distinctiveness and local character;
- harmony between man and nature;
- sense of relative wildness;
- diversity of quality habitats;
- plus an additional requirement for positive management of the area, so that natural beauty can be reasonably secured and enhanced.

Opportunities for open air recreation – taking into account:

a. character of the landscape:

- walking – public rights of way, open access;
- suitability for appropriate activities that allow understanding and enjoyment of the special qualities of the area.

b. position in relation to centres of population:

- catchment area of the proposed National Park;
- ease of travel from nearby towns, with an overall consideration that there is at least one National Park readily accessible from each of the main population centres in England.

- **Especially desirable** – the need for management by a National Park Authority.

2.9 I note from this that the Agency considers a sense of relative wildness to be a key requirement of the natural beauty criterion, and that the catchment of the National Park and ease of travel are relevant to the assessment of recreational opportunity.

2.10 The Hobhouse Report identifies the considerations to be taken into account in defining National Park boundaries. In July 2000, the Agency agreed a new

approach, based on the Hobhouse considerations, but reflecting its new policy, changes in landscape character assessment and the plan-led approach to Town and Country Planning. The approach consists of two stages. The first determines, in broad terms, which areas of land meet the statutory criteria for designation, as defined by the 1949 Act. This is termed the 'Area of Search'. The second stage defines a detailed boundary, based on the Area of Search. In his letter of 13 November 2000, the Minister endorsed the Agency's approach as a 'sensible way of proceeding' (CD84).

2.11 The approach is set out in full in Position Paper 1 (CD69 para 52–53). Position Paper 2 confirms that the Area of Search stage refers mainly to considerations 1, 2 (a–c), but points 3 and 4 apply to both stages (CD70 para 10). I summarise these as follows:

1. The Countryside Agency shall first determine in broad terms that an area of land meets the statutory criteria for designation. (The criteria are defined in S5(2) in the 1949 Act and shall be applied according to the Agency's policy adopted in February 2000).
2. It shall then in drawing a National Park boundary take account together of the following considerations:
 - (a). Areas of **high** landscape quality should be included within the area of land identified for designation. (Landscape quality includes visual and intangible features and values. It embraces natural beauty, wildlife and cultural heritage. It is interpreted as the extent to which the landscape demonstrates the presence of key characteristics and the absence of atypical or incongruous ones, and by its state of repair and integrity. This is in line with the Agency's approach to landscape assessment).
 - (b). Areas to be included may be of differing landscape character: quality will be the key determinant rather than uniformity. (A variety of landscape character is an important factor in the overall amenity of the Park. Usually however there will be some unifying factors such as land use, ecosystems, historical or cultural links which bring differing character areas together to be included in a National Park).
 - (c). Areas which provide or are capable of providing a markedly superior recreational experience should be included. (Recreation means quiet countryside recreation related to the character of the area: that which allows people to enjoy and understand the special qualities of the Park, without damaging it or conflicting with its purposes or spoiling the enjoyment of it by others. This definition can encompass a number of different activities).
3. The statutory criteria point to the inclusion of land where both high quality and a markedly superior recreational opportunity exist. Not all land within the Park must

necessarily satisfy both criteria (a) and (c), but there should be a high degree of concurrence. (This approach is in line with the Agency's policy for designation, adopted in February 2000).

4. The boundary should not be regarded as a sharp barrier between areas of differing quality. In most situations there will be a transition of landscape quality and recreational experience across a sweep of land: the boundary chosen should be an easily identifiable feature within this transition.

- 2.12 I note that in 2a the approach calls for the inclusion of areas of 'high quality' (or value as it is now described – see para 4.6 below), but elsewhere the Agency uses the term '**outstanding**' when describing the required natural beauty or landscape value of National Parks (see CD69 para 88 and CD70 para 20).

Interpretation of the term 'natural beauty'

- 2.13 The Agency points out that, because the 1949 Act does not provide an exhaustive definition of the term 'natural beauty', the definition should not be limited to the factors listed in the wording of Section 114(2) (CD70 para 11). Instead, it emphasises the broader description of natural beauty contained within the Environment Act 1995 and its accompanying Circular.
- 2.14 The Agency considers that the definition of 'landscape quality' in its approach is consistent with the description given in Circular 12/96 and that landscape quality depends upon the presence and state of repair of the key landscape characteristics (CD58 para 3.2 and CD70 para 12).
- 2.15 Landscape character assessment is a technique, developed over the last thirty years, to provide a structured approach to analysing the physical and cultural characteristics of the landscape. As long ago as 1987 it was identified as the principal tool in the assessment of natural beauty. It has provided the starting point for making judgements about both landscape quality and opportunities for open-air recreation in the designation of the proposed National Park (CD36 para 4.4 and 5.2).
- 2.16 As statutory adviser to Government on landscape, the Agency (and its predecessor, the Countryside Commission) has developed advice on landscape character assessment. Although not statements of policy, the documents provide approved guidance on the use of landscape character assessment when identifying landscape quality and value for designation purposes. I consider this guidance in more detail in section 4.

Interpreting opportunities for open-air recreation

2.17 There is no equivalent guidance for assessing whether land meets the statutory criterion for ‘open-air recreation’, nor does the 1949 Act provide a definition of the term. The Agency relies upon past policy interpretation and guidance, which is set out in full in para 43–44 of Position Paper 1. In summary this includes:

- the wording of the 1949 Act, which draws a link between the character of the Parks and the recreational experience that they offer: “...*the opportunities they afford for open-air recreation, having regard both to their character...*”;
- the 1995 Act, which sets out National Park purposes as: “...*promoting opportunities for the understanding and enjoyment of the special qualities...*” The Agency interprets ‘special qualities’ as meaning landscape character and quality, so re-emphasising the above link;
- the Sandford Report, which highlights the need to provide for “...*differing kinds of public enjoyment in different parts of each park...*”;
- the Edwards Report, which confirms that the public’s enjoyment should be derived from the special qualities of National Parks;
- Circular 12/96, which also links opportunities for enjoyment with the special qualities of a Park: “*The attraction of the special qualities of the National Parks ... is demonstrated by the numbers of visitors who seek the enjoyment of these beautiful areas and the opportunities they offer for open-air recreation*”; and
- the *Review of English National Park Authorities*, which confirms that: “*Promoting opportunities for the understanding and enjoyment of the special qualities of National Parks is fundamental to their designation*”. It supports the view, expressed in the Circular, that the Authorities should promote the widest range of recreational opportunities for recreation, bearing in mind the need for conservation and taking into account the capacity of the National Parks.

2.18 Because open-air recreation depends upon the natural beauty of an area, the Agency considers that recreational opportunity has to be assessed in relation to landscape value. The Agency states that the landscape needs to be of **outstanding** value, in order to deliver a recreational experience that is markedly superior to that provided by normal countryside (CD70). Position Paper 2 also identifies the following additional considerations, to be taken into account when assessing whether an area may provide a ‘markedly superior recreational experience’:

- an existing recreational provision that gives access to the landscape and so to the experiences the landscape can provide;

- suitability for quiet enjoyment;
- openness and sense of remoteness, where appropriate;
- a diversity and range of existing recreational experience – an area is more likely to offer a markedly superior recreational experience if it contains a variety of landscape types offering a range of recreational experiences;
- potential for the recreational provision and experience to be improved, especially with the establishment of a dedicated National Park Authority; and
- general accessibility of the area, ease of travel (especially by public transport) and proximity to centres of population.

Interpreting potential

- 2.19 The Agency considers that in assessing natural beauty, only the **current** quality of the landscape can be taken into account. It notes that this approach is consistent with that of the Countryside Commission, as set out in the Inspector’s report for the Dartmoor National Park (Designation) Variation Order (CD69 para 45 and 46).
- 2.20 In terms of the recreation criterion, the Agency interprets the use of the word ‘opportunities’ in S5(1)(b) and S5(2)(b) of the 1949 Act to mean that both existing and potential opportunities to enjoy and understand the special qualities of the area are relevant (CD69 para 47).

Especially desirable

- 2.21 The Agency also considers whether it is especially desirable to provide for the leadership of a National Park Authority to achieve National Park purposes. The Agency’s policy poses the question:
- “...will designation lead to a markedly better managed recreational experience than can be achieved by local authorities alone? And will this recreational experience be available, promoted and interpreted to the ‘socially excluded’ as well as the more mobile in society, as a result of the work of [a National Park Authority]?” (CD43 para 12b)*
- 2.22 The Agency points out that there is a need for specific and integrated management to address the long-term needs of the ‘South Downs’, to make the most of the recreational potential, whilst conserving the special qualities. It maintains that a National Park Authority would be in a stronger position to be able to balance the conservation and enhancement of the area with the desire of people to enjoy the area (CD69 para 93 and 99).

3 THE AREA OF SEARCH

- 3.1 The Area of Search study, carried out by Landscape Design Associates for the Agency in March 2001, determined in broad terms which areas of land meet the statutory criteria for National Park designation. It informed the March 2001 paper to the Agency Board and subsequent decision for the agreed Area of Search to form the basis for defining the boundary (CD41). I consider that the Area of Search represents a **critical stage** in the designation process and is of particular relevance to many of the matters of principle that were raised during the Inquiry or in writing.

Area of Search report (CD36)

- 3.2 This technical study determined an Area of Search, based on an assessment of natural beauty and recreational opportunity. Landscape character assessment formed the basis for testing both criteria as:

“...it is through an understanding of character that natural beauty, and the special qualities which a landscape offers for recreation, can be assessed.” (CD36 para 4.4)

- 3.3 The two existing AONBs formed the core of the Study Area. These were divided into broad character areas, which were used to identify similar areas, outside the AONBs which:

“...may now be considered to meet the highest standards of landscape quality, equivalent to the designated AONB area, and ... may also have good open-air recreational provision, or potential for recreation, which would merit inclusion in a National Park.”

The consultants, the Technical Advisory Group and others suggested additional areas, beyond the AONB boundaries, some of which incorporated new character areas. The study stopped short of including the Surrey Hills or High Weald as:

“To have included these areas would have extended the Study Area unduly beyond, and extending without a natural break, what was intended as the potential National Park – the South Downs.” (CD36 para 4.3)

- 3.4 The resulting Study Area³, was the subject of detailed assessment. It includes areas of very different character to the chalk downland, where ‘their

³ As shown on CD70 Annex 1 Map A.

geology is commonly found in association' or 'they are physically, visually and historically associated' (CD36 para 3.2)

3.5 The report notes that data relevant to the statutory criteria was collected and discussions were held with senior AONB staff, to identify key issues. Nine distinct landscape character areas⁴ were developed from a review of earlier landscape assessments⁵, supplemented by fieldwork. The nine landscape character areas are set out at para 7.2 of CD36 as follows:

Chalk landscapes

Western Chalk Uplands (including the Meon and Itchen Valleys) (125)

Central Wooded Chalk Uplands (125)

Eastern Open Chalk and River Valleys (125)

East Hampshire Downs (130)

Lowland landscapes

Hampshire Hangers and Wealden Greensand (including the Rother Valley) (120)

Low Weald (121)

Forest of Bere* (128)

Coastal Lowlands* (126)

Pevensey Levels* (124)

* landscape character areas lying wholly outside the AONB boundaries.

3.6 From my study of the earlier landscape assessments, it appears that the extent of these nine landscape character areas generally reflects a simplification of the more detailed AONB and county assessments and a minor subdivision of the corresponding countryside character areas in CD56 (shown above in brackets). Section 5 provides details of these assessments.

3.7 A Recreational Opportunity Spectrum analysis was used to 'establish those aspects of the landscape which contribute to landscape quality, and thus the type of existing opportunities for open-air recreation within each character area'. The analysis involves the overlay of data sets such as tranquillity, communication corridors, settlement patterns, landscape character and wildlife and heritage designations. It identified eight recreational landscape types, plus access corridors (CD36 para 4.5).

3.8 The Agency points out that this method 'addresses the need for social

⁴ CD70 Annex 1 Map A shows ten landscape character areas. The discrepancy arises because the 'Hampshire Hangers' and 'Wealden Greensand' are combined in one landscape character area in the Area of Search report.

⁵ These included the national Countryside Character map (CD56) and more detailed county and AONB landscape assessments.

inclusion and a variety of recreational experience to suit the needs of different people'. (CD135 para 22)

- 3.9 The resulting information was used to create a landscape and recreational profile for each landscape character area, which was then applied in the field to assess each character area against the statutory criteria for designating a National Park. The consultants used the statutory criteria, the Agency's approach and other documents, such as the 1993 *Landscape Assessment Guidance* CCP423 (CD54) in order to:

"...establish 'tests' to assess whether the criteria for National Park designation are met in any particular area, especially for natural beauty and opportunities for open-air recreation." (CD36 para 4.3–4.5)

- 3.10 To be included in the Area of Search, land had to meet **both** the natural beauty and recreational criteria. The statutory criteria were tested across tracts of land, rather than on a field-by-field basis. The report notes that this approach reflects the scale at which the landscape is perceived and the fact that landscape quality and recreational opportunities can vary considerably over relatively short distances. The consultants also regularly compared areas within the AONB with those outside the boundary (CD36 para 4.5).

Assessment of natural beauty

- 3.11 In assessing natural beauty, the test criteria developed from CCP423 were applied at both the Area of Search and boundary assessment stages (CD58 para 4.3). I examine these criteria in more detail in Section 4.
- 3.12 The study identifies a number of areas where corridor development has led to a loss of natural beauty, because of noise or adverse visual impacts. CD36 notes that:

"The wholesale exclusion of all such corridors from the Area of Search was regarded as too crude an approach; it is not justified in many cases and, in any event, would result in an unacceptable level of fragmentation of the National Park." (CD36 para 7.3)

- 3.13 The report considers that the most significant corridors would need scrutiny at the boundary assessment stage. It finds that some other areas do not meet the natural beauty criteria but, if excluded, these would create holes within the Area of Search. Para 7.3 notes that:

"It is important to recommend an extensive 'tract of land' as the Area of Search ... and not one which is fragmented or which contains a number of 'holes'."

- 3.14 The study excludes some areas of high-quality landscape, where these have become separated from the core of the proposed National Park, because of the cumulative impact of *ad hoc* developments or land use changes. It assessed the significance of fragmentation in terms of:
- the extent to which the inclusion of a smaller area of lesser or marginal natural beauty would allow a significant area that meets the natural beauty tests to be included; and
 - the extent to which the exclusion of certain areas would result in ‘holes’ in the Area of Search, which might have an adverse impact on the National Park.
- 3.15 Where there was an element of doubt, the consultants either excluded or highlighted these areas for scrutiny at the boundary assessment stage. The study identifies several areas where urban fringe issues affect natural beauty. Where these result in the direct loss of natural beauty, the areas were excluded. Where the impacts are indirect, through distant views or by night-time light intrusion, for example, the land was included on the grounds that the impacts do not directly impact upon the inherent quality of the landscapes in question (CD36 para 7.3).
- 3.16 The 2002 report *Defining the boundary in areas of transitional landscape* (CD51) gives further guidance on assessing areas where landscape character and quality is in transition.

Assessment of opportunities for recreation

- 3.17 The Area of Search report sets out in detail at para 5.4 how the opportunities for open-air recreation were assessed. It includes the following definition of markedly superior recreational experience, which was used in the study:
- access to high-quality landscapes and memorable places, and special experiences arising from this resource;
 - a wide range of nature conservation or heritage features and designations, as well as memorable natural or built landmarks or ‘icons’, which cumulatively influence the richness of experience that the environment has to offer;
 - good recreational provision, in terms of quality, quantity and diversity (to meet the needs of different audiences); and
 - good management of the recreational resource.
- 3.18 It notes that:
- “...the landscape needs to be more than normal countryside to offer [Markedly Superior Recreational Experience] and an assessment of MSRE should be*

*considered in comparison to the quality of recreation experiences currently gained at **other National Parks** within the country.”*

- 3.19 The report notes that the assessment of recreational opportunity took a diverse range of factors into account, including:
- existing provision of recreation, related to the character of the area, including open access land; and
 - potential recreational opportunities, identified in consultation with senior AONB staff.
- 3.20 The Area of Search study included a review of the existing public rights of way, accessible areas used for recreation, recreational attractions and formal countryside sports. The proximity of services required to support the sustainable use of the proposed National Park also formed part of the assessment.
- 3.21 It took account of the potential of an area to offer a ‘markedly superior recreational experience’, except where this potential provision was considered **speculative, unrealistic or impractical**. Each landscape character area was assessed against the following thirteen factors:
- tranquillity and relative wildness/wilderness experiences;
 - variety of quiet informal recreation activities;
 - accessible sites of nature conservation interest;
 - accessible sites of cultural interest;
 - interpretative facilities linked to the ‘sense of place’ – cultural and natural heritage;
 - existing density of footpaths and bridleways;
 - long distance paths;
 - proximity of railway stations;
 - bus routes linking the area with main population centres;
 - accommodation in the immediate area;
 - proximity to major settlements;
 - current use of area and future recreational capacity; and
 - potential for improving recreation provision with possible changing land uses.
- 3.22 The Area of Search report notes in para 7.4 several issues that were revealed by the analysis. In summary it finds that:
- most of the recreational ‘honey pot’ sites lie in the chalk downs near the south coast;
 - conflict between different user groups exists in some localised areas;
 - parts of the rights of way network suffer from lack of maintenance and problems of

localised erosion due to high levels of use, particularly in the western part of the Sussex Downs AONB;

- rights of way in the northern part of the Sussex Downs AONB and in the western part of the East Hampshire AONB have the highest additional capacity;
- sustainable transport initiatives would help to reduce pressures on the road network and therefore improve the quality of the recreational experience;
- additional open access land is needed in the East Hampshire AONB;
- there is considerable support for a visitor management strategy, using buffer zones and honey pot sites, either within or outside the proposed Park, to help accommodate a wider range of recreational requirements; and
- in terms of the capacity to absorb visitor numbers “...*both the perceptual and physical carrying capacity of the Wooded Chalk Uplands, Meon Valley, Hampshire Hangers and Wealden Greensand is higher than that of the Eastern Open Chalk Uplands and the Hampshire Downs*”.

3.23 The Recreational Opportunity Spectrum analysis identified landscapes, beyond the AONB boundaries, that could support or enhance the existing recreational opportunity provided by the AONBs. CD36 suggests that **supportive** landscapes, such as the ‘Low Weald’ and those adjacent to the East Hampshire AONB could help protect the tranquillity of the upland landscapes, while flatter landscapes would offer a different recreational experience, suitable for less able Park users (CD36 para 7.4).

3.24 I note that the Sandford Report also recognises the need for boundary reviews to extend a National Park into areas of high-quality landscape where recreational pressures may be developing, as long as the land in question meets the statutory criteria (CD86 para 22.2).

Assessment of the extensive tract

3.25 The Area of Search report notes that the requirement for an ‘extensive tract of country’ implies an area of sufficient extent to offer open-air recreation for large numbers of people. The proposed Park should be **contiguous** and not fragmented into ‘islands’ of land, separated by areas which do not meet the National Park criteria. It reasons that:

“A fragmented National Park would be more difficult to manage and would not provide a continuous high-quality experience and sense of cohesion that a national asset should have.” (CD36 para 5.5)

Position in relation to centres of population

3.26 The report states that the requirement for accessibility remains as important

as in Hobhouse's time. It interprets accessibility in terms of not only physical distance, but also taking into account the convenience, time and cost. The need to minimise the environmental impacts from travel also suggests that the relationship of the Area of Search to existing and potential sustainable transport provision, such as footpath, cycle and public transport routes connecting with urban areas, is a relevant consideration (CD36 para 5.5).

Wider policy issues

3.27 In addition to the statutory criteria, current policies and trends also informed the Area of Search assessment. The report notes that, whilst not overriding the statutory criteria, issues of sustainable development, social policy, health and welfare of the nation, the future of agriculture and the means by which environmental conservation is achieved in the 21st century are considerations that affect whether it would be especially desirable to designate the area as a National Park (CD36 para 5.1, 6.1 and 6.6).

3.28 Elsewhere, the Agency appears to contradict this:

"It is the natural beauty and recreational opportunities present in the [Designated Order Land] which make it especially desirable to designate... Extraneous matters outwith the two substantive statutory requirements such as planning and socio-economic considerations are not relevant to the judgement as to whether it is especially desirable to designate." (CD135 para 39–40)

3.29 A review of recreation and tourism issues suggests that a general increase in demand for countryside recreation will inevitably affect the area. The report also notes that:

"It is certain that National Park status will raise the profile of the South Downs as a domestic and international tourist destination." (CD36 para 6.3)

It concludes that a larger Park with a greater diversity of landscape character would accommodate more visitors and provide more opportunities for a recreation management strategy to succeed. In addition, it suggests that a Park that is closely linked to gateway towns and transport interchanges would offer more scope for integrated sustainable transport initiatives as well as providing more opportunities to the socially excluded (CD36 para 6.3).

3.30 The assessment therefore took the following requirements into account in recommending an Area of Search (CD36 para 6.2):

- the inclusion of a range of landscape character areas and types, to provide a wide range of recreational opportunities and help to achieve social inclusion;

- opportunities for easy access to sustainable modes of transport to bring people into or close to the National Park – helping it to function as a national resource and serve the growing population of the south-east; and
- the opportunities for easy local access from adjoining or nearby urban areas, transport interchanges and ‘gateway’ towns into the National Park via public rights of way or special transport initiatives for all Park users.

The recommended Area of Search

3.31 The report compares the recommended Area of Search with two other options – one consisting of chalk downland only and another restricted to AONB land. It explains that:

“It is better to define an Area of Search for a National Park which will function well (in terms of satisfying the purposes of a National Park as set out in the 1995 Act, the range of government policies such as sustainability and social inclusion and the operational criteria which are likely to be central features of a National Park Management Plan) rather than one which, whilst equally satisfying the designation criteria, does not actually deliver an optimum level of benefit or which is likely to prove impractical, unduly costly or functionally difficult to operate effectively as a national landscape and recreational resource. This is where this strategic study, which is most strongly driven by the legislative criteria for designation, needs to look ahead to how the National Park might actually operate.” (CD36 para 7.6)

3.32 The three options were examined in terms of:

- the role of gateway towns to the National Park;
- access and sustainable transportation; and
- landscape and recreational diversity.

3.33 The study finds that the recommended Area of Search provides:

- a greater diversity of landscape character and recreational opportunities, meeting the needs of a wider range of people;
- a Park which would allow most potential for sustainable transport and social inclusion initiatives to succeed;
- a large, diverse area with sufficient buffer zones that could together accommodate the predicted recreational demands; and
- a suite of different landscapes which sum up most of the classic lowland English scenic types.

3.34 It rejects two other options, reasoning that:

- excluding land that meets the test criteria is a missed opportunity;
- the geographical area is smaller;

- the capacity to accommodate large numbers or many different types of recreational users is lower;
 - the distance from suitable gateway towns or transport nodes is greater; and
 - sustainable transport planning would be more difficult.
- 3.35 Finally, the Area of Search study classifies each landscape character area within the Study Area in terms of land to:
- include in the Area of Search;
 - exclude; and
 - include but requiring particular scrutiny at the boundary assessment stage.
- 3.36 The results of the analysis, contained in Appendix 5 of CD36 and shown on plan 1384/LP/R4 (CD36 page 63), subsequently informed the March 2001 Agency Board paper (CD41).

The Agency's conclusions

- 3.37 Annex 4 of CD41 contains a revised version of Appendix 5 of CD36. In the Annex, the ten character areas⁶ are subdivided into AONB and non-AONB land. The non-AONB areas are further subdivided, giving a total of 33 areas. Each of these is scored against the natural beauty and recreational criteria. In the Annex, a score of 'low' signals that the area fails to meet a criterion, whereas one of 'high' indicates that the criterion is met. It indicates that the majority of the areas that have a score of '**medium**' for natural beauty or recreational opportunity meet the criterion in question. Each area is also analysed in terms of the desirability of its inclusion, taking into account the Agency's mission statement of what a South Downs National Park Authority would seek to achieve (CD41 para 4).
- 3.38 Table 1 of Annex 4 of CD41 summarises Officers' conclusions, drawing on the analysis. It recombines the subdivided non-AONB land, resulting in 22 areas, and scores each against the two statutory criteria. Two of the scores in Table 1 for non-AONB areas are different to those in the full analysis – for recreational opportunity in the 'Itchen Valley' and 'East Sussex Low Weald'. Table 1 indicates that the majority of the areas assessed as 'medium' for recreational opportunity meet the criterion, but suggests that only one with a 'medium' score for natural beauty ('Hampshire Hangers' non-AONB land)

does so.

3.39 It appears from this that there are some inconsistencies between Table 1 and the fuller analysis contained in Annex 4 of the Board paper, in terms of the scores needed to meet the two statutory criteria.

3.40 The Agency draws the following conclusions from the above analysis:

- all broad areas within the two AONBs (other than Petersfield, Liss and the A3 north of the chalk downland) should be included in the Area of Search;
- some areas merit minor variations (mainly extensions) to the existing AONB boundaries; and
- some broader areas outside the two AONBs in the 'North Itchen Valley', the 'West Sussex Low Weald' and the 'Hampshire Hangers' merit inclusion.

3.41 The Area of Search was agreed as a basis for defining the boundary on the basis that:

- the combined area of land provides an extensive tract of sufficient size;
- each of the broad areas included satisfies the natural beauty criterion; and
- each of the areas identified satisfies the recreational criterion. Each offers, or has the potential to offer, a markedly superior recreational experience and is readily accessible from large centres of population.

3.42 The Agency also concluded that it is especially desirable to include each broad area within the proposed National Park. Designation would result in added value that cannot be achieved by local authorities alone, in particular by providing a markedly superior recreational experience. This conclusion was reached on the basis that the agreed Area of Search would provide a National Park that would:

- meet the Agency's vision for a 'South Downs National Park' for the 21st century and for the creation of an authority that can bring strategic management to the whole area;
- include a variety of landscape types and offer a diversity of experiences in line with modern recreational needs; and
- result in an assemblage of classic lowland English landscapes with strong unifying factors (CD41 para 12).

⁶ As shown on CD70 Annex 1 Map A.

4 DEVELOPMENT OF LANDSCAPE ASSESSMENT GUIDANCE

4.1 This section sets out how the best practice guidance, on the use of landscape character assessment to identify areas of special value, evolved during the designation of the proposed National Park. Three documents, which span the period 1993–2002, are particularly relevant to the designation of the proposed National Park. These are:

1993	Countryside Commission. Landscape Assessment Guidance (CCP423)	CD54
1999	Land Use Consultants and Sheffield University. Interim Landscape Character Assessment Guidance; report to the Countryside Agency & Scottish Natural Heritage	CD55
2002	Countryside Agency & Scottish Natural Heritage. Landscape Character Assessment Guidance for England & Scotland (CAX 84)	CD57

4.2 The December 2002 report *Assessing Landscapes for Designation* argues that the changes in the landscape assessment guidance that occurred between 1993 and 2002 have not undermined the assessment of natural beauty in the designation of the proposed National Park (CD58 para 1.3).

4.3 The report notes that the 2002 landscape assessment guidance (CD57) was published during the boundary definition process. Prior to this, the methodology used for the Area of Search (March 2001), draft boundary recommendations (July 2001) and the public consultation response (November 2001) was based on **CCP423**, as this was the accepted and approved guidance at the time. The consultants point out that they did also refer to the 'interim guidance' and adopt some recent thinking and experience in landscape evaluation and assessment, but did not abandon CCP423 in favour of the interim guidance, which had not been formally adopted (CD58 para 4.1).

4.4 CD58 lists at para 4.2 the following aspects which, in addition to the criteria set out in CCP423, were considered in the assessment of natural beauty (my paraphrasing):

- landscape condition – the unspoilt character and state of repair, as it is affected by landscape management. A sweep of landscape was **excluded** where it was felt to have lost its characteristic elements and intactness;
- designations and cultural associations – information on a range of physical and cultural features and sites was gathered;
- sense of relative wildness – although neither a statutory test criterion for natural

beauty, nor referred to in CCP423, this was clearly important in the designation of the first National Parks. Beautiful country of a more lowland character can offer an experience of relative wildness. What is important is that the landscape is not ordinary countryside, but is of national importance for recreation because of its intrinsic beauty. This was therefore considered during the assessment process for the proposed National Park;

- stakeholder involvement – increasingly recognised as an important part of landscape assessment and evaluation;
- tranquillity – tranquillity maps for the two AONBs were used to identify areas offering the most tranquillity, and thus potentially the greatest relative wilderness and memorable recreational experiences; and
- the particular experience and expertise of the consultants.

4.5 Table 1 of CD58 sets out in more detail the differences between the test criteria for designating landscapes that are included in the 1993 and 2002 guidance.

Terminology

4.6 CD58 notes that the change in the use of the term ‘quality’ to that of ‘value’, in assessing the suitability of a landscape for designation, needs to be taken into account when reading documents produced prior to April 2002. The Agency’s approach uses the terminology set out in CCP423, and refers to landscape ‘quality’ in the context of designation. The current guidance (CD57) clearly differentiates the two terms (see para 4.16 below). It is important therefore to read note 2(a) of the approach with this in mind – i.e. replacing ‘quality’ with ‘value’. CD58 suggests that this does not alter the meaning of the Agency’s approach or its application.

1993 Landscape Assessment Guidance CCP423 (CD54)

4.7 This report distinguishes between the process of landscape description and classification – describing and classifying the landscape into different types or units – and that of evaluation, which involves attaching a value to a particular landscape by applying specific criteria. It provides a definition of natural beauty as follows:

“...in addition to the scenic or visual dimension of the landscape, there are a whole range of other dimensions, including geology, topography, soils, ecology, archaeology, landscape history, land use, architecture and cultural associations All of these factors have influenced the formation of the landscape, and continue to affect the way in which it is experienced and valued. Cherished landscapes can be

said to have a natural beauty. This term embraces all of the dimensions of landscape listed above, and also implies that the landscape is more than the sum of its component parts. The concept of natural beauty has a statutory basis in the Wildlife and Countryside Acts and is central to the remit of the Countryside Commission.” (CD54 page 4)

4.8 It provides guidance on evaluating landscape quality for the purpose of conserving natural beauty:

“Essentially the quality of the landscape is judged against that of surrounding landscapes, whether at national, regional, county or local scale. Of particular note is the fact that although scenic quality is the essential and overriding factor in designation, the designation criteria also recognise the relevance of non-visual factors, such as special concentrations of historical, wildlife or architectural features. Cultural associations and public preferences, for example as demonstrated through writings and paintings about the area, are also given some weight.” (CD54 page 25)

4.9 The report lists six criteria for use in evaluating landscapes for designation and notes that these can be used at any scale:

- landscape as a resource – the landscape should be of importance for reasons of rarity or representativeness;
- scenic quality – it should be of high scenic quality, with pleasing patterns and combinations of landscape features, and important aesthetic or intangible factors;
- unspoilt character – it should be generally unspoilt by large-scale, visually intrusive or inharmonious development;
- sense of place – it should have a **distinctive and common character**, including topographic and visual unity and a clear sense of place;
- conservation interests – in addition to scenic qualities, it should have notable conservation interests; and
- consensus – there should be a consensus as to its importance, for example, as reflected through literature and the arts.

1999 Interim Landscape Character Assessment Guidance (CD55)

4.10 During the 1990s the techniques used to assess landscape character and to evaluate landscapes evolved considerably. CCP423 was updated to reflect these changes. In August 1999 Scottish Natural Heritage and the Countryside Agency issued the *Interim Landscape Character Assessment Guidance* for consultation.

4.11 The guidance provides the following definition of landscape character:

“...what makes one landscape different from another. It means the distinct and

recognisable pattern of elements that occurs consistently in a particular type of landscape. Distinctive character results from particular combinations of geology, landform, soils, vegetation, land use, field patterns and human settlement. It creates the particular sense of place of different parts of the landscape.” (CD55 Box 7.1)

4.12 It notes that:

“The concept of landscape quality has often been confused with both landscape value ... and scenic beauty, both of which are in fact quite distinct. Quality relates to landscape character. It is based on judgements about the extent to which the distinctive character of a particular landscape character type is visible in a specific area, and about the physical state of repair of the landscape or its visual and ecological integrity....” (CD55 para 7.15)

4.13 ‘Landscape quality’ is defined as:

“...a function of the extent to which the character of a landscape character type is demonstrated in a particular area, in terms of the presence of key characteristics and absence of atypical or incongruous features. It also depends upon the state of repair of elements in the landscape and the integrity or intactness of the landscape.” (CD55 Box 7.4)

4.14 It is at this point in its evolution that the guidance distinguishes between the terms ‘value’ and ‘quality’ and the criteria previously used to define landscape ‘quality’ are henceforth used to define ‘value’. The report defines landscape ‘value’ as the relative value attached to a landscape, which provides the means for assessing whether a landscape merits special treatment. In Box 7.4 page 81, it sets out the following six criteria, which can be used to identify valued landscapes at the national or local scale:

- landscape as a resource – its rarity or representativeness, ideally based on a classification of the landscape resources;
- landscape quality – the extent to which the character of an area is expressed, in terms of presence of key characteristics and absence of atypical features – this depends upon the state of repair and integrity or intactness of the landscape;
- scenic quality – perceived aesthetic and intangible qualities, sense of place – reflecting the particular combination and pattern of elements in the landscape;
- consensus – of opinion on the importance of the landscape;
- conservation interests – wildlife, earth science, archaeological or historical features of interest; and
- other values – such as wilderness, cultural associations or tranquillity.

It notes that the number of criteria that are relevant will vary according to the area being considered.

- 4.15 The interim guidance describes the process to be followed in making a national landscape designation as follows:

“In England, the first step in national designation has been to choose the broad area of valued landscape. Broad character areas, like those shown in the Character of England map, are usually selected on the basis of their special value measured against a series of criteria.... These criteria are indicative only and others may need to be devised in particular circumstances.... Once a broad area has been selected for national designation or recognition, a map of landscape character at the local level can help to define detailed boundaries. For example, it may be that certain landscape character types are considered appropriate for inclusion in the area, while others are not. A map of landscape types can, in these circumstances, make the task of boundary definition relatively straightforward.... Quality considerations will often be relevant in defining boundaries. Areas where landscape elements are in poor condition, or where there are intrusive features in a sensitive area, may be excluded from the designation or recognition, provided that the criteria make clear the basis for this. It should be remembered, however, that character (value-free) and quality are separate so character area boundaries may coincide with designation boundaries but they do not have to and indeed, do not in many instances.” (CD55 para 8.32–8.33)

2002 Landscape Character Assessment Guidance for England & Scotland (CD57)

- 4.16 The current, approved guidance was published in April 2002 and supersedes the earlier documents. It reiterates much of 1999 guidance but reflects some changes in terminology and in the approach to landscape quality and value.

In para 7.8 CD57 sets out the following definitions:

- landscape quality (or condition) is based on judgements about the physical state of the landscape, and about its intactness, from visual, functional and ecological perspectives. It also reflects the state of repair of individual features and elements which make up the character in any one place; and
- landscape value is concerned with the relative value that is attached to different landscapes. The usual basis for recognising certain highly valued landscapes is through the application of a local or national designation. Different communities of interest may also value a landscape that has no formal designation. This may recognise, for example, perceptual aspects such as scenic beauty; tranquillity or wildness; special cultural associations; the influence and presence of other conservation interests; or the existence of a consensus about importance, either nationally or locally.

- 4.17 The guidance highlights the role of the statutory criteria of natural beauty and

recreational opportunity in designating National Parks in England (CD57 para 7.21). In considering the assessment of natural beauty for designation purposes, it suggests that judgements must be based at least in part on the concept of landscape value (para 7.22). It then identifies a range of eight detailed, indicative criteria, which can be used 'either individually or in combination', to assist in the definition of nationally important areas (para 7.22–7.24). These are:

- landscape quality – the intactness of the landscape and the condition of its features and elements;
- scenic quality – the term used to describe landscapes which appeal primarily to the visual senses;
- rarity – the presence of rare features and elements in the landscape, or the presence of a rare landscape type;
- representativeness – whether the landscape has a particular character and/or contains features and elements felt by stakeholders to be worth representing;
- conservation interests – the presence of features of particular wildlife, earth science, archaeological, historical or cultural interest, which may add to the value of a landscape as well as having value themselves;
- wildness – the presence of wild (or relatively wild) character in the landscape which makes a particular contribution to sense of place;
- associations – with particular people or events ; and
- tranquillity – a composite feature related to low levels of built development, traffic, noise and artificial lighting.

4.18 In designating a landscape, the guidance suggests that the statutory criteria of natural beauty and recreational opportunity can provide the starting points for selecting the broad Area of Search for designation. The above criteria can then help provide a supporting statement about why an area is valued. Once an Area of Search is established, boundaries can be determined by assessing the character and quality of landscapes within the Area of Search to determine whether or not they should be included (para 7.25).

4.19 The guidance provides further details of the process involved in identifying and defining special areas:

“In principle broad character areas, equivalent to those now shown in the Character of England map, which did not exist when most National Parks were designated, can be selected on the basis of their special value measured against a series of criteria [as listed above]... Once a broad area has been selected for national designation or recognition, a map of landscape character at the local level can help to define

detailed boundaries. For example, it may be that certain landscape character types are considered appropriate for inclusion in the area, while others are not. A map of landscape types can, in these circumstances, make the task of boundary definition relatively straightforward. Character and value are separate concepts so character area boundaries may coincide with designation boundaries but they do not have to, and in many instances do not. There are often other, completely different criteria, for a variety of environmental, social or political reasons, that are also used to select boundaries of such areas.” (para 9.5– 9.6)

- 4.20 In conclusion, it appears that there are significant differences between the 1993 document and later guidance, particularly in terms of the wildness and tranquillity criteria. It is clear that the test criteria evolved considerably during the designation process and that this has inevitably made the designation process less straightforward for the Agency.
- 4.21 In my view, it is significant that both the 1999 and 2002 guidance suggest that the national Countryside Character map can provide an appropriate starting point for defining areas of special value for designation purposes and that, once a broad area has been selected, more detailed landscape assessments can be used to define the boundaries.

5 LANDSCAPE ASSESSMENTS PROVIDING BACKGROUND INFORMATION

5.1 In this section I refer to the following reports, which provide landscape character descriptions at varying levels of detail:

1991	<i>The East Hampshire Landscape.</i> CCP358	CD60
1994	<i>Landscape Assessment of West Sussex.</i> Section One	CD113
1995	<i>A Landscape Assessment of the Sussex Downs AONB</i>	CD182
1996	<i>The Landscape of the Sussex Downs AONB.</i> CCP495	CD59
1998	<i>East Hampshire AONB Integrated Management Guidelines</i>	CD183
1999	<i>Countryside Character.</i> Volume seven	CD56
2000	<i>The Hampshire Landscape – a Strategy for the Future</i>	CD87

5.2 In addition to classifying the landscape into landscape types and areas, and describing the key characteristics of the landscape, most of these studies analyse the forces for change at work and provide guidance on directing change in the landscape. Although they do not evaluate the suitability of the landscape for designation purposes, a review of these documents helps to understand how the assessments may have informed the designation of the proposed National Park, and in particular the Area of Search study.

1991 *The East Hampshire Landscape CCP358 (CD60)*

5.3 Cobham Resource Consultants produced this report for the Countryside Commission, East Hampshire District, Winchester City and Hampshire County Councils. It describes the diversity of landscape character within the AONB area, assesses the key forces for change and recommends measures to conserve and enhance the natural beauty of the area. The report aims to highlight the special qualities of the AONB, raise awareness of its importance and provide a basis for co-ordinated action on planning and land management. It identifies three broad landscape types, which are subdivided according to their physical characteristics as follows:

Chalk Downland	Hangers Landscape	The Weald
Partly Enclosed Lowland Farmland	Chalk Hangers	Lowland Farmland
Open Downland/ Farmland with Woodland	Greensand Hangers	Heathland/Woodland
Chalk Ridges and Valleys		
Wide Valley with Steep Sides		
Wooded Downland		
River Valley		

- 5.4 The study includes a section on historical perceptions of the landscape. This identifies the key features of the landscape, which were noted by writers and artists in the past, as ‘the downland, the Hangers, the Meon Valley, the villages and, to a lesser extent, the heathlands of the Weald’ (CD60 page 13).
- 5.5 The report concludes that the outstanding elements of the AONB comprise:
- downland;
 - Hangers;
 - archaeological heritage (hill forts and prehistoric monuments);
 - villages and churches; and
 - the ‘exquisite arrangement and combination’ of the contrasting landscapes and elements of the AONB as a whole.

1994 Landscape Assessment of West Sussex. Section One (CD113)

- 5.6 This study was done by Suzanne Dipper and jointly funded by the Countryside Commission and West Sussex County Council (WSCC). It contains a landscape classification based upon five structurally distinct landform regions, which broadly correspond to the countryside character areas later identified in the national Countryside Character map (CD56). Within this, sixteen landscape types are identified, eleven of which lie within the proposed National Park. These are described in Chapter 5 (pages 25–71) and include:

Coastal Region	Chalk Downs Region	Wealden Fringe Region	Low Weald Region	High Weald Region
Lower Coastal Plain	Open Downs	Arun and Adur Brooklands	Undulating Weald	None in Designated Order Land
Upper Coastal Plain	Enclosed Downs	Weald Downland Margin	The Wealden Plain	
	River Valleys	Rother Valley Milland Basin		

5.7 The assessment involved desk study, fieldwork and subsequent sampling to verify the results. Section 1 of the report includes a description of the landscape characteristics and pressures for change. Landscape guidelines are included in a separate report.

5.8 The report points out that a strong relationship exists between the individual landform regions and the landscape types they contain (CD60 page 16, para 2). In highlighting the distinctiveness of each landform region it notes that ‘tracts of land with similar landform characteristics are most easily recognised as coherent units’. While landform tends to dominate in the more upland chalk downs and Greensand areas, the flat landform of the low Weald and coastal region, by contrast, ‘effectively provides a blank canvas upon which landcover patterns dominate’. Landform tends to influence landscape character more where contrasting topography is in close proximity – for example, in those locations where the steep scarp slopes abut the ‘Wealden Fringe’.

1995 A Landscape Assessment of the Sussex Downs AONB (CD182).

5.9 The Countryside Commission, on behalf of the Conservation Board, funded this study. It was carried out by Landscape Design Associates, first published in 1995 and reprinted in 1996 and 1997. It was adopted as supplementary planning guidance and is referred to in the current landscape character assessment guidance (CD57) as an example of best practice.

5.10 The study concentrates primarily on a visual appraisal of the AONB landscape, with other factors considered to the extent that they are relevant (page 2). The results of the assessment were compared with three previous studies and found to be broadly comparable. These are:

- East Sussex Woodland Forum 1990. *Trees and Woodland in East Sussex*. This includes a detailed assessment of East Sussex and includes guidelines for tree

and woodland management;

- WSCC and Countryside Commission 1994. *Landscape Assessment of West Sussex* (see above); and
- MAFF 1990. *South Downs ESA landscape assessment for monitoring*. This provides a baseline for landscape monitoring in the South Downs Environmentally Sensitive Area, to help gauge the impact of the scheme on landscape quality. The assessment describes the range of landscape types within the ESA.

5.11 CD182 identifies fifteen landscape types and provides guidelines for each. The classification was based upon CCP423. Fieldwork was combined with information gained from consultations and the desk studies.

5.12 It notes that geology is the **key influence** on landscape character and that this is evident from a comparison of the landscape types and geological maps. It includes a description of the landscape, including a 'subjective response', identifying the intangible aspects of landscape character. For each landscape type, the report includes an analysis of the sensitivity to forces for change and management guidelines, which indicate the key issues and priorities for action.

5.13 It states that the 'Chalk Landscapes' form an impressive ridge stretching from the Sussex–Hampshire border to Beachy Head and that the 'Wealden Landscapes' are part of the extensive geographic region known as the Weald, which lies between the chalk ridges of the North and South Downs.

5.14 The landscape types described on pages 7–80 of the report are as follows:

Chalk Landscapes	Wealden Landscapes	River Floodplain Landscapes
Open East Chalk Uplands	Scarp Footslopes	Brooks Pastures
Enclosed West Chalk Uplands	Sandy Arable Farmland	Principal River Floodplains
Principal Chalk Valleys	Heathland Mosaic	Minor River Floodplains
East Chalk Valley Systems	North Wooded Ridges	
West Chalk Valley Systems	Low Weald	
Open Chalk Escarpment		
Wooded Chalk Escarpment		

5.15 In the conclusion on page 81, CD182 identifies the key features of the AONB landscape, which I summarise as:

- the **unified character** of the chalk uplands, which stems from their **consistent underlying geology**;
- the strong visual relationship between the western chalk uplands and the west Weald;
- Black Down and the wooded Greensand ridges, which act as a counterpoint to the chalk escarpment and form a strong backdrop to views throughout the area, their enclosing presence reinforcing the sense of **regional identity**; and
- further east, the 'Open Chalk Escarpment', which seems to stand alone as a dramatic wall and dominates the Wealden plain.

1996 *The Landscape of the Sussex Downs AONB. CCP495 (CD59)*

5.16 This report complements the management strategy for the AONB. Landscape Design Associates prepared the text for the Conservation Board and the Countryside Commission. The foreword notes that the report aims to capture the special qualities of the Sussex Downs:

“It is a quintessentially English landscape. It may not be wild or remote like many of our National Parks, but the homely and pastoral landscape of the Sussex Downs has its own special appeal.... ”

5.17 Section 3 of the report includes descriptions of each of the landscape types. These descriptions are based on the 1995 assessment. Section 4 identifies the features of the AONB landscape as:

- chalk grassland;
- heathland;
- wetland;
- ancient woodland;
- commons and wastes;
- designed landscapes; and
- traditional buildings.

5.18 Section 5 includes an extensive account of the literary and artistic associations of the area (pages 61–68). In summarising the scenic qualities of the AONB the report reiterates the key features identified on page 81 of the 1995 assessment, adding:

“The South Downs is arguably England’s best-known, most loved and most used stretch of chalk downland. The classic rolling chalk scenery of the Downs is contrasted with the less well-known landscape of the rugged, wooded Greensand ridges of the western Weald. Yet taken as a whole, the strong visual relationships between these two very different landscapes create a sense of overall unity within the

AONB.”

1998 East Hampshire AONB Integrated Management Guidelines (CD183)

- 5.19 Landscape Design Associates carried out this study on behalf of Hampshire County Council. Like previous studies, it describes and analyses the special character of the AONB, but places greater emphasis on non-visual aspects, such as agricultural, biodiversity and recreational influences in the landscape. The assessment is very detailed and identifies fourteen landscape types within the AONB, represented by fifty-nine landscape character areas.
- 5.20 The assessment method was based on CCP 423 and comprised a desk study and detailed field assessment. The desk study included a review of several existing landscape assessments. Of these, two were subsequently used in the 1998 study:
- *The East Hampshire Landscape*, 1991 (CD60); and
 - *The Hampshire Landscape*, 1993. A county assessment carried out by Hampshire County Council, which identifies five landscape character areas within East Hampshire AONB.
- 5.21 CD183 finds that the above two studies generally agree at the broad level, but notes that some anomalies are apparent within the detailed classification. In rationalising the classification of the AONB, the 1998 study set out to link the landscape types with those identified in the 1995 Sussex Downs AONB assessment. The following character types are described in detail on pages 67–116 and shown on the plan following page 66.

Chalklands

Scarps – Downland/Open
Scarps – Downland/Wooded
Scarps – Hangers
Open Arable
Chalk and Clay/Open

Chalk and Clay/Enclosed
Clay Plateau/Open
Clay Plateau/Enclosed
River Valley

Lowland Mosaic

Hangers on Greensand
Open Farmland on Greensand
Pastures (Hangers Associated)
Mixed Farmland and Woodland
Heathland and Forest Pasture and Woodland (Heath Associated)

- 5.22 CD183 provides integrated management guidelines for each landscape character type. It highlights the great diversity of character, sense of

remoteness and tranquillity within much of the AONB and the absence of intrusive elements that might detract from a sense of unspoilt visual harmony. It notes that the physical landform provides a framework for a wide range of features that contribute to the sense of identity and distinctiveness of the AONB as a whole (pages 19–20). It then lists the features that contribute to the ‘essence of the visual character’ of the AONB, which I summarise as:

- elevated chalk hills and ridgelines with areas of open chalk downland;
- spectacular steep escarpments;
- exhilarating summit areas with expansive views;
- secluded secret coombes extending deeply into the escarpments;
- expansive rolling farmland;
- settled and pastoral character of the Meon Valley contained by prominent ridgelines;
- spectacular hangers on the Wealden edge of the chalk escarpment, with extensive areas of beech and yew woodland;
- intimate hanger woodland on the upper Greensand escarpment enclosing secluded, sunken green lanes;
- attractive, peaceful villages, with many houses of local vernacular style;
- distinctive churches forming local landmarks;
- memorable landmarks on elevated areas;
- a wide range of impressive archaeological features, imparting a sense of continuity; and
- the ancient landscape character of farmland areas, particularly in the more enclosed sections of the chalk and clay and clay plateau areas.

5.23 The report also notes the following detracting features:

- road cuttings of the M3 and A3;
- angular blocks of woodland superimposed on flowing landform;
- pylon lines;
- prominent industrial-scale farm buildings; and
- proliferation of masts.

2000 The Hampshire Landscape – a Strategy for the Future (CD87)

5.24 This study uses the 1993 county landscape assessment *The Hampshire Landscape* as its basis. Of the eleven distinctive landscape character areas identified within the county, five occur within the proposed National Park. This classification broadly corresponds with the national Countryside Character map (shown below in brackets), except that CD87 identifies the

river valleys as separate character areas. The landscape character areas are described in detail on pages 18–41 and shown on the plan on page 17 of the report:

Landscape Character Area (CD87)	Countryside Character Area (CD56)
Hampshire Downs	(130)
South Hampshire Downs	(125)
Western Weald Lowland and Heathland	(120)
South Hampshire Lowland and Heath	(128)
Itchen and Meon River Valleys	(130 and 125)

5.25 CD87 also identifies twenty landscape types within the county, described in Appendix A and shown on page 16. Of these, twelve landscape types occur within the proposed National Park:

Open Arable	Open Arable on Greensand
Chalk and Clay	Pasture: Hangers Associated
Clay Plateau	Heathland and Forest
Scarps: Downland	Pasture and Woodland: Heath Associated
Scarps: Hangers	Mixed Farmland and Woodland
Hangers on Greensand	River Valley

5.26 These landscape types broadly correspond to the (more detailed) landscape types identified in CD183.

1999 Countryside Character. Volume 7 (CD56)

5.27 This is one of eight volumes, produced by the Countryside Agency, which together describe the Countryside Character of England. In all, the national Countryside Character map identifies 159 character areas. These are broad areas of countryside exhibiting a coherent character. They are derived from a desk-based data collection exercise, which involved limited fieldwork. Although not a substitute for detailed assessment in the field, the study provides a nationally consistent set of information about character and is therefore useful for making comparisons at a national level. Whilst providing national coverage, the study identifies any significant variation in the character of the countryside and provides a framework for more detailed (county) landscape assessments (CD56 page 8).

- 5.28 The method combines computer-based statistical analysis of both physical and cultural national data sets with the application of structured landscape assessment techniques to characterise kilometre squares of country throughout England. It draws on the knowledge and experience of people involved in countryside planning and management and refers to the same landscape assessments relied upon for the Area of Search study⁷. The statistical analysis is used to validate the results of the landscape assessment, to ensure that character areas are defined in a consistent way across the whole of England. The accompanying descriptions, developed through a wide-ranging consultation process, also inform the mapping. For each area, the description ‘seeks to evoke what sets it apart from any other. It aims to put our mental image of that area into words’ (CD56 page 11).
- 5.29 The proposed National Park includes most of the ‘South Downs’ (125), a significant proportion of the ‘Wealden Greensand’ (120), some ‘Low Weald’ (121) and ‘Hampshire Downs’ (130) and minor fringes of the ‘South Coast Plain (126) and ‘South Hampshire Lowlands’ (128) countryside character areas (CD56, ID15 and ID28).
- 5.30 From my inspections I consider that the following extracts summarise well the key characteristics of the parts of the six countryside character areas that lie within the proposed National Park:
- The ‘South Downs’ (125) “*A long prominent spine of chalk ... **dramatic** and well defined.... The Downs still have a ‘wild’, **exposed** and remote character ... an **archetypal chalk landscape of rolling hills** ... the western edge of the Downs flows into the chalk of the ‘Hampshire Downs’*”;
 - ‘Wealden Greensand’ (120) “*The **dramatic hangers** of East Hampshire are a **dominating local** influence.... Contrast is provided by more open areas of sandy heath...and mixed farming ... the Greensand forms an **intimate landscape with a***

⁷ Countryside Character volume 7 refers to the following landscape assessments:

- Countryside Commission (1991). *The East Hampshire Landscape* CCP358, Countryside Commission, Cheltenham (CD60);
- Landscape Design Associates (1995). *A Landscape Assessment of the Sussex Downs AONB*, unpublished. Sussex Downs Conservation Board, Storrington (CD182);
- Countryside Commission (1992). *The Chichester Harbour Landscape* CCP381, Countryside Commission, Cheltenham;
- Dipper, S (1994). *Landscape assessment of West Sussex - section 1*. WSCC, W Sussex (CD113);
- HCC (1993). *The Hampshire Landscape*, HCC, Hampshire;
- Sussex Downs Conservation Board and Countryside Commission (1996). *The Landscape of the Sussex Downs AONB*, CCP495, Countryside Commission, Cheltenham (CD59); and
- MAFF (1995). *South Downs Environmentally Sensitive Area Landscape Assessment*, unpublished.

diverse character.... *This mixed intimate character continues across Surrey*”;

- ‘Low Weald’ (121) “*Broad, low-lying and gently undulating clay vales ... a small-scale intimate landscape ... much of the Low Weald is **essentially rural** in character*”;
- ‘South Coastal Plain’ (126) “*Major urban developments ... linked by the A27/M27 corridor dominate much of the open, **intensively farmed**, flat coastal plain*”;
- ‘South Hampshire Lowlands’ (128) “*The gently undulating landscape is characterised by a diversity of features and land uses.... Predominantly mixed farming and woodland.... The overall feel is one of **calm prosperity***”;
- The ‘Hampshire Downs’ (130) “**Strongly rolling downland** ... overall open and **exposed** character ... both **striking** and conspicuous.... Many of the higher parts ... are capped by a shallow deposit of clay with flints. In places this is in the form of a flat or gently sloping domed plateau”.

5.31 On pages 125–6, CD56 describes the important variation within the ‘South Downs’ character area (125). It states that, to the west, the more subtle topography of the open, agricultural landscapes merges into the open landscape of the ‘Hampshire Downs’. In West Sussex, the central area contains extensive woodland and is relatively enclosed in character. Further east, the Downs are characterised by dry, rolling uplands cut through by the major river valleys.

Conclusions

5.32 From my review of the above documents, I consider that the 1995 *Landscape Assessment of the Sussex Downs AONB* (CD182) and 1998 *East Hampshire AONB Integrated Management Guidelines* (CD183) together provide the most comprehensive detailed assessment of the landscape of the two AONBs. The same consultants who carried out these two studies subsequently carried out the assessment of the proposed National Park on behalf of the Agency.

5.33 Although the national Countryside Character map (CD56) is, of necessity, broad-brush in approach, it does provide a comprehensive and consistent assessment, which identifies any significant variation in the character of the landscape. It refers to the same county and AONB landscape assessments that informed the Area of Search study. In my view, it is significant that both the interim and the current landscape assessment guidance suggest that this is an appropriate scale to inform the selection of broad areas for designation (see para 4.15 and 4.19 above).

6 ASSESSOR'S FINDINGS

- 6.1 In this section, I provide my conclusions on the matters of principle, raised during the Inquiry, or in writing. In addition to the representations made by objectors, I have taken into account the position papers and rebuttals of the Agency and the statements made by supporters of the proposed National Park. I also refer to some of the matters raised during the part of the Inquiry dealing with the proposed boundary, where I consider that these have a bearing on the 'in-principle' arguments. These mainly concern the 'chalk-only' boundary promoted by West Sussex County Council (WSSCC) and Chichester District Council (CDC) and the issues arising from the New Forest decision (CD204).
- 6.2 In my view, the main issues of principle raised are best summarised in terms of:
- past policy interpretation;
 - the Agency's new policy and approach;
 - the assessment process; and
 - the designation process.
- 6.3 I have grouped my conclusions under these main headings. Note that, unless stated otherwise, references with the prefix 'HDA' refer to WSSCC and CDC appendices, contained in 1881/1/3.

Past policy interpretation

- 6.4 WSSCC and CDC argue that wildness, tranquillity, openness and widespread extent are characteristics of National Parks that have been consistently emphasised in all previous policy interpretations. These include Circular 12/96, which is current Government advice. The Agency has abandoned the long-held interpretation of the statutory criteria. This requires National Parks to be open, remote, wild areas, which are not enclosed for intensive cultivation or grazing, and which provide opportunities to roam at will.
- 6.5 The Agency points out that the 1949 Act gives it, where it thinks fit, the right and duty to modify its policies on the application of the statutory criteria. It states that:

"The decision to designate the DOL has therefore to be assessed against this policy framework lawfully put in place by the Agency and currently operative. It is of no assistance to point out earlier statements of policy or comments by Dower et al,

which might be construed to different effect.” (CD135 para 9)

6.6 The Agency disputes the case that National Parks should be restricted to those areas that are wild and remote. In support of this, it refers to the following policy interpretation in its closing submission (CD135 para 116 and Appendix 1 section 3):

- Dower acknowledges that even in 1945 there were limited extensive areas of wild areas left in Britain by his use of the word ‘relatively’ when defining National Parks;
- Hobhouse did not use the term ‘relatively wild’ when describing the ‘essential requirements of a National Park’;
- in selecting the ‘South Downs’ as a National Park, Hobhouse appreciated that the more urbanised populations of southern England may perceive wildness differently to the majority of users of upland National Parks;
- the 1949 Act does not restrict designation to certain categories of natural beauty, nor does it use the term ‘relatively wild’;
- Sandford states that ‘it would now be right to recognise that access to country of relatively wild character is not essential to the enjoyment of the majority of present day visitors to the countryside’;
- although the Edwards Report places more emphasis on a ‘sense of wilderness’, no subsequent changes were made to the statutory criteria to reflect this;
- the Agency’s policy is consistent with the Edwards Report and Circular 12/96 in recognising that ‘while the countryside did not need to be rugged and open, a sense of relative wildness would be important’;
- the term ‘relative’ is important and should be considered in the context of an area’s geographical position and the opportunity it provides for people to ‘get away from it all’;
- although wild scenery and a sense of remoteness are distinguishing features of the existing National Parks, the Broads is a notable exception;
- in designating new National Parks it would be wrong to place the same emphasis on the requirement for open land, wildness and remoteness that might have been appropriate fifty years ago;
- an extensive tract of country that has a sense of relative wildness is likely to provide a markedly superior recreational experience, which marks the area out from countryside that has a less wild and tranquil feel;
- wildness and tranquillity are relevant to the assessment of a Park’s special qualities, but not the only factors to take into account. Landscape quality is the key determinant of natural beauty.

6.7 In my view it is entirely reasonable for the Agency to reconsider how the statutory criteria set out in the 1949 Act should now be applied to meet the

needs of contemporary society. But this does not therefore mean that past policy interpretation and earlier decisions concerning National Parks should be disregarded. In fact, all parties have made extensive use of these statements during the course of the Inquiry.

- 6.8 I consider that later reviews of National Park policy endorsed Dower's requirement for a sense of wildness and remoteness, and this does remain relevant today. The Sandford Report, for example, notes that:

"The Act does not refer to 'relatively wild country' but to areas affording opportunities for open-air recreation, which, according to the thinking of the time, must be understood as meaning areas of which a large proportion is not enclosed for intensive cultivation or grazing, and which accordingly provide opportunities for people to roam at will." (CD86 para 1.6)

- 6.9 The Edwards Report notes that, in 1991, the 'perceptions of the founding fathers' still hold good, despite the 'momentous changes' that have taken place in the countryside since Dower and Hobhouse. Concerning the designation of new parks, the report states that:

"...we believe that the criteria which need to be satisfied for designation must include an element of wildness and a perception of remoteness." (CD76 page 135)

- 6.10 Circular 12/96 supports this view, suggesting that National Park Authorities should emphasise the special qualities 'associated with their wide-open spaces, and the wildness and tranquillity which are to be found within them' (CD3 Para 11).

- 6.11 The DEFRA *Review of English National Park Authorities*, published in 2002, also endorses the policy stance to date (CD9). Although the Review recommends a new statement to replace Circular 12/96, the circular remains current Government advice.

- 6.12 The December 1999 Agency Board paper states:

"That has always been the distinguishing feature of the National Parks – the ability to take long walks in wild scenery with a sense of true remoteness.... The enjoyment of long walks in other countryside can still be great, but these opportunities are readily available in AONBs and indeed in the undesignated countryside...." (CD94 para 9)

The Agency agrees that the ability to take long walks in areas with a true sense of remoteness is a hallmark of the existing National Parks (CA oral evidence 20 November 2003).

- 6.13 I consider that the Agency's new policy test of 'relative wildness' does appear to be less demanding than previous interpretations of the statutory criteria. The Minister specifically asked the Agency to review the emphasis on rugged and open country and to take more account of the need to provide recreational opportunities close to where people live, however.
- 6.14 In fact, both Hobhouse (CD74 para 35) and Sandford (CD86 para 22.5–22.6) thought it would be wrong to confine the selection of National Parks to the more rugged mountain and moorland areas alone. In advocating the 'South Downs' for designation, Hobhouse anticipates that:
- "This will not be a National Park for the lone walker who deplures the sight of his fellow men, and demands the wild moorland solitudes and the rugged fells and mountains of the north and west.... For all their accessibility, the South Downs have space and beauty enough; indeed there is no other area within easy reach of London which provides such opportunities for the enjoyment of lovely scenery and peaceful walks..." (CD74 page 105)*
- 6.15 Sandford also sought to correct the uneven geographical spread of National Parks and their isolation from large centres of population in the south. The Sandford Report suggests that the Countryside Commission should look to more diverse types of landscape for new National Parks.
- 6.16 Taking these points into consideration, I feel that the Agency is correct to balance the requirement for National Parks to be wild, rugged and remote with the need to take account of the geographical position and overall accessibility of a National Park to potential users.

Characteristic natural beauty

- 6.17 WSCC and CDC argue that, from 1945 to shortly before the designation process began, the area considered for designation as a National Park has always been restricted to the chalk downland, as illustrated by the map in the Hobhouse Report (see para 1.26 above)⁸. They point out that Dower identifies 'characteristic landscape beauty' as a defining element of National

⁸ WSCC and CDC note that *A Vision for the South Downs*, August 1999 (CD89) provides the earliest description in the Inquiry documents of the 'South Downs' as comprising the two AONBs, and including parts of the Weald. They suggest that reference to the 'South Downs' being 'divided into two designated landscapes: the Sussex Downs AONB and the East Hampshire AONB' simply reflects the fact that the chalk hills fall within the area of two AONBs. The Councils maintain that the 'South Downs' has always been understood to comprise the chalk downland alone (CD259 para11).

Parks; while the wording of the 1949 Act implies that the area should be of 'South Downs' character.

- 6.18 They note that the Inspector to the Dartmoor inquiry accepted without qualification the view of the Countryside Commission that, for land to be included in a National Park, 'the critical test ... is that it should possess both 'Dartmoor character' **and** national quality'. Moreover, as the 'Dartmoor character test' has been applied in the last two National Park inquiries, there must be a strong case to adopt it in the designation of the 'South Downs' in the interests of consistency (CD257 para 3.25).
- 6.19 The Councils point out that Appendix 1 of the New Forest report is an appraisal of the application of the natural beauty criterion in National Parks in England and Wales (1881/1/16 para 5.14). The Assessor spells out the primary consideration in determining natural beauty as:
- "...the presence of outstanding landscape quality though the presence of intact and distinctive New Forest landscape character, with an absence of atypical or incongruous features." (CD204 Appendix 1 para 3.6)*
- 6.20 WSCC and CDC argue that this undermines criterion 2b of the Agency's approach, which states that a **variety** of landscape character is an important factor in the overall amenity of a National Park (CD257 para 5.7).
- 6.21 The Councils maintain that the Agency is wrong to imply that the conclusions drawn by the New Forest Assessor are relevant to the New Forest alone. Every British landscape is unique, but the same statutory criteria and principles of landscape assessment must be applied consistently (1881/1/16 para 4.2).
- 6.22 WSCC and CDC argue that, by including extensive areas that do not have chalk downland characteristics, the Agency has ignored the significant difference between the natural beauty of AONBs and National Parks. The Agency was wrong to extend the Area of Search well beyond the chalk downland. If a National Park is to be confirmed, then it should be based around the prominent spine of chalk, running from Hampshire to Beachy Head. A 'chalk-only' Park is a fall-back position of the two Councils, in the event that their in-principle objection is not accepted, however. The Councils' main case is that none of the Designated Order Land meets the statutory criteria for National Parks (1881/1/16 para 5.24).
- 6.23 In response, the Agency argues that:

- the legislation does not require the designated land to be of the same character nor is there any common perception that the 'South Downs' is limited to the chalk downland (CD135 para 7);
- while National Parks need to provide opportunities for open-air recreation related to their character, there is no requirement to exclude areas of high-quality landscape from the proposed National Park because they do not possess chalk scarp characteristics (CAR 343 para 4.33);
- the statutory criteria and approach used in the designation of the New Forest and South Downs National Parks are identical, but each designation reflects the different circumstances and character of the area being assessed (CAR 641 para 4.3);
- the designation of the New Forest Heritage Area required an evaluation of natural beauty, which was subsequently used in the designation of the National Park. No such evaluation was available for the 'South Downs'. While earlier landscape assessments were taken into account, the evaluation of the proposed National Park has looked at the landscape afresh, based on the current best practice guidance (CAR 4.23–4.24);
- the New Forest and Dartmoor Inquiries are of limited relevance as the circumstances of these two National Parks are different to those of the 'South Downs' (CAR 641 para 4.11);
- the designation of the New Forest and Dartmoor may have given the Councils a distorted impression of what the statutory criteria are intended to achieve, as these are two of the most homogeneous National Parks in terms of character – it would be wrong to limit the South Downs National Park to one core area on the basis of these two decisions (CAR 641 para 4.7 and 5.22);
- the New Forest Assessor accepts that the interpretation of the statutory criteria by the Agency is generally justified. The Assessor criticises the application of the considerations, not the Agency's approach in principle (CA closing, 10 December 2004);
- because the Agency was criticised at the New Forest, it is wrong to assume that it has therefore misapplied the designation criteria in the 'South Downs'. The majority of objectors at the New Forest clearly felt that the Agency had drawn the boundary too widely, but this was not the case at the South Downs Inquiry, where most representations argued for additions (CAR 641 para 4.8 and 4.9); and
- the Dartmoor Inquiry Inspector was not considering the application of the present policy – consequently the 'Dartmoor character test' is not one that the Agency has applied in the 'South Downs' (CA oral evidence 9 December 2004).

6.24 The Agency considers that, in emphasising the importance of New Forest character, the New Forest Assessor reflects the dominance of land management practices in shaping the special qualities of the area. Although

land management has also contributed to the special qualities of the proposed National Park, the Agency maintains that the distinctive ‘scarland’ landforms are of much greater significance (CAR 641 para 5.23).

6.25 In my view it is significant that Dower stresses the need to preserve the ‘characteristic landscape beauty’ of National Parks, while the 1949 Act requires the Agency to have regard to their **character** when designating new National Parks. The 1993 best practice guidance emphasises the need for ‘distinctive and common character’ when evaluating landscapes for designation (see para 4.9 above) and the Area of Search report suggests that the proposed Park should have a sense of cohesion. The South Downs Campaign is also of the view that a National Park must possess a ‘distinctive, iconic landscape of national importance’ (CD262 para 3.5).

6.26 In making judgements about landscapes for special treatment, the current guidance emphasises the need to consider ‘representativeness’⁹. The Assessor to the New Forest Inquiry clearly felt that the Agency did not interpret this requirement completely, she notes that:

“...the term is intended to cover the representativeness of the landscapes being selected for recognition, as much as to being representative of the views of stakeholders, as to those landscapes worthy of designation. This is an important point where the [New Forest National Park] is concerned as the whole exercise of defining the National Park is concerned with determining the area which represents the New Forest landscape, as well as being of outstanding landscape quality.”
(CD204 Appendix 1 para 3.83)

6.27 I note that the Assessor to the New Forest National Park Inquiry was considering the Agency’s current interpretation of the natural beauty criterion and took account of the latest best practice guidance (CD57). In Appendix 1 of the New Forest report, she sets out the ‘key conceptual matters relating to the Natural Beauty criterion’ and emphasises that:

“...the critical test for boundary making is the presence of New Forest character and outstanding natural beauty of national or international importance.” (CD204 Appendix

⁹ CD57 para 7.22 includes this amongst criteria that can be used to identify valued landscapes that merit some form of designation. Representativeness is defined in terms of ‘whether the landscape contains a particular character, and/or features and elements, which is felt by stakeholders to be worthy of representing’. The 1999 best practice guidance notes that a landscape may be valued ‘because it is particularly representative or typical of a certain landscape type’ (CD55 Box 7.4).

1 para 2.46)

- 6.28 In relation to the exclusion of the Avon Valley, the Assessor states:
- “...it is important that convincing arguments are employed for what constitutes the landscapes of the New Forest and how the various types of landscape relate and connect to each other....”*
- 6.29 In recommending the exclusion of the valley, she recognises that:
- “...the majority of the Avon Valley, and especially the floodplain landscape, is unique and outstanding in its own right.... However, I do not find that there is sufficient cultural, ecological or land management connectivity, to justify the majority of the valley landscapes being part of the suite of types that form the distinctive landscape mosaic that is the New Forest.” (CD204 Appendix 1, para 3.15)*
- 6.30 The Inspector agreed with the Assessor’s conclusions in relation to the extent of the land in the Avon Valley ‘which both meets the natural beauty criterion and displays a firmly established New Forest character’ (CD204 para 5.340). Significantly, in his decision letter of 28 June 2004, the Minister subsequently upheld these boundary recommendations (CD203 para 8c).
- 6.31 It is clear from the evidence that the circumstances of Dartmoor, the New Forest and ‘South Downs’ are different in many respects. Despite this, I consider that the findings of the Dartmoor and New Forest Inquiries confirm the need for National Parks to have an individual, distinctive and coherent identity. In the case of the proposed National Park, I interpret distinctive ‘South Downs’ character to correspond with those areas that have typical chalk downland landscape characteristics (see para 6.94 below).
- 6.32 I therefore agree with WSCC, CDC and other objectors, who maintain that the chalk downland alone meets the requirement of characteristic natural beauty. If a tract of land does not share the characteristic natural beauty of the core area, it should not in my view be included within a National Park, even where the land is shown to be of outstanding quality.

The Agency’s new policy and approach

Consultation on the policy

- 6.33 WSCC and CDC argue that the Agency relies on a policy arrived at over a three-month period without consultation – despite requests from the relevant local authorities – in a way which the Agency accepts is not good practice. Because there was no consultation on the content of the policy before it was

approved, it is less reliable and little weight should be attached to it.

- 6.34 WSCC maintains that there is a legal obligation for the Agency to consult local planning authorities and other bodies who would have an interest in this policy under S 2(2) of the Countryside Act 1968 (1881/4/1 para 3.9).
- 6.35 The Agency claims that this cannot be interpreted as modifying the 1949 Act and considers that its only obligation is to carry out consultation before making a designation order (CA oral evidence 19 November 2003).
- 6.36 I do not wish to comment upon what appears to me to be a question of legal interpretation. I consider, however, that the new policy has wide implications and relevance and I would have expected the Agency to carry out a national consultation with all interested parties.
- 6.37 I note that in December 1999 the Sussex and Hampshire local authorities requested the Agency not to adopt any change in its application of the statutory criteria without first consulting widely (CD94 Minute 10). In response to written requests for consultation from WSCC, the Agency undertook to keep the Council informed of any implications for the potential designation of the proposed National Park. The Agency acknowledged that no such consultation occurred, however (CA oral evidence 20 November 2003).
- 6.38 I do not find it surprising, therefore, that some objectors suggest that less weight should be attached to the Agency's policy, because there had been no consultation on its content before it was approved. In my view, it is unfortunate that the designation process coincided with this change in policy, giving some objectors cause for concern that the need to designate a new National Park in the 'South Downs' drove the re-interpretation of the criteria.
- 6.39 By not consulting on its new policy, I consider that the Agency has failed to follow its own best practice guidance on the need for stakeholder participation (this is set out in CD57 para 2.18–2.20 and CD55 para 2.20–2.24). I do not consider, however, that this invalidates the new policy, in the way suggested by some objectors.

Traditional policy approach

- 6.40 Objectors claim that the Agency has established a flawed and inconsistent policy. The new policy test of 'relative wildness' dilutes the previous approach to natural beauty that allowed a meaningful differentiation between

National Parks and AONBs. Without the extent of open access land as a factor, there is a less clear basis for distinguishing between the recreational experience found in National Parks and that found in AONBs. The Agency gives wider policy issues, such as variety of landscape character and recreational experience, undue emphasis. This has led to errors in applying the statutory criteria in the case of the proposed National Park, with the cumulative effect of undermining the designation process.

6.41 WSCC and CDC point out that, in December 1999, the Agency Board considered that:

“...it was important not to imply a new approach that might oblige the Agency to start designating many new areas. Any new application of criteria should not result in rivalry between national parks and AONBs” (CD94 Minute 10c).

6.42 The two Councils argue that it is important to maintain a clear distinction between National Parks and AONBs if the ‘currency of National Parks’ is not to be devalued. They point to the Sandford Report, which distinguishes the ‘ordered beauty’ of the Cotswolds (AONB) from the ‘wilder beauty’ of highland areas, such as the Lake District National Park. Because of the interrelationship of the two statutory criteria, National Parks require ‘characteristic natural beauty, from which emerges the recreational opportunities, arising from openness and a sense of relative wildness over an extensive tract of distinctive countryside’ (1881/1/6 para 2.6.2).

6.43 They maintain that, in the case of the New Forest, the Secretary of State, Inspector and Assessor have all endorsed this ‘traditional policy approach’. They interpret the statement of the New Forest Assessor that ‘the intangible elements of natural beauty...therefore connect to the consideration of areas that meet the second criterion’ to support their case that recreational opportunity of National Parks must be based upon the enjoyment of wide-open spaces, wildness and tranquillity (CD257 para 2.8–2.14).

6.44 In response, the Agency points out that:

- earlier approaches to National Park designations inform its new policy, which is different to a degree only;
- by distinguishing between the types of natural beauty in the two designations, objectors overlook the wide diversity that exists amongst AONBs – the North Pennines AONB is as wild and remote as some National Parks, for example (CAR 7 para 4.13);

- the factors that differentiate a National Park and an AONB ‘relate to the extensive tract, scenery, atmosphere, history, the recreational experience, and the existence of a nationally recognised iconic landscape which has a special place in the nation’s memory and is enjoyed as such by those who visit it’ (CD135 para 116); and
- a sense of wildness is not part of the statutory criteria, but is one of the many qualities that make an area special (CD135 Appendix 1 para 3.12).

6.45 In applying its policy, the Agency also takes account of its mission statement¹⁰ and wider policy objectives for the National Park. These objectives reflect the need for social inclusion and for sustainability. They include the need for a wide variety of landscape types that will ‘offer a diversity of experiences in line with modern recreational needs’ and result in an ‘assemblage of classic lowland English landscapes with strong unifying factors’ (CD41 para 4 and 12).

6.46 The Agency points out that the Weald and downland form part of a unified landscape that has a distinctive sense of place:

“...this assemblage of broad landscape character areas exist as a single contiguous extent of naturally beautiful land recognisable to the general public as a result of this continuous extent and unifying factors, evident in the landscape and visually apparent.” (CAR 427 para 4.7)

6.47 In my view, defining an ‘assemblage of classic lowland English landscapes’ reflects a different aim to that of designating an iconic landscape worthy of National Park status.

6.48 Although the new policy changes the way the statutory criteria have been traditionally interpreted and applied, I consider that it is appropriate for the Agency to review the application of the statutory criteria to ensure that its new policy meets the needs of 21st century society. And if the need to take more account of recreational opportunities close to where people live is given greater emphasis¹¹, it follows that new National Parks are likely to be less remote and tranquil than in the past. In designating the proposed National Park, however, I consider that the Agency has placed too little emphasis on

¹⁰ see CD35 March 2001. A draft *Mission Statement* is also included in CD36 at Appendix 3.

¹¹ In September 1999 the Minister specifically requested the Agency to review the emphasis on ‘rugged and open country’ and reconsider the need for recreational opportunities close to where people live (CD45).

the requirement for National Parks to be open, wild and of characteristic natural beauty. These have been the defining characteristics of National Parks since 1945.

- 6.49 In my view, the Agency has not clearly separated the statutory criteria from wider policy objectives in the assessment process (see para 6.193 below). This is of greatest significance in areas beyond the core chalk downland, where the Agency has relied most heavily on these wider policy objectives in order to establish the 'especial desirability' of including land within the proposed National Park.

The Agency's approach

- 6.50 The Agency states in its approach that 'not all land within the Park must necessarily satisfy both criteria (a) and (c), but there should be a high degree of concurrence'. This, objectors claim, is inconsistent with the interpretation of the statutory criteria to date, that to qualify for inclusion in a National Park, all land has to meet both criteria.

- 6.51 The Agency clarified at the Inquiry that the question of whether to exclude land is a matter of scale and that the qualification 'to the same extent' should be inserted following the letter '(c)'. In other words, while large tracts do need to comply with both criteria, there may be small parcels of land where one criterion is not met, but inclusion is justified to avoid small holes within the tract (CA oral evidence 26 November 2003).

- 6.52 The *Approach to Transitional Landscapes* report (2002) confirms that:

"...pockets of land which do not meet the designation criteria become progressively more frequent away from the core of the National Park ... a judgement must be made as to when these pockets of land ... undermine the quality of the whole sweep or 'extensive tract' of land to such an extent that it can be justifiably excluded from the national park." (CD51 para 2.2)

- 6.53 In my view the Agency has applied this approach to larger tracts of land, however. In including the Rother Valley, for example, the Agency acknowledges that the land is intensively cultivated with some glasshouses, is densely populated and contains the busy A272 and the towns of Midhurst and Petworth. It maintains that the area nonetheless meets the natural beauty criterion. In support of this decision, the Agency notes that:

"...to exclude the valley would result in a strip of undesignated land running through the middle of the national park, or else the exclusion of large tracts of land to the

north that fully meet the statutory criteria.” (CD135 Annex 1 page 88)

For similar reasons the Agency also decided to include the A3 corridor north of Petersfield, despite a recommendation from its officers against including non-AONB land, due to the combined effects of build development and transport infrastructure (Table 1, Annex 4 of CD41).

- 6.54 The Agency states that landscape quality is the key determinant of natural beauty (CAR 343 para 5.2). I agree, but find that the significance of the natural beauty of National Parks must be undermined by the inclusion of large tracts of land of doubtful landscape quality. This is true even if the land in question is of high nature conservation or historical interest. In my view, the inclusion of such land is therefore **inconsistent** with the Agency's approach and the statutory criterion.

Cultural heritage and perceptual aspects

- 6.55 WSCC and CDC claim that perceptual aspects, such as memories, preferences, touch, feel, and (to some extent) smell and sound, should be given relatively little weight in landscape character assessment, in order to make judgements as objective as possible.
- 6.56 WSCC and other objectors argue that cultural heritage does not form part of the statutory definition of natural beauty and should not be taken into account. To conserve and enhance cultural heritage is a purpose of designation but cultural heritage itself is not one of the qualities that provides a reason for designation. The Council refers to the definition of natural beauty included at Part IV S92(2) of the CROW Act, which is set out in the February 2002 *Report for the Countryside Agency and Chilterns Shadow Board* (1881/4/2 Appendix 2 para 3.5).
- 6.57 I note, however, that the same report goes on to point out that this definition of natural beauty:
- “...does not cover the human and cultural elements of landscape that now figure prominently in landscape assessment work ... our legal advisors have concluded that a logical argument should prevail. Given the AONB will contain man-made (non-natural) features such as dry-stone walls, nature trails, etc., it would be extremely difficult to sustain an argument that the Board should ignore these features simply because they are man-made.” (1881/4/2 Appendix 2 para 3.6 and 3.9)*
- 6.58 In arguing that cultural heritage is not strictly part of the statutory definition of natural beauty, I consider that these objectors have applied an unrealistically

narrow interpretation of natural beauty. I agree with the view of the Assessor to the New Forest National Park Inquiry, that all landscapes in England are strongly influenced by human activity and that the partial definition of natural beauty contained in S114(2) of the 1949 Act cannot imply a requirement for pristine or completely natural landscapes (CD204 Appendix 1 para 3.7). This approach is supported by Circular 12/96, which emphasises the cultural aspects of National Parks (see para 1.20 above).

- 6.59 The best practice guidance makes it clear that archaeological, historical and cultural interests (and perceptual aspects, such as cultural associations, wildness and tranquillity) may be used to identify 'valued landscapes that merit some form of designation', such as National Parks (CD57 para 7.22–7.24 and CD55 para 7.20 and 7.21).
- 6.60 In my view the Agency is correct to take cultural heritage and perceptual matters into consideration when assessing natural beauty. But the weight attached to them must be carefully considered, lest they be used to justify the inclusion of land that does not otherwise meet the statutory criterion. I consider that the ability of the core chalk downland to meet the statutory criteria does not depend on its cultural heritage value, however.

The assessment process

Initial decision to include both AONBs

- 6.61 WSCC and CDC argue that none of the proposed National Park meets the statutory criteria for designation as set out in the 1949 Act. The proposed National Park has a greater population, larger settlements, more visitors, less open access, more intensive agriculture and greater pressure for development than other National Parks. It has the typical profile of a southern English AONB and is quite unlike other National Parks, including the New Forest. The Inquiry documents do not identify anything that marks out the proposed National Park as different from the bulk of normal countryside or other AONBs.
- 6.62 The Councils note that, in the last sixty years, the chalk downland has been rejected as a National Park three times, most recently in 1998. The two AONBs would have been assessed in the 1960s and considered unsuitable for National Park status at that time. The Agency decided at its April 2000 meeting to proceed with designation of the larger area, on the basis of a brief report, which points out that the landscape quality of the two AONBs 'is not

significantly less than at the time they were designated' and that these areas therefore 'generally meet the natural beauty criteria'. The Councils claim that both the National Parks Commission and the Countryside Commission carried out more field work than the Agency before coming to a view on the designation of the 'South Downs' as a National Park (CD167 para 27).

- 6.63 WSCC and CDC maintain that the Agency decided to include both AONBs without having first carried out an objective assessment. This decision was made on the basis of little fieldwork and inadequate analysis, contrary to the Agency's own best practice guidance, which requires formal, objective assessment prior to making such judgements (1881/1/1 page 40). In noting 'the South Downs cannot be regarded as a chalk landscape alone', para 3.2 of the Area of Search report effectively prejudices the outcome of proper assessment (CD257 para 3.55). Should the proposed National Park be confirmed, the statutory criteria would need to be changed. This would lead to calls for designation of other AONBs on the grounds of consistency, and so devalue the currency of National Parks.
- 6.64 The Agency rebuts this, noting that CD42 states that 'the Area of Search will be defined by the two existing AONBs but the Agency will need to decide whether all parts (and indeed if areas beyond) should be designated as a National Park'. In the minutes of the meeting, the Board also expresses concerns about designating the whole area of the two existing AONBs (CAR 343 para 4.25–4.26).
- 6.65 In explaining why a much larger area has now been brought forward for designation, the Agency points to the following (CD135 para 116):
- a revised policy on the application of the statutory criteria;
 - a full and detailed landscape assessment, never done before;
 - some land reversion and other improvements in landscape quality (such as Pulborough Brooks)¹²; and
 - changes in the types of recreation enjoyed, such as mountain biking and hang-gliding.
- 6.66 The Agency's case is that all the land has to be assessed against the National Park criteria without making an assumption concerning its value

¹² See also CD126 *Reversion of Arable Land to Chalk Grassland*.

(CD135 para 107). The two AONBs were used as the starting point as they are acknowledged to be of outstanding landscape value. The Area of Search is larger in order to assess adjacent countryside using methodology that is more advanced (CD135 para 63).

- 6.67 From the evidence submitted, it appears to me that the National Parks Commission did carry out consultation and survey over a number of years before making the recommendation not to designate (CD128). I can find nothing in the Inquiry documents, however, to support the claim that the Countryside Commission carried out assessment specifically to inform its decision in 1998.
- 6.68 It is significant that the 'South Downs' remains the only area selected by Hobhouse which has yet to achieve National Park status. All reviews since Dower have considered the area to be a likely candidate. This is not the case for other AONBs, such as the Chilterns, which suggests that objectors are mistaken to claim that, by confirming the 'South Downs' as a National Park, the Agency would encourage calls for the designation of other AONBs.
- 6.69 It is clear that the Agency concluded that the land in the two AONBs met the natural beauty criterion before carrying out the detailed landscape assessment described in the Area of Search report (CD36). Subsequent stages in the designation process did not adequately challenge this initial assumption. I consider that the Agency made prior assumptions about the value of the land and did not follow its own best practice guidance in this respect.

Extent of Area of Search

- 6.70 Within the Study Area, the Agency also includes parts of landscape character areas that lie wholly outside the AONB boundaries¹³.
- 6.71 WSCC claims that in the 1960s land adjoining the AONBs would have been assessed and rejected, having failed the natural beauty test. Nearly 17% of the proposed National Park is made up of land that is not currently AONB. The Agency thus needs to demonstrate that these areas, originally rejected, have since increased in natural beauty. It would undermine other AONBs if

¹³ These include the Forest of Bere, Pevensey Levels and Coastal Lowlands (see CD70 Annex 1 Map A).

areas, never previously considered as being of national quality, were upgraded from ordinary countryside to land of national importance for their landscape quality. Changes in assessment techniques cannot be used to justify this, as only the tests specified in the 1949 Act can apply (1881/4/3 para 4.2–4.3).

- 6.72 WSCC and CDC point out that CD36 rejects a chalk downland Area of Search primarily because it has a small geographical area with limited recreational opportunities and little capacity to accommodate high visitor numbers (see para 3.31 above). The Councils claim that size should not be a prerequisite for designation, providing that the extensive tract requirement is satisfied. Including peripheral areas, beyond the core area of chalk downland is not therefore justified.
- 6.73 The Agency determined whether the majority of the proposed National Park meets the statutory criteria at the Area of Search stage. CD33 confirms that:
“Significant variations to the Area of Search have only been made in this study following detailed analysis, where new data has presented a strong case for extending the initial draft National Park boundary...” (para 4.3)
- 6.74 I agree that that the Agency was correct to identify a broader Study Area initially and then narrow down to determine the Area of Search. Having established an extensive Study Area **and** Area of Search, however, subsequent stages in the designation process focussed on the boundary areas and transitional landscapes and offered few opportunities to re-examine the initial findings for much of the proposed National Park.
- 6.75 The March 2002 report *Inclusion of the Sussex Wealden Landscapes* does not consider the possible exclusion of the Wealden landscapes, beyond noting that a number of concerns were raised during the consultation about their inclusion (CD49 para 1.3).
- 6.76 In my view, the Agency appears to place too much reliance on wider policy objectives in coming to the view that the Area of Search should be based upon the two AONBs and other land. In practice, however, it is difficult to be certain, as the assessment process is far from transparent. I consider this further below.

Area of Search assessment

- 6.77 The current guidance (CD57 page 16) recommends that judgements about

attaching status to landscape should:

- make fully **transparent** the approach adopted, including the specific criteria being used;
- make it clear at all stages the extent to which judgements are being applied;
- state who is making the judgements and the role of stakeholders; and
- be clearly linked to the results of the initial landscape character assessment process.

The 1999 guidance makes similar recommendations (CD55 page 15).

- 6.78 I agree that designation of landscape of special value should be based on the concept of landscape quality and that the Agency is correct to consider landscape character in the assessment process, as set out in note 2a of its approach. The current guidance endorses this use of landscape character assessment and describes the process of attaching status to landscape (see CD57 para 7.22).
- 6.79 It is clearly unreasonable to expect the Agency to have used the 2002 best practice guidance in its assessment work, as this was not available until the boundary definition stage. The Agency sets out in CD58 how it based the assessment on the 1993 guidance, supplemented by recent thinking and experience and by reference to the interim guidance, CD55, published in 1999.
- 6.80 From my reading of the three guidance documents (CD54, 55 and 57) and a comparison with the method statements in CD33, CD36 and CD58, it is not clear how in practice the Agency has applied the evolving guidance, however. Appendix 4 of CD33, for example, lists the test criteria used for assessing natural beauty exactly as they appear in CCP423, with the addition of an assessment of 'wilderness'/tranquillity (using tranquil areas mapping), while CD58 includes several others (see 4.4 above).
- 6.81 I would not necessarily expect the landscape character areas defined as part of the Area of Search to coincide with the boundaries of the AONBs. The best practice guidance makes it clear that designation boundaries, which delineate areas of landscape value, do not always coincide with character area boundaries, which are based on character and quality (CD57 para 9.6 and CD55 page 104).
- 6.82 CD57 also advocates that a clear distinction be drawn between 'the relatively value-free process of [landscape] characterisation [and] the subsequent

making of judgements based on knowledge of landscape character' (CD57 para 2.7). The 1999 guidance uses similar wording (CD55 page 15). In my view, the characterisation carried out as part of the Area of Search study is both extensive and systematic. I consider, however, that the second stage of the assessment process, in which judgements are made about the value of the landscape, lacks transparency. Specifically I find that:

- there is no evidence of a comprehensive and transparent assessment for each of the ten landscape character areas against each of the test criteria used to determine natural beauty (as set out in CD58) at the critical Area of Search stage; and
- the analysis of each area against the statutory criteria tends to be descriptive and inconclusive (see Appendix 5 of CD36, which is summarised for the March 2001 Agency meeting in CD41 Annex 4)¹⁴.

6.83 The March 2001 Agency Board paper (CD41) includes an assessment of each character area against the statutory criteria. This takes the form of a three point scoring of low to high. I note in para 3.39 above some inconsistencies between the summary table and the fuller version in Annex 4. The Annex gives no indication of what the different scores mean, which makes it difficult to follow the basis for the assessment. In my view, this raises significant concerns, given the importance of this stage in the designation process and the need for transparency in the assessment of value, as emphasised by the best practice guidance. It is also hard to reconcile a score of 'medium' for natural beauty (for example, in the case of Area 7B, the 'Hampshire Hangers' outside the AONB) with the conclusion in Table 1 that the land meets the statutory requirement (i.e. is of **outstanding** natural beauty).

6.84 I agree that the consultants who prepared the Area of Search report have very extensive relevant experience, expertise and familiarity with the area

(this is set out for example in CD58 para 4.2.6). But it is not clear to me from the documents how the views of the Agency Officers, the Technical Advisory Group and the results of the seminar modified the findings of the consultants.

6.85 As a result, I consider that the analysis, carried out by the Agency in determining an Area of Search is not sufficiently transparent. With subsequent changes, arising for example from the discussions of the Agency Board or from further information becoming available during the boundary setting stages, the lack of a clear decision-making framework makes it more difficult to follow the reasoning. I agree with those objectors who claim that the lack of transparency in these judgements applies generally to the Area of Search assessment and that the approach used falls short of the recommended best practice in this respect. In my opinion, this does cast significant doubt on the conclusions reached in this part of the designation process, particularly in transitional areas, where landscape quality is less certain. I consider that the Area of Search has been drawn too widely initially, that land of doubtful quality has been included and consequently, some of the findings of the assessment should be reviewed.

Coherent character

6.86 WSCC and CDC propose an alternative Area of Search, based on a 'proper search for characteristic natural beauty, if the claimed unifying links were properly rejected and if the requirements for wildness, openness and remoteness implicit in the statutory criteria were properly taken into account' (CD259 para 93). The two Councils maintain that their 'chalk-only' objection is one of principle, which is consistent with the latest approach of the Secretary of State to National Park designation, implicit in the New Forest decision.

6.87 They note that the Assessor to the New Forest Inquiry found that the

¹⁴ For example, in concluding that certain parts of the Forest of Bere meet the statutory criteria (these were subsequently included in the Designated Order Land), the following issues are unclear:

- the factors leading to the conclusion that the Meon Valley and West Walk area is of 'higher quality'; the nature of the 'strong links' that unify the introspective West Walk area with the Downs; and the emphasis given to potential recreational opportunities, such as the inclusion of 'clay pigeon shooting, motor sports or war games' (CD41 Annex 4 LCA 4); and
- the extent to which the potential for the Forest of Bere to 'bring a new recreational landscape to the south-western part of the Area of Search' and to 'act as a supportive zone to help protect the tranquil parts of the East Hampshire AONB' has influenced the assessment of the statutory criterion (CD36 para 7.4).

approach of the Agency in the Avon Valley 'became focused on an excessively wide and over-inclusive interpretation of Forest landscape'. They submit that this calls into question the use of unifying factors to justify the inclusion of land that is not of New Forest character (CD257 para 5.10). The Councils consider that the Agency was misguided in including areas beyond the chalk downland in the original Area of Search for the 'South Downs' and, that by the boundary stage, the Agency had already misapplied the statutory criteria. They consider that the Agency should carry out a detailed boundary exercise, based upon their alternative 'chalk-only' Area of Search (1881/1/6 para 1.3.2, 4.1.3 and 7.6.5).

- 6.88 The two Councils maintain that the New Forest Assessor proposed an alternative boundary, based on whether the land met the statutory criteria, not by confirming one promoted by objectors (WSSC and CDC oral evidence 8 December 2004). They confirm that their alternative Area of Search is not based solely upon geology, but takes into account topography, land use, landscape character and designation history (CD259 para 3). Although the alternative Area of Search encompasses more than just the chalk outcrop, all land included by the Councils has some 'South Downs' characteristics. This approach, they maintain, is similar to that taken by the New Forest Assessor and Inspector (1881/1/16 para 5.23). They propose that the main Wealden AONB area should be excluded from the proposed National Park, and should instead remain an AONB, possibly conjoined with the Surrey Hills AONB (1881/1/6 para 4.7.4).
- 6.89 WSSC and CDC point out that the Wealden part of the Sussex Downs AONB was originally included by the National Parks Commission for 'administrative convenience' and that in April 2000, the Agency was wrong to assume that this area necessarily meets the natural beauty criterion (see para 1.29 above). They maintain that the integrated management of these areas is an inevitable consequence of designation as an AONB. Neither this, nor any absence of objections to designation of an AONB comprising different character areas, implies an acceptance that those areas are suitable for designation as a National Park. There is therefore no reason to conclude that the Weald has been considered in the past to be worthy of National Park status (CD259 para 17ii–iii and 18). Although the *Interim South Downs Management Plan* (CD206) uses the term 'South Downs' to describe the two AONBs, this is understood to be a convenient shorthand. The Councils point

this out in their response to the Stakeholder Consultation (CD257 Appendix 2 para 1.1–1.3).

6.90 The Agency maintains that:

- the National Parks Commission designated some AONBs, which cover more than one county council area, based on characteristic landscape areas;
- if the 'Wealden Greensand' in Surrey and Sussex had been considered to be a characteristic landscape area, it could have been designated as a single AONB – based on the Hindhead Conservation Area (CAR 343 para 4.16 and 4.17);
- there were no objections at the time to the inclusion of the Weald within the Sussex Downs AONB. Since designation, and especially in the last fifteen years, the chalk downland and the Weald have been managed in an integrated manner (CAR 343 para 4.18–4.19);
- the many organisations that contributed to CD89 *A Vision for the South Downs* saw the two AONBs as a single unit with very special qualities, but in need of greater management due to the pressures placed upon it (CAR 343 para 4.39);
- the *Interim South Downs Management Plan* (CD206) and the various AONB landscape assessments consider the 'South Downs' to comprise more than just the chalk downland (CAR 427 para 3.22 and 3.28);
- CD206 recognises that the coast and Weald form part of the core landscape areas of the proposed National Park, they contribute both to the variety and contrasts of the area and in turn 'underpin the very essence of the 'South Downs' (CAR467 para 3.22);
- a recreation strategy would have greater strength and flexibility if parts of the Weald were included, by increasing the diversity of recreational landscapes available to 'spread the load'; and
- the gentler topography suits those wanting less strenuous exercise, so increasing the social inclusion of the National Park (CD49 para 2.2).

6.91 The Agency notes that there is no precedent for basing a National Park on a single geological outcrop. It is inappropriate to restrict the 'South Downs' in this way. In any case, the two Councils have included land beyond the chalk outcrop in their alternative Area of Search (CAR 347 para 1.15, 2.12 and 2.24). By including some land which may not be of 'South Downs' character, or of sufficiently high quality, the Councils accept the principle of including land that requires further scrutiny in the Area of Search (CA closing 10 December 2004).

6.92 The Agency accepts the criticisms made by the New Forest Assessor of the way in which it assessed landscape quality in the New Forest, as pointed out

by the Councils in CD257. It maintains that these are of little relevance to the South Downs Inquiry, because they are all criticisms of the application of the Agency's approach, and not the approach itself (CAR 641 para 5.13). It notes that the Councils have not defined an alternative boundary that can be assessed in terms of the Agency's approach. The Agency considers that the WSCC and CDC 'chalk-only' objection is therefore invalid as a boundary objection, but accepts that it does raise questions of principle (CAR 343 para 2.5).

6.93 Landscape character results from the combination of both physical and cultural factors, from 'particular combinations of geology, landform, soils, vegetation, land use, field patterns and human settlement' (CD57 para 2.5). Character makes each part of the landscape distinct, and gives each its particular sense of place. The Area of Search report suggests that a National Park should provide a sense of cohesion. I consider that the chalk downland is of distinctive and coherent character when viewed from the perspective provided by the 1999 national Countryside Character map. This map distinguishes the landscapes of the chalk downland from those of the Wealden and coastal character areas (see para 5.30 above).

6.94 In my view the county and AONB landscape assessments, which have been carried out at a more detailed level, also differentiate the chalk downland landscapes. From my reading of these assessments, and my visits to the area, I consider that the key characteristics of the 'South Downs' chalk downland include:

- strong relative relief and a deceptive sense of great height;
- distinctive smooth, rolling, topography with a complex arrangement of dry valleys;
- dramatic, steep, winding scarp slopes with hanger woodlands;
- exhilarating, panoramic views and a sense of exposure;
- numerous river valleys cutting through the chalk ridge;
- relatively few signs of settlement;
- the obvious presence of archaeological remains in the open landscape, ancient trackways; and
- spring-line settlements at the base of the scarp slopes, with a conspicuous use of flint in vernacular buildings and walls.

- 6.95 These characteristics are most evident in the prominent chalk ridge, which stretches from Winchester to Beachy Head. This broadly corresponds to countryside character area 125, but includes the ‘Hampshire Hangers’¹⁵.
- 6.96 The Agency interprets the ‘special qualities’ of an area as its landscape character and quality (CD69 para 43ii). I consider that the characteristics of the chalk downland contribute most to the special qualities of the proposed National Park. In my view, the importance of the distinctive ‘South Downs’ character has been underemphasised in the designation process.
- 6.97 I do not dispute that the Weald contains high-quality landscapes, which are distinctive and have a strong sense of place. Parts of the Weald, such as the areas of heathland, can also be tranquil. But I consider that many of these characteristics apply equally to other parts of the Weald, which in my view are correctly excluded from the proposed Park. The Agency notes that land at Kirdford and Plaistow, for example, which lies adjacent to, but outside the proposed National Park, has a high degree of tranquillity and possesses some historical links to the Downs (CAR 248 para 4.16 and 4.30). In support of its inclusion, objectors point out that the Kirdford and Plaistow objection area has generally more woodland, fewer settlements, smaller field sizes and more rights of way than adjacent areas of the Low Weald, which the Agency includes within the National Park (3275/18/1 para 4.10).
- 6.98 In my view the landscape of the Weald is of distinctly different character to the chalk downland, having more characteristics in common with adjacent areas, lying to the north. The ‘Wealden Greensand’ heaths and woods, for example, which the Agency notes provide a strong sense of remoteness, continue into the Surrey Hills. The Agency states that the populated character, which results from the dispersed pattern of farmsteads and small villages, is one of the reasons for excluding parts of the Weald to the north-east of Petworth (CD23 page 9). But the same settlement pattern appears to me to extend throughout this part of the Weald (as shown on HDA6).
- 6.99 The evidence suggests to me that the two AONBs were originally defined with administrative convenience in mind, rather than as landscapes with a

¹⁵ See also section 3 of my Annex B, which considers the characteristics of the ‘Hampshire Hangers’ in more detail.

strongly coherent character. I consider that the management of each as a single unit is an inevitable consequence of their designation as an AONB.

6.100 In my view, the argument that the recognised landscape value of the Weald supports its inclusion in the National Park is not persuasive. CD49 states:

“The inclusion of the Weald landscapes within the Sussex Downs AONB, Area of Search for the National Park and the National Park itself indicate the value which is placed on these landscapes.” (para 2.1)

6.101 I consider that the chalk downland and Weald are also clearly different in terms of recreational opportunity. The Area of Search report identifies recreational ‘honey pot’ sites, for example, which are all located within the chalk downland, with the exception of Selbourne (CD36 page 44 para 7.4 and HDA12). I find the recreational experience in the parts of the Weald included in the proposed Park (such as the ability to ‘cycle and ride horses in the quiet intimate rural lanes’) to be generally consistent with other reasonably attractive, well-settled, farmed and wooded lowland landscape. In my view it is significant that in April 1998 the Countryside Commission found that

“the area of the West Weald (everything to the north of the scarp footslopes ... estimated at 304 square km and approximately a third of the South Downs) is not at all open and offers few recreational opportunities which would demand National Park management.” (CD105 para 19d)

6.102 Wider considerations, such as management of visitor pressure and ensuring social inclusion, should only be taken into account once the statutory criteria have been met (see para 6.155 below). In arguing that the Wealden areas should be included within the proposed National Park I find that the Agency has placed too much emphasis on these wider policy objectives. It has underemphasised the requirement for a National Park to demonstrate a coherent character, derived from the characteristic natural beauty of the core area. I consider that the key test for natural beauty in this case should be the presence of landscape of outstanding quality, which is of distinctive ‘South Downs’ character. The proposed National Park should instead be focussed on the chalk downland.

Variety

6.103 WSCC and CDC argue that neither Dower nor the Dartmoor Inspector considered a wide variety of landscape character types to be a hallmark of National Parks. The Councils agree that there is variety between National

Parks, but consider that each has its own unique character. The local variety that exists within National Parks, such as the Lake District, does not detract from the coherent, distinctive and highly characteristic whole (1881/1/16 para 4.9 and 5.19).

- 6.104 The Councils point out that when presenting evidence to the New Forest Inquiry, the key witness for the Agency suggested that the Agency's approach 'has been flawed in principle and not applied correctly to the land in question' and that 'responding to the public's preference for different recreational activity in a wide variety of recreational types is a quite separate aspiration for the proper designation of land for recreation related to National Park landscape, its interpretation and enjoyment' (ID26, para 1.29(ii) and 3.15).
- 6.105 The Agency rejects the argument that, as a matter of principle, the National Park should be confined to the 'chalk-only' area. Referring to note 2b of its approach, it maintains that there is no reason why different landscape character cannot be included in one National Park and that such variety is the hallmark of National Parks (CD135 para 46 and 52). Variation in character is not, in itself, a reason to exclude land that meets the statutory criteria (CAR 343 para 4.40).
- 6.106 It points out that the Lake District and Northumberland both contain five countryside character areas. Although some Parks have one distinct core area, this is not the case with the Peak District and Northumberland. With five countryside character areas, the Agency argues that the 'South Downs' would not be an exception to the rule (CAR 641 para 5.18–5.20).
- 6.107 The South Downs Campaign supports this view, noting that neither Dower nor Hobhouse suggested that National Parks should be restricted to a single geological type or character area (CD217 para 2.3). It points out that Northumberland National Park includes part of Hadrian's Wall and also the Kielder Moors; both Exmoor and the Yorkshire Dales include areas of agricultural land, while Exmoor includes the distinct area of the Brendon Hills. The Campaign concludes that the majority of National Parks in England and Wales consist of an assemblage of different landscape character types, including both agricultural and wilder areas (CD217 para 2.7 and 4.3.4).
- 6.108 The Campaign also points out that the International Union for the Conservation of Nature and Natural Resources (IUCN) classifies National

Parks in England and Wales as 'category V' protected landscapes, and that one of the objectives of this designation is to maintain the diversity of landscape and habitat (CD217 para 3.1).

- 6.109 In support of the proposed National Park, Hampshire County Council notes that the quality of the landscape matters most, irrespective of the different landscape types captured within the proposed boundary. The proposed boundary provides for a great variety of countryside experiences. The Council seeks the largest National Park possible, to meet the needs of future generations (CD258).
- 6.110 The Sandford Report considers that 'what distinguishes the present National Parks and the other areas which Dower and Hobhouse identified as potential parks is that they contain in close proximity an aggregation of landscapes of high scenic quality'. I take the word 'aggregation' here to imply that the variety of landscape character that is apparent on detailed assessment should be sufficiently cohesive to limit variety at the national (countryside character area) level. Although Hobhouse refers to there being 'merit in variety', it is clear from the context of the remark that he was seeking variety between National Parks, not within each one.
- 6.111 I consider the scale of an assessment to be a critical factor in considering the diversity of landscape character. The more detailed the scale of assessment, the greater the variety of character that is revealed. Although Dartmoor National Park is largely restricted to one countryside character area (CD217 Annex A), the Inspector's report points out that a landscape assessment, carried out prior to the National Park Inquiry, identifies eight landscape character areas within the Park, but notes that these areas are all of 'Dartmoor character' (CD68 para 2.22). Similarly, more detailed landscape assessments of the proposed National Park indicate that the chalk downland itself contains a great variety of landscape character (see Section 5 above).
- 6.112 The 1999 and 2002 landscape character assessment guidance suggests that the national Countryside Character map can provide the first stage in identifying broad areas of special value as part of the designation of nationally important landscapes (see para 4.21 above).
- 6.113 This does not mean that National Parks cannot extend across countryside character areas. The alternative Area of Search, promoted by WSCC and CDC, acknowledges this by including land in two such areas. However, the

evidence suggests that there is a degree of correlation between the boundaries of existing National Parks and countryside character areas (ID28 and CD217 Annex A). The New Forest National Park lies entirely within one countryside character area. The North Yorkshire Moors, Dartmoor, Exmoor, the Broads and the Yorkshire Dales are all largely confined to one such area. The Peak District National Park is evenly split between three countryside character areas: 'Dark Peak', 'White Peak' and 'South West Peak'. While the Hobhouse Report highlights the contrast between the gritstone and limestone areas of the Peak District (CD74 page 91), WSCC and CDC point out that these are all of consistent 'Peak' character (WSCC/CDC oral evidence 12 November 2003).

- 6.114 I consider that, at the national level, variety of countryside character is generally not a characteristic of the English National Parks. Most consist of an obvious core with minor fringes of other areas (CAR 641 para 5.24). While the core of the Lake District is confined to two countryside character areas, both are 'Fells'. Northumberland National Park is more complex, although the two character areas that form the core consist of upland plateaux with moorland. The proposed National Park would be unusual in containing six countryside character areas, where the two largest areas ('South Downs' and 'Wealden Greensand') are of distinctly different character (see 5.29 above).
- 6.115 I note the Agency elsewhere states that country parks, community forests and parts of some AONBs (such as the Surrey Hills) have a role in providing a diversity of recreational experience close to where people live. Whereas 'National Parks clearly need to be of such national importance for recreation (as a result of their beauty) that they may require a National Park authority to promote their management for quiet enjoyment' (CD43 para 10).
- 6.116 The Area of Search report notes that the recommended Area of Search would provide 'a suite of different landscapes which sum up most of the classic lowland English scenic types – from expansive areas of open chalk to softer woodland areas, and from complex mosaics of lowland heath to flat wetlands' (CD36 page 65). The Board paper for the March 2001 Agency meeting confirms that the inclusion of a variety of landscape types is important in order for the Area of Search to meet the Agency's wider policy aspiration.

- 6.117 However the Area of Search study also finds that, within the chalk downland, the Central Wooded Chalk Uplands are robust landscapes offering a high recreational capacity which would, in themselves, add to the variety of chalk landscapes and recreational experience (CD36 Appendix 5 para 5.25).
- 6.118 This suggests to me that a National Park, based on the chalk downland, would satisfy the need for a variety of recreational opportunity. It is also borne out by the detailed landscape assessments summarised in Section 5 above, which highlight the diversity contained within the chalk downland landscapes. Despite this variety, I consider that the chalk downland landscapes together form a cohesive and distinctive tract of land.
- 6.119 In recommending such an extensive Area of Search, the Agency has placed too much emphasis on the need for a wide variety of landscape character and recreational experience. In my view, this approach would detract from the overall cohesion of the proposed National Park. The Park should instead be confined to chalk downland that is of distinctive 'South Downs' character.

Consensus

- 6.120 The Agency notes that the chalk downs are generally considered to be the 'essence of the South Downs' (CD70 para 43). WSCC and CDC claim that the Agency has ignored this widespread consensus by including parts of the Weald and 'Coastal Lowlands' in the proposed National Park.
- 6.121 The Agency points out that nomenclature is not a relevant consideration and that the proposed National Park does not necessarily have to be restricted to the chalk downs (CD135 para 46). In support of this, it notes that only 13% of the respondents to the Countryside Commission's 1998 consultation 'favoured an area which included only the chalk hills' for management by any future 'South Downs' body (CD105 Annex 1 Q20). As the AONB designation has influenced the consensus of what constitutes the 'South Downs', so the current designation process will inform the public as to what is understood to be the 'South Downs National Park' (CAR 7 para 3.6 and 3.8).
- 6.122 The Agency refers to the 'iconic nature' and 'quintessential Englishness' of the proposed National Park which contribute to the special qualities of the area (CA oral evidence 20 November 2003). It maintains that everyone recognises that the 'South Downs' includes the whole of the proposed National Park, and that this is 'evident from the texts of Kipling and Mitford to mainstream consensus today' (CAR 427 para 4.40).

- 6.123 The Agency suggests that, in relation to the Kirdford and Plaistow objection area, inclusion within the Park requires land to ‘represent either the core essence of the ‘South Downs’ or have evident association with it’ (CAR 248 para 4.36).
- 6.124 The South Downs Campaign points out that for forty years, the inclusion of the western Weald within the two AONBs that form the core of the proposed National Park has not been challenged, suggesting that there is some consensus that it is part of the ‘South Downs’ (CD262 para 3.7).
- 6.125 Peter Brandon, author of the 1998 publication *The South Downs*, notes that the ‘smooth maternal lines of the Downs’ have provided ‘inspiration for countless artists and writers’ and ‘become the most familiar and mimicked images of English countryside (3275/3/3 Annex 2 para 2.29).
- “...with the knowledge that beyond the Downs is sea, the crest has also been a constant source of fascination and inspiration, a boundary between the seen and the unseen.” (3275/3/3 Annex 2 Appendix A)*
- 6.126 Elsewhere Peter Brandon states that the ‘South Downs’ rank alongside the Lake District as a subject for artistic, literary and musical inspiration (3275/3/3 Annex 2 para 2.29).
- 6.127 My reading of these documents and the detailed landscape assessments suggests that, although the Weald and ‘Coastal Lowlands’ have undoubtedly inspired poets, writers and artists, such as William Turner, the predominant focus over the centuries has been the chalk downland, the extent of which is described by Peter Brandon in 1998¹⁶.
- 6.128 I consider that it is the chalk downland which occupies a ‘special place in the nation’s memory’ (CD135 para 116). In my view, neither the Weald nor the ‘Coastal Lowlands’ have equivalent symbolic value. It is significant that the map of landscape icons, submitted as part of the Area of Search study,

¹⁶ ‘It is round about Old Winchester Hill ... that one becomes aware that the landscape has a different ‘feel’. So it is about here that the South Downs may be reckoned to end.... This is the definition of the South Downs adopted for the purpose of this book. It is broadly comparable with that of two government quangos, the Countryside Commission and English Nature (though both extend the Downs to Winchester itself). It is also approximately coincident with the bounds of the Ministry of Agriculture’s South Downs Environmentally Sensitive Area Scheme. This modern definition fits our age of the motor car and the new sciences of landscape analysis.... Thus the South Downs may now be said to have three component parts, the Eastern Downs, the Western Downs and the East Hampshire Downs, together with the river valleys which cut across them and the land immediately below them’ (3275/3/3 Appendix A).

indicates that these almost all lie within the areas of chalk downland (CD36 Appendix 2).

6.129 I agree that land should not be excluded, simply to reflect more accurately the title of a National Park. It appears that in the past, however, the Weald has not generally been considered to form part of the same extensive tract as the chalk downland. On the other hand, there is a long history of support for the designation of the chalk downland as a National Park. This consensus should, I believe, be a significant factor in identifying land for designation. I conclude that, in coming to the view that the Weald, 'Coastal Lowlands' and chalk downland constitute a 'valuable assemblage of classic English landscapes' that merits designation, the Agency has not given sufficient emphasis to the long-held support for a National Park consisting of **chalk downland** alone.

Unifying factors

6.130 WSCC and CDC maintain that unifying factors, borrowed character or visual links do not make landscape, which currently has no landscape designation, of national value for its natural beauty, nor are they part of the approved test criteria set out in the best practice guidance. Borrowed natural beauty cannot satisfy the statutory criteria, which must apply to the land itself. Other objectors agree that, as 'borrowed character' is not part of the Agency's approach, it should be given less weight (CD193 para 6.1(i)).

6.131 The two Councils draw a distinction between the term 'unifying links', used by the Agency, and 'connectivity', used by the New Forest Assessor. They argue that, in relation to the New Forest, 'connectivity' implies the presence of New Forest characteristics within an area and/or an intimate relationship of the land with the Forest core. 'Unifying links' are more tenuous, used by the Agency to justify the inclusion of wider areas in the New Forest, which have subsequently been rejected by the Inspector and Assessor (CD257 para 3.46 and 3.51).

6.132 They point out that there are insufficient visual, historical, cultural, ecological and geological linkages with the chalk downland to justify the inclusion of the Weald and 'Coastal Lowlands' within the proposed National Park. Should the validity of these links be disproved, land outside the main chalk ridge would have to be excluded (CD259 para 73 and 74).

6.133 WSCC and CDC maintain that the Agency is wrong to claim that geology is a

unifying factor, which makes outlying areas part of the proposed National Park. They argue that the dip slope, to the south of the chalk scarp, is characterised by a series of smooth interlocking valleys and ridges and not by north-facing scarps. This implies a weaker link between the underlying geology and the dominant landscape features. There is no convincing evidence that this complex pattern of landform extends with the same scale and consistency to the Weald (CD259 para 71).

- 6.134 The two Councils also argue that there is no sufficient echo of the main chalk scarp in the Weald to establish the claimed topographical theme, which in any case is not readily evident on the ground. In fact, there is greater unity between the Greensand scarps of the Hythe formation, which continue beyond the boundary into Surrey, than between the chalk and the Greensand (1881/1/12 Appendix EE). AT20 of CAR 429 demonstrates the symmetry of the geology of the North and South Downs. If the links used to define the proposed Park extend beyond its boundary, this calls into question the strategy of relying upon them to explain a boundary. WSCC and CDC maintain that it is inappropriate to justify the designated boundary by reference to one part of a larger sequence that applies to the whole of south-east England (CD259 para 64 and 70).
- 6.135 The Agency maintains that the chalk is linked to surrounding areas of high-quality natural beauty through a combination of visual, historical, cultural, ecological and geological links ('unifying factors') that are clearly manifest in the landscape. Thus, an area lying beyond the chalk downland can be included in the proposed National Park if it meets the statutory criteria **and** has sufficient unifying links with the **chalk downland** landscape types. Together these areas form a National Park, which 'provides a diversity of landscape and recreational experience within extensive tracts of symbolic and beautiful English lowland countryside' (CAR 343 para 3.5).
- 6.136 The Agency distinguishes between the unifying links used in the New Forest, which are largely historical and cultural, and those applied in the 'South Downs', which are physical. It concludes that it is misleading to compare the application of unifying links in the two cases (CAR 641 para 5.35). The Agency has not therefore sought to distinguish between unifying links and connectivity (CAR 427 para 4.31).
- 6.137 The Agency points out that, if an area has weak unifying links with the chalk

downland, then it has by definition weak associations with the 'South Downs' and would not merit inclusion within the proposed National Park (CD70 para 43). Pevensey Levels and the Kirdford and Plaistow area were excluded from the proposed National Park for this reason (CAR 248 para 4.37 and CAR 641 para 5.27). The Agency also suggests that, in relation to the Kirdford and Plaistow area, unifying links need to be distinctive or representative of a unique relationship with the core areas of the proposed National Park (CAR 248 para 4.62).

- 6.138 The Agency confirms that unifying factors are not part of the statutory criteria for designation. They have been taken into account by the Agency 'as a matter of policy in applying the statutory criteria', but that the land has to first satisfy the statutory criteria (CD135 para 50). Unifying links cannot be used to justify the inclusion of land that does not meet the statutory criteria (CA oral evidence 9 December 2004). In any case, the Weald satisfies the statutory criteria and does not rely upon unifying links for its inclusion (CAR 467 para 4.31).
- 6.139 It states that where there are visual links to the chalk downland an area may 'borrow character' from the chalk. This is borne out by the numerous references in CD56, in the descriptions of Wealden and coastal character areas, to character that is 'borrowed' from the 'South Downs'. But views of the chalk escarpment alone are insufficient reason to include land within the proposed Park. The exclusion of the Kirdford and Plaistow area illustrates this point (CAR 427 para 4.46 and CA oral evidence 9 December 2004).
- 6.140 The Agency maintains that the strongest link between the Weald and the chalk downland is geological and that the chalk is inextricably linked to the clays and Greensand to the north (CD49 para 3.2). Although the main chalk ridge is the most prominent topographical feature in the proposed National Park, the distinctive chalk and Greensand scarps together provide one of the best examples of a recurring, distinctive 'scarpland' theme in Britain. This unifying influence distinguishes the proposed National Park from the adjoining 'Low Weald', 'Hampshire Downs' and 'South Coastal Plain' character areas. Although the Hythe Formation outcrop of the 'North Wooded Ridges' is more subdued than the chalk ridge, it adds geological interest by extending and repeating the scarpland theme to the north of the Rother Valley. The Hythe formation and the Upper Greensand escarpments are of equivalent scale to the secondary chalk scarps and should likewise be

included in the National Park. The geological history provides a unifying link between the different strata included in the proposed National Park. Although this link may not be evident to most visitors and a similar, though not identical, story is told in all other parts of the Cretaceous outcrop across south and east England, this does not reduce its significance (CAR 347).

- 6.141 Although the geological link is important in unifying the different scarps, the Agency points out that it is the resulting landforms that are actually seen. This does not detract from the significance of the geological link. A unifying link does not need to be unique to a particular area for it to be relevant to the selection of a National Park boundary (CAR 428). Although scarps exist around the whole of the Wealden dome, retrospective analysis suggests that the proposed National Park includes the most striking landforms (CA oral evidence 9 December 2004). These landforms closely reflect the underlying geology, as shown on AT23A to AT27A (CAR 429). Valley systems are an expected feature of both chalk and the Greensand dip slopes and do not detract from the integrity of the 'scarpland' theme (CAR 428 para 4.15).
- 6.142 The South Downs Campaign points out that no other National Park contains chalk downland. The famous 'blunt bow-headed whale-backed hills' of the 'South Downs' are unique, other chalk landscapes are less dissected by rivers and are more plateau-like. The north-facing scarp is more distinctive than its counterpart in the North Downs and also maintains a visual link with the sea along most of its length (CD262 para 2.2 and 2.3).
- 6.143 There is no dispute that the geological relationships (of chalk to Gault clay to Greensand) within the proposed Park area also exist elsewhere (CAR 347 para 3.7). In my view, however, the relationship between the Greensand scarps of the Hythe formation, which extend beyond the boundary into the Surrey Hills AONB, is much stronger than the 'scarpland' theme, which links the chalk ridge and the Greensand.
- 6.144 From my own visits to the area, and a review of the County and AONB landscape assessments I consider that the varied geology, geomorphology and topography of the proposed National Park contribute more to the variety of landscape character than they unify the area.
- 6.145 The *Landscape Assessment of West Sussex* identifies five distinct landform regions (CD113 page 71). The study notes that that there is a strong relationship between the landform regions and the landscape types they

contain, i.e. the distinctiveness of the landform regions is also evident at the more detailed level (para 2 page 16). The *Landscape Assessment of the Sussex Downs AONB* (CD182) points out that the geology is the key influence on landscape character and that the unified character of the chalk uplands stems from their consistent geology. CD182 also mentions that there is a strong visual relationship between the western chalk uplands and the west Weald which reinforces the sense of regional identity, but that further east, the open chalk escarpment seems to stand alone as a dramatic wall, which dominates the Wealden plain (see para 5.15 above).

- 6.146 Taking all of these points into consideration, I conclude that the 'scarpland' theme referred to by the Agency and the regional identity noted in CD182 apply to a much wider and more diverse tract of land than would be appropriate to include within a National Park, which should possess a coherent and clearly recognisable character.
- 6.147 Turning to historical links, I recognise that some tangible evidence of past land use patterns between the Weald and the downland remains. Drove roads, created to connect the outlying pastures of the Weald with the principal manors, such as Bury and Amberley, provide one example of this (3275/19/1). But I do not consider that these links are particularly unusual in a landscape with a long history of settlement. I would argue instead that the chalk downland has long remained distinct because of its historical use for sheep grazing, which supported a small population. By contrast, arable farming and pasture on the more fertile Weald and 'Coastal Lowlands' resulted in a denser pattern of settlements and roads, which has contributed to their distinctive landscape character.
- 6.148 The proposed National Park contains numerous sites of nature conservation importance, such as the River Itchen (described as the finest and most beautiful chalk stream in England) and the Greensand heaths of West Sussex (3275/2/3). In support of the inclusion of the Kirdford and Plaistow area, however, objectors emphasise that the objection area forms part of a wider tract of land that is of exceptionally high nature conservation value (3275/16/1 para 3.2.7.12). Part of this wider area lies within the proposed Park, but part is outside, suggesting that habitat continuity and ecological links may well be stronger between these parts of the Weald that straddle the boundary than with the chalk downland.

- 6.149 In terms of visual links, I consider that land should be included within the Park for visual reasons where it is of high quality, **contiguous** with the chalk downland, and where visual links to the downland form a **dominant** characteristic of the land. In my opinion, the boundary should be drawn close to the escarpment to ensure that this is the case. In determining the northern boundary of the proposed National Park, I generally agree with the findings of the Agency's consultants that 'up to 4 km from the chalk escarpment the distance makes these views less dramatic and the borrowed character less strong' (CD51 para 4.2.4). In some circumstances the boundary will need to be drawn much closer to the chalk escarpment, however.
- 6.150 In my opinion, visual links do not support the case for including the western Weald within the proposed National Park. WSCC and CDC have demonstrated that there is less intervisibility between the chalk downland and some parts of the Weald within the proposed National Park than other areas, which are outside it. HDA 7 illustrates how the Greensand ridge to the north of the River Rother obscures views between the western Weald and the chalk ridge.
- 6.151 I agree that the Weald is an outstanding landscape in its own right. But from the evidence submitted and my own visits to the area, I find that the geological, historical, ecological and visual links are not sufficiently strong for the majority of the Weald and 'Coastal Lowlands' to be considered part of the extensive tract of land that can qualify as the proposed National Park.

Proximity requirement

- 6.152 In assessing opportunities for outdoor recreation, the Agency takes into account the proximity of appropriate services needed to support sustainable tourism, such as potential gateway towns and accommodation in surrounding and adjacent settlements (see para 3.20 above). WSCC and CDC point out that the provision of services has nothing to do with the statutory criteria, but the boundary tables often give this as a reason for including land or a settlement within the proposed National Park. It is hard to judge the weight that the Agency gives to factors such as this, however (WSCC and CDC oral evidence 9 December 2004).
- 6.153 The Agency maintains that the need for accessibility remains as important as it did in Hobhouse's time. Although vehicle ownership has made most parts of England accessible, the geographical position of the proposed National

Park, close to a large adjacent population, is a significant factor that needs to be taken into account in assessing recreational opportunities. Furthermore, the Minister specifically asked the Agency to reconsider its current policy to take more account of the need to provide for recreational opportunities close to where people live (see para 2.5 above).

6.154 Accessibility is a function of more than just distance and I consider it appropriate for the Agency to take account of the wider policy objectives of sustainability and social inclusion, to reduce the environmental and social impacts of travel while providing for those with reduced mobility. The relationship of the proposed National Park to public transport routes, access initiatives, cycle routes and footpaths, all connecting with urban areas, is therefore an important consideration. I think it correct to interpret the statutory requirement, not just in terms of physical distance, but also in terms of sustainable transport provision, provided that the land in question has first been shown to meet the statutory criteria.

6.155 Although CD36 suggests in para 5.1 that wider considerations, such as the need for sustainable transport provision and social inclusion, are additional to the statutory criteria, it is far from clear precisely how the proximity of services has influenced the assessment of recreational opportunity in practice. I consider this further at para 6.193 below.

Assessment of natural beauty

6.156 WSCC and CDC point out that designation of the 'South Downs' as a National Park has been previously rejected on three main occasions because the area lacked the requisite wildness or remoteness. Although the two AONBs are of outstanding natural beauty, they are not sufficiently rugged, open, wild, tranquil and remote to warrant National Park status. Since the war, extensive cultivation of semi-natural vegetation on the chalk downland has reduced the sense of wildness as well as the potential for open-air recreation¹⁷. Fragmentation by busy roads has also reduced the tranquillity and relative wildness.

6.157 The Councils claim that the assessment of natural beauty is based on

¹⁷ See figures provided by WSCC and CDC for the chalk downland of the AONB in West Sussex (HDA Appendix O chart 1)

outdated guidance, which does not refer to wildness, tranquillity or remoteness and gives rarity and representativeness insufficient weight. It underplays the significant fragmentation, lack of wildness and tranquillity in the proposed National Park. Tranquil Areas Mapping was used to assess wildness; this is not the same thing. The Agency has not carried out an adequate assessment of relative wildness. In any case, the intensive agricultural production on much of the land, large resident population and established settlement pattern within the proposed National Park preclude any sense of relative wildness.

- 6.158 Mid Sussex DC argues that the Agency has forsaken the concept of wilderness in favour of wildness and 'spiritual refreshment', which represents a weakening of the natural beauty test. The Agency does use both terms however, and this lack of precision is a cause for concern (2708/1/1 para 6.7-6.9).
- 6.159 The Agency maintains that the proposed National Park provides a memorable experience of an iconic landscape which is sufficiently open, relatively wild, remote and tranquil to satisfy previous policy interpretations and that a detailed landscape character assessment demonstrates that the proposed Park has these characteristics (CD135 para 10, 11). As Dower was working to a definition of 'relatively wild nature', the chalk downland must have had that characteristic in 1945. To many people nowadays, the landscape of the 'South Downs' is relatively wild, especially when considered in relation to landscapes in the crowded south-east that are more familiar (CAR 7 para 4.26).
- 6.160 Appendix 5 of the Area of Search provides detailed information about remoteness, tranquillity and wildness. Although the current guidance identifies wildness and tranquillity as two separate considerations to be used in assessing landscapes for special treatment, the Agency argues that the words 'individually or in combination', suggest that not all considerations need to be present for an area to qualify (CD135 page 28 para 54).
- 6.161 The Agency points out that, although wildness is not listed as a criterion in the 1993 guidance, it is embraced by (iii) 'unspoilt character' to an extent (CA oral evidence 26 November 2003) and by (iv) 'sense of place' (CD58 Table 1).
- 6.162 The best practice guidance states that judgements about perceptual aspects

need to be incorporated into surveys in a transparent way (CD57 para 5.14 and CD55 para 5.59). The Agency maintains that it has complied with this requirement, referring to the descriptions contained in the *Draft Boundary Recommendations* report (CD33) and citing the Northern Hangers (non-AONB land) as an example of a character area description that makes the tranquillity and wild character apparent (CA oral evidence 26 November 2003).

- 6.163 I think it is significant that, in 1999, the Agency found that the chalk downs 'still have a wild, exposed and remote character, greatly valued in the heavily populated south' (CD56 page125). While the areas of heathland and remnant 'wildwood' within the 'Wealden Greensand' undoubtedly provide the visitor with a relatively wild experience, from my inspections, I find that the pattern of roads and settlement of much of the Weald and 'Coastal Lowlands' significantly reduces their relative wildness. The urbanising influences of roads, masts, views to coastal development, golf courses and horse riding facilities also affect the perception of relative wildness of the chalk downland. Even so, I consider that the chalk downland has fewer signs of settlement and is relatively wilder, more exposed, remote and tranquil than either the Weald or 'Coastal Lowlands'.
- 6.164 In my view, the requirement for relative wildness has to be balanced against the proximity of a Park to centres of population and the opportunities it provides for people to 'get away from it all'. The Agency recognises that the population density, settlement size and development pressures in the proposed National Park are greater than in other National Parks (CD69 para 2). The Council for the Protection of Rural England map indicates that the tranquillity of the proposed National Park is generally less than in most other National Parks¹⁸. I consider that it is important to bear in mind that the character of lowland areas is likely to be less tranquil (but often more accessible) than that of upland areas. The test of 'relative wildness' has to be considered in relation to the pressure that the crowded south-east is under.
- 6.165 The Area of Search report confirms that Tranquil Areas Mapping for the two AONBs was used to establish those areas offering the most tranquillity and

¹⁸ This can be seen from a comparison of ID/28 and the national tranquil areas mapping produced by CPRE (provided in 1881/1/2 Appendix F4).

thus potentially greatest 'wilderness' experiences (CD36 page 27). The Mapping provides a broad-brush picture of areas in the countryside which are free from urban intrusion (ID24). I do not consider this to be the same as wildness, which the current guidance defines as 'the presence of wild (or relatively wild) character in the landscape which makes a particular contribution to sense of place' (CD57 para 7.22). In my view, the Agency has not clearly differentiated between wildness and tranquillity in its assessment.

- 6.166 I note that in the *Draft Boundary Recommendations* report the description of the 'Northern Hangers' (in common with that for many other areas) makes no specific mention of either wildness or tranquillity. Instead, it emphasises the 'distinctive and unspoilt character', 'seclusion' and 'strong sense of place' of the area (CD33 6D). In the Area of Search report 'unspoilt character' is described as the absence of 'large-scale, visually intrusive industry, mineral extraction or other inharmonious development', while 'sense of place' is defined as 'distinctive and common character, including topographic and visual unity and a clear sense of place' (CD36 para 5.3). Although the assessment of 'unspoilt character' could be argued to equate broadly to that of tranquillity, 'sense of place' is clearly not the same as wildness (see above). I am not persuaded by the Agency's claim that characteristics such as 'open, tranquil, distinctive, sense of place, deeply rural, remote, quiet and secretive' necessarily reflect relative wildness (CD135 Appendix 1 para 5.3).
- 6.167 Although it is true that 'a sense of relative wildness' is not part of the statutory criteria, it remains, in my view, a key characteristic of other National Parks and has generally been underemphasised in the assessment process. I consider that this is of most significance away from the core areas of the proposed National Park, where the sense of relative wildness is less or where fragmentation due to urban influences is likely to have a greater effect. Despite any uncertainties raised by the assessment process, I am firmly of the view that the chalk downland clearly meets the natural beauty criterion, however.
- 6.168 During the designation process, the guidance on landscape assessment methodology and terminology evolved considerably. Although objectors argue that the terms have been applied inconsistently, I do not think that the

term 'wilderness' should be taken literally, given the extensive human impact evident in all landscapes in England¹⁹. In this case, I think it is reasonable to consider the term 'wilderness' to be synonymous with 'wildness', which is now more commonly used in the UK context.

Recreational experience – open access land

- 6.169 WSCC and CDC claim that the proposed National Park contains insufficient open access land to comply with the recreation criterion and fails to meet the 'markedly superior' test for the same reason. It would be fundamentally inconsistent with other National Parks because of the lack of uncultivated land that allows Park users to 'get away from it all'. The rights of way density and proportion of open access land in the proposed National Park are more characteristic of an AONB or ordinary countryside (see HDA Appendix Q Table 2).
- 6.170 The Councils note that Hobhouse recommended National Park status on the basis that the 'South Downs' contained 'much open rambling land'. This suggests that, in 1947, walkers were able to ramble freely on open downland (CD74 para 39). Since then, assessments by the National Parks Commission and the Countryside Commission demonstrate that cultivation has reduced the amount of open access land.
- 6.171 The judgement, by the National Parks Commission in 1956, that the 'South Downs' should not be designated, reflects the amount of agricultural activity that took place as part of the war recovery²⁰. This, the Councils maintain, contradicts the suggestion by the Agency that cultivation had reached its full extent when Hobhouse was writing.
- 6.172 The Councils quote the paper for the October 1999 Agency Board, which

¹⁹ The report *The Scope for Wilderness* notes that: 'The impact of people is so pervasive ... that ... in England it is confined to isolated remnants of nature on mountain tops and coasts. Moors, heaths and forests are more widespread and while these are often managed, they can evoke strong wilderness experiences... Pockets of nature in the countryside and on the urban fringe can provide experiences of wilderness close to home. These areas are often highly valued, not only for nature conservation, but for quiet contrasts to urban life' (CD90 Page 110).

²⁰ The NPC file notes that in the 1950s '...a great deal of the Downs has been systematically brought into use for agriculture, especially during and since the war'. This suggests that cultivation of the downland had not reached its full extent by the time Hobhouse reported. In 1951 the Chairman of the NPC, Sir Patrick Duff, found that '...the Downs in the ordinary sense of the term are gone ... the advancing tide of agriculture has flowed over them with the exception of a few tree-capped – or fewer still – bare ridges' (CD128).

notes that the extent of open country suitable for access is 3% in the 'South Downs', compared with 30–60% in other National Parks (CD93 para 13)²¹. The paper also finds that the restoration of arable land to downland under the ESA scheme amounted to less than 1% of the ESA. The paper notes that 'much of the downland is inaccessible and often fenced, with no open feel. Legislation for access to open country would bring more, but only to the small proportion of uncultivated land'. The Councils highlight that land in the Sussex Downs AONB, which is accessible under the Countryside and Rights of Way Act 2000, totals only 5% (HDA Appendix P Chart 2) and that there is more open access land in the Surrey Hills AONB (HDA 8). They point out that the Area of Search report contains no assessment of open access land.

6.173 I summarise the Agency response as follows:

- Dower considered ample provision of footpaths in National Parks to be an important part of their overall accessibility;
- the comments in para 14 and 15 of CD93 relating to openness, accessibility and fencing in the downland landscape were made prior to a full landscape assessment and do not reflect the policy of the Agency;
- some areas are not accessible, there is some fencing, but overall there is sufficient open access land to maintain the open feel of the area;
- open access land is only one of several factors to be taken into account in assessing recreational opportunity. To focus on this one aspect does not produce a balanced judgement of the true value of the recreational experience;
- the difference between a National Park and an AONB does not turn on statistics alone;
- the National Parks Commission decision in 1956 was finely balanced; one commissioner voted for a National Park, while two were against; and
- linear routes are as important as open access land, people do not generally wander across land where there are managed routes to use.

6.174 The Agency also notes that some AONBs, such as the North Pennines, have a similar proportion of open access land to other National Parks (CAR 7 para 4.18), while the Norfolk Broads is similar to the proposed National Park in this respect (CA oral evidence 20 November 2003).

²¹ See also Annex 5 of CD94, which identifies the percentage of open access land across existing National Parks and AONBs. In 1999 Agency Officers suggested that National Parks should have a minimum of 25% open access land (CD94 para 10) but this was felt by the Board to be too prescriptive and was not adopted as Countryside Agency policy.

- 6.175 It maintains that access rights were very limited in post-war England and statements in the Dower Report concerning 'access to uncultivated land and the right to walk at will' are aspirational and not an accurate description of accessibility at the time. Hobhouse hoped that the National Parks would become accessible, but recognised that access was generally enjoyed at that time 'only by tacit permission' (CA oral evidence 20 November 2003).
- 6.176 In the case of the 'South Downs' Hobhouse recommended designation, even though there had been ploughing of the downland. The Agency concludes that the amount of open access land has not changed significantly since the late 1940s (CD135 para 71).
- 6.177 I note that the Edwards Report suggests that the 1949 Act was a bitter disappointment to the rambling community, because it granted right of access in National Parks only where an access agreement is made with the landowner. It points out, however, that 'much *de facto* access exists' in National Parks in 1991 (CD76 page 37). Objectors may be correct to claim that the overall extent of rambling land has declined since the 1940s, but it is difficult to be certain about this, given the possibility of *de facto* access.
- 6.178 WSCC and CDC do not take into account land which I feel might reasonably be included under a broad definition of open access land, such as Country Parks or land managed by the National Trust, Wildlife Trusts and so on. The South Downs Conservation Board has subsequently provided a more comprehensive estimate that suggests that 12.2% of the proposed National Park is available for open public access (CD165).
- 6.179 Although this figure is lower than for other National Parks (except the Norfolk Broads), I agree with the Agency's broad approach and find that over-reliance on this one aspect of recreational experience is inappropriate. The extent of land available for open access does remain one of the key characteristics of National Parks, in my view, however.
- 6.180 Although the rights of way density of the proposed National Park appears to be more like that of an AONB, this may simply reflect the relative proximity of the area to large settlements. The extensive footpath network allows good access to the recreational experience offered by the chalk downland and, in my view, helps to compensate for the relative lack of open access land.
- 6.181 Although some objectors claim that the Agency has not assessed open access land, I note that the Area of Search report states that a review of

‘publicly accessible landscapes used for recreation’ does form part of the study. This includes ‘commons, forests and woods, open downland, country parks, parks and gardens, nature reserves, etc.’ (CD36 para 5.4). In my opinion, however, the assessment of recreational opportunity in each of the landscape character areas in Appendix 5 of the Area of Search report does not give open access land sufficient emphasis.

Recreational experience – qualitative assessment

- 6.182 WSCC and CDC maintain that the recreational criterion requires the quiet enjoyment of characteristic, extensive, open and relatively wild landscapes, accessible to large numbers of people. Whereas National Parks allow the user to ‘get away from it all’, this is not the case in AONBs and ordinary countryside. These requirements constitute a ‘traditional approach’, which, they claim, has been endorsed by the Inspector and Assessor to the New Forest Inquiry (CD259 para 87).
- 6.183 The two Councils refer to the report of the New Forest Inspector, who finds that, while there is a direct relationship between the outstanding landscape and the recreational experience, ‘this does [not] assist very far in determining what is required to demonstrate that an area does in fact offer, or is capable of offering, a markedly superior recreational experience’ (CD204 Appendix 2 para 10). The Councils argue that the New Forest Inspector found it difficult to base National Park designation on a simple parallel between attractive landscape and recreation.
- 6.184 They claim that the Area of Search assessment specifically rejected any test of ‘relative wildness’, and focussed instead on whether the landscape is ‘of national importance for recreation, as a result of its intrinsic beauty’. In doing so, the study wrongly assumes that outstanding landscape value or the iconic quality of the land automatically means that access to the land by visitors will result in a markedly superior recreational experience. This allows for no distinction to be made in recreational terms between National Parks and AONBs (1881/1/16 para 6.1–6.3).
- 6.185 The Councils also argue that the assessment of the recreational opportunity places too much emphasis on the location of recreational opportunities in relation to centres of population. The rise in vehicle ownership has made all parts of England accessible, making the consideration of proximity less important nowadays. The recreational assessment should not take account

of the existing provision and proximity of services.

- 6.186 They consider that the chalk downland is relatively more wild and remote than the Wealden or coastal landscapes, and so comes closest to meeting the recreational criterion (1881/1/6 para 4.4.2 and 4.4.3). Recreational experiences unrelated to the character and special qualities of the core area of the National Park – in this case the chalk downland – should be discounted.
- 6.187 The Agency points out that natural beauty is a pre-condition for markedly superior recreational experience but that the quality of the recreational experience as a whole, and the relationship between the recreational activity and the special qualities of its location are important considerations.
- 6.188 The New Forest Inspector refers to a ‘helpful list of thirteen factors’ that were used to assess markedly superior recreational experience in the ‘South Downs’. This, the Agency argues, gives support to the concept of markedly superior recreational experience and its application in the ‘South Downs’ (CAR 641 para 6.6). ‘Tranquillity and relative wildness/wilderness experiences’ is the first of the 13 factors, set out in CD36. The Agency states that this demonstrates that the assessment of recreational opportunity was fundamentally based on the open-air natural beauty provided by the landscape (CAR 641 para 6.7).
- 6.189 In my view, the Agency is right to take a qualitative approach to defining recreational opportunity, as the quality of the recreational experience on offer is critical. Assessment of the recreational opportunity of a National Park needs to take account of the special qualities of the area, including its relative wildness, remoteness, tranquillity and openness.
- 6.190 I find that some objectors rely too heavily upon statistical measures such as the proportion of open access land, length of footpaths and density of rights of way to argue that none of the proposed National Park meets the recreational criterion. I agree that the proposed National Park may be different to other National Parks in this respect, but I consider that the special qualities of the chalk downland landscape differentiate the recreational experience from that of ordinary countryside. The chalk downland provides a sense of openness, relative wildness and ability to ‘get away from it all’, that neither the Weald nor the ‘Coastal Lowlands’ comes close to matching. Even where the ability to wander at will is restricted, walking in an iconic chalk

landscape with such a distinctive sense of place provides an open-air recreational experience of especial value.

- 6.191 I find the assessment of recreational opportunity to be unnecessarily complex and not at all transparent, however. The Agency states that a Recreational Opportunities Spectrum analysis was used as part of the suite of assessment tools to identify broad areas that meet the recreational criterion. It notes that, combined with information on landscape character and quality, the Recreational Opportunities Spectrum can be used to judge if an area provides a markedly superior recreational experience, **and** whether there is the 'desirability' to designate (CD180 para 4.5).
- 6.192 In my view, for an assessment to be transparent, it is important to make explicit the individual judgements that lead to a conclusion. But it is not clear from the report how the diverse information, which includes quantitative as well as qualitative data, was brought together in a systematic way, or how the Recreational Opportunities Spectrum, the recreational landscape types and the landscape character assessment were combined to assess the recreational criterion in practice.
- 6.193 More specifically, the assessment does not clearly differentiate between recreational opportunity and wider policy issues, such as the proximity of 'appropriate services needed to support sustainable tourism', which appear to have formed part of the recreational assessment (CD36 para 5.4). In my view, this does raise a significant concern, as the assessment first needs to establish clearly that the land meets the statutory criteria. The Inspector to the New Forest Inquiry also reflects this concern, noting that general accessibility, catchment area and ease of travel are relevant aspects to consider **after** designation, for example in promoting sustainable access initiatives. He considers that it is 'perhaps less clear that these are very useful concepts in determining for designation purposes which areas afford a markedly superior recreational experience' (CD204 Appendix 2 para 26).
- 6.194 It is also unclear how the Agency took account of the iconic qualities of the landscape in the assessment. A map entitled 'landscape icons' (1384LP/R7) is provided in Appendix 2 of the Area of Search report, which notes that these features are distinctive to the 'South Downs', that the majority are within the chalk downland and most are linked by the South Downs Way. The report confirms that 'Understanding the types of landmarks and icons that are

associated with the South Downs helps in the analysis of markedly superior recreation and what makes a memorable day out in the countryside' (CD36 Appendix 2). I agree that this should be the case, but find it surprising that their relative concentration in the chalk downland is not therefore more evident in the results of the assessment. In describing the data used for the mapping of recreational landscape types CD180 omits this map, which may go some way to explaining the discrepancy (CD180 para 3.3).

- 6.195 In my view, the lack of transparency in the assessment process outlined above does cast some uncertainty on the findings that the peripheral areas provide a markedly superior recreational experience. However, I disagree with those objectors who claim that none of the proposed National Park meets the criterion. In my view, the chalk downland offers a recreational experience that is clearly superior to that of an AONB or ordinary countryside and fully meets the statutory criterion.

Noisy sports and indoor activities

- 6.196 Some objectors argue that the Agency has misinterpreted the statutory requirement for 'open-air recreation' by including noisy sports and indoor activities in the Recreational Opportunities Spectrum analysis.
- 6.197 The Agency notes that the 1949 Act provides no definition of 'open-air recreation', other than S114, which states that it does not include 'organised games'.
- 6.198 I note that WSCC and CDC produced maps based on CD36 but showing quiet outdoor recreation only (HDA14 and 15). HDA15 excludes historic properties, museums, visitor centres, etc. I consider that some of these are valid outdoor attractions, which have been wrongly excluded by the two Councils. Although the Agency has included some noisy and indoor-focussed activities in the recreational assessment, it appears to me that the results would not be significantly different if noisy and indoor activities were excluded.

Not comparative

- 6.199 Some objectors claim that the Agency has not compared the recreational experience of the proposed National Park with other AONBs, National Parks or ordinary countryside to demonstrate that the recreational experience is 'markedly superior'. The Recreational Opportunities Spectrum analysis

includes only the Study Area so that it allows no assessment of the 'superiority' of recreational experience as required by the Agency's own policy.

- 6.200 The Agency argues that comparisons of this sort are not relevant and that it is sufficient to demonstrate that the recreational experience satisfies the statutory requirement (CD135 para 4).
- 6.201 I note that the Area of Search report establishes that the landscape 'needs to be more than normal countryside to offer MSRE and an assessment of MSRE should be considered in comparison to the quality of recreation experiences currently gained at other National Parks within the country' (CD36 para 5.4).
- 6.202 Although the Agency has not carried out a comparative exercise in order to determine a markedly superior recreational experience, I disagree with the suggestion made by some objectors that this undermines the assessment process. In my view, these objectors have placed too much reliance upon quantitative aspects, such as the proportion of open access land available in other National Parks and AONBs. The designation of a National Park has to be based on the intrinsic merits of the land in question.

Assessing potential

- 6.203 There is a fundamental difference between the Agency and some objectors as to whether potential recreational opportunity should be considered in the assessment process.
- 6.204 Objectors refer to the finding of the Dartmoor Inspector that an area 'did not qualify for National Park designation because it had potential; it had to be of the required standard at designation'. It is therefore inconsistent with the statutory criteria to consider potential recreational usage. Widespread restoration of significant areas of the chalk downland to unimproved grassland is unrealistic and should not be taken into account (CD257 para 4.27).
- 6.205 The Agency argues that the wording of the recreational criterion (S5(2)(b) of the 1949 Act) introduces the concept of opportunities, while S5(1)(b) refers to the purpose of 'promoting' opportunities. The Agency interprets this as meaning that recreational potential alone is insufficient but can be taken into account where there is an existing resource (CA oral evidence 26 November

2003).

6.206 The Agency explains that ‘the potential for provision [of MSRE] was also considered on the basis that countryside recreation is related to landscape character and special qualities of the area’ (CD135 para 33). The Area of Search report notes that:

“...potential MSRE might be achieved through improved accessibility to a highly attractive and diverse landscape, or a change to a landscape arising from restoration of downland, heathland or woodland, as a result of the work of a National Park Authority. However, future possibilities, or ‘potential’ for MSRE have not been assessed to the point where potential provision of recreation becomes speculative, unrealistic or impractical.” (CD36 para 5.4)

6.207 Although recreational opportunities in the Downs are mainly restricted to Rights of Way through farmland and woodland, there are many areas of open downland interspersed along these footpaths and bridleways, which collectively add to the recreational experience (CA oral evidence 20 Nov 2003).

6.208 The Inspector to the New Forest National Park Inquiry interpreted ‘opportunities for open-air recreation’ to mean that the assessment needs to consider not only the existing conditions, but also ‘the potential of land with qualifying natural beauty’. In assessing whether potential opportunities should be taken into account, the Inspector poses the following question:

“Is it feasible to conclude that the area’s potential scope to provide a markedly superior recreational experience (based upon and complementing the landscape character and quality of the area) could be achieved within a reasonable time-scale after designation, without the application of unrealistic levels of resources, and without interfering excessively with other competing interests?” (CD204 Appendix 2 para 15)

6.209 It is clear to me that the Dartmoor Inspector’s report deals with the application of the natural beauty criterion and the potential the land has for restoration, and not with recreational potential. From the evidence submitted, I consider that there is a reasonable likelihood that designation will provide further opportunities for downland restoration, as noted in CD36 Appendix 5 (Western Chalk Uplands and Eastern Open Chalk Uplands), for example. In my view, objectors are wrong not to take account of these potential opportunities, and are also incorrect to claim that the chalk downland does not meet the recreational criterion.

6.210 I consider the Agency's approach to be both reasonable and consistent with precedent. I conclude that it is right to consider potential opportunity in assessing whether land meets the recreational criterion, providing that the opportunities are related to the distinctive character and special qualities of the National Park in question and are not speculative, unrealistic or impractical.

Extensive tract

6.211 Objectors claim that fragmentation and pockets of development disrupt the openness and continuity of the proposed National Park, preventing the enjoyment of either the natural beauty or the recreational experience over extensive tracts of country.

6.212 WSCC and CDC also question whether the narrowness of the chalk downland and disruption by busy roads disqualify the chalk downland as an extensive tract. The Councils claim that, to meet the requirement, the proposed National Park would require 'extensive and contiguous areas of downland landscapes' (1881/1/6 para 4.6.1). They note that on average the South Downs Way has a road crossing every 6.5 km, or every 1–1.5 hours walking (CD257 para 4.15).

6.213 The Agency points out that the words 'continuous' or 'uninterrupted' do not appear in the legislation (CD135 para 44) and that a requirement to identify an uninterrupted tract of relative wildness is an unreasonably strict interpretation of the legislation (CA oral evidence, 27 November 2003).

6.214 The Area of Search report confirms that the impact of the communication corridors and other development is significant and suggests that those with the greatest impact will need particular scrutiny at the boundary assessment stage (CD36 page 42).

6.215 I note that the 1949 Act does not define the term 'extensive tracts of country'. Dower proposes that the first National Parks should be of 'ample size' and not less than 250 square miles (650 km²), while Hobhouse suggests 'substantial continuous extent'. The area of the proposed National Park is 1637 km², while a 'chalk-only' Park, based on CDC and WSCC evidence, would extend to between 830 and 1125 km², depending on whether land 'requiring further scrutiny' is included (see HDA25 in 1881/1/12). It is clear from Annex 5 of CD94 that a South Downs National Park restricted to the chalk downland would be larger than many of the existing National Parks.

- 6.216 In my view, it is significant that the legislation refers to extensive 'tracts' in the plural, which suggests that there is no requirement for the qualifying land to be continuous. Nevertheless, from my visits to the area, I find that the impact of transport corridors lying within the chalk downland (with the exception of the A3 as noted in Annex B) is generally reduced by their location in areas of cut, and that there is generally good provision of safe crossings across the busier roads.
- 6.217 Walking remains the most popular open-air activity in National Parks. The National Park Visitor Survey of 1994 confirms that 18% of visitors take a long walk of over four hours' duration. The December 1999 Agency Board paper notes that 'the need for 'extensive tracts' of countryside for walks over of four hours' duration may be where sheer park size has its place in the criteria' (CD94 Annex 4). The Agency states that the four hour guideline is not helpful and that the nature and quality of the walk also have to be taken into account (CD135 para 116).
- 6.218 Although not adopted as policy by the Agency, I consider that Dower's four hour guide does provide a useful measure of the ability for Park users to really 'get away from it all', provided that the quality of the recreational experience is also taken into account. The South Downs Way has numerous connections to local footpath networks. Between the major road crossings, there are many opportunities for continuous walks of four hours' duration or more along, or near, the chalk ridge. In my view, these offer a real chance to 'get away from it all' in an iconic chalk landscape.
- 6.219 The areas of heathland lying on the Greensand to either side of the Rother Valley also provide a good recreational resource, but these areas tend to be more discrete and of less substantial continuous extent. A network of minor roads and scattered settlements permeates most of the remaining Wealden areas included in the proposed National Park. The 'Coastal Lowlands' are characterised by urban development and major road corridors, but with more dispersed settlement and secondary roads to the north, closer to the base of the chalk dip slope.
- 6.220 In my view, the chalk downland contains contiguous areas of characteristic downland landscape that are of sufficient extent to meet the 'extensive tract' requirement. It alone offers the opportunity for continuous walks of substantial length in relatively wild, exposed, remote or tranquil surroundings

and most fully meets the requirement.

Designation process

Consultation

6.221 Several objectors argue that they were not consulted on the new policy or whether the proposed National Park meets the statutory criteria. They suggest that the consultation documents make it clear that the principle of according National Park status to the 'South Downs' had been effectively determined and that the only issues on which views are required are the practicalities.

6.222 They refer to the April 2002 Agency Board paper (reporting the outcome of the public consultation) which states:

“The nature of consultation reflects the fact that the Countryside Agency has decided in principle that there should be a national park in the South Downs, and that issues on which views are now required are the practicalities. Thus the consultation did not ask a direct question on whether respondents favoured a national park.... The desire for a national park by the public is not one of the criteria and so there is no basis for the Agency to consult on whether or not there should be a park. However the Agency has chosen to involve local people and organisations in the designation process.... The consultation was not therefore a referendum into whether there should be a national park, but an opportunity for people to give views and advice on both the boundary and administrative issues.” (CD39 Annex 1 para 10–11)

6.223 Andrew Tyrie MP and Howard Flight MP point out that, in the same Board paper, the Agency suggests that the time to object to the principle of a National Park would be at end of process, at any public inquiry. The MPs argue that the Agency is here suggesting that the role of the inquiry is to substitute for proper consultation (Andrew Tyrie MP oral evidence 12 Dec 2003).

6.224 Some objectors claim that the process has not been transparent, by concealing the true motivation behind a belated attempt to create a new National Park. The change in stance from 1998 to 2000 smacks of political pressure. The objectors maintain that the Government wants to say it has done its bit for conservation by designating a new National Park or two, in the face of new roads, airports and housing in the south-east, and has put pressure on the Agency to designate the new Park.

6.225 The Agency points out that the decision to designate the proposed Park took

over thirty-one months to make. In April 2000, the Agency recommended that the designation process should proceed, based on a belief that the area met the criteria. Because of the substantial resources needed, it was important for the Agency to form a view before embarking on nearly three years of work. On five separate occasions it considered the application of the statutory criteria and the results of consultations. At each stage it questioned whether to proceed to next stage (CAR 4 para 5.4 and 5.5).

- 6.226 The Agency held two conferences, to which local and other interest groups were invited, set up a Technical Advisory Group representing key stakeholders in the area and conducted extensive public and local authority consultation exercises (CD58 para 4.2.4). In all, the Agency has thus undertaken six months of formal consultation as well as a number of pre-consultation exercises. It received over 6000 responses to the public consultation and attended more than 50 events and meetings, including 23 road shows. Both the statutory and public consultation exercises indicated widespread support for the principle of a National Park in the 'South Downs' (CA oral evidence 12 December 2003).
- 6.227 Although the Agency agrees that it would have been good practice to consult on its policy at an earlier stage, it decided that there would be sufficient opportunities later. It maintains that it has listened carefully to the views of stakeholders and that the consultation has been entirely open. There is no obligation on the Agency to consult the public; this it did as a matter of good practice. The Agency argues that consultation on the boundary is, in effect, consultation on the principle of a National Park. The documents also ask for comments on the policy and approach (CA oral evidence 12 December 2003).
- 6.228 I appreciate the desire of the Agency to ensure that, for practical purposes, all responses should be structured in terms of the statutory criteria. The public consultation document stresses the need for comments on identifying the boundary, making the order and on the administration arrangements 'on the basis of National Park criteria and on the Agency's policy and approach' but not on the policy itself (CD31 page 7).
- 6.229 Although this may give the impression that the decision on the principle had already been made, from the evidence presented, I do not believe this to be the case. I consider that the informal consultation did provide an opportunity

for comments on the policy and approach and note that the Agency received a small number of responses (less than 5%) from consultees who decided to object to designation in principle at this stage (CD27 page 8)²². But it seems that there is no reliable guide to the level of support or objection, because the Agency did not specifically ask at the time whether, in principle, the proposed National Park was necessary or appropriate.

6.230 I can find no evidence to support the suggestion made by some objectors that the Government has put pressure on the Agency in its consideration of the proposed National Park.

Nomenclature

6.231 The Country Land and Business Association expresses a concern, shared by other objectors, that the term 'National Park' is misleading. It is an internationally recognised label that infers a right of access to land in national ownership (2529/1/1 page 11). Changes in public perception brought about by National Park designation might lead to more problems, such as trespass onto intensively cultivated farmland. The high level of privately owned and intensively farmed land in the 'South Downs' is particularly vulnerable to increased public access and should preclude its designation as a National Park.

6.232 In response, the Agency points out that in 1945 Dower recognised that cultivated land could meet the statutory criteria, and that efficient farming was in fact a key requirement of the National Parks. There is no evidence to suggest that the general public sees National Park land as being in national ownership or accessible to all. Existing National Parks are predominantly in private ownership, the 'South Downs' would not be at all unusual in this respect (5770/1/1/2529 para 4.16–4.19 and 5.2).

6.233 National Parks in England and Wales may well be unique in an international context, but I disagree with the suggestion made by the Association that this

²² The public consultation report states 'We now want to hear from everybody ... with a view, whether, on the basis of national park criteria and on the Agency's policy and approach ... they think the draft boundary is right and, if not, how it should be changed and why.... In all cases ... it is very important that your reasons relate to ... the statutory criteria ... and ... the Countryside Agency's policy and approach.... We will not be able to take responses fully into account unless they relate to these points. Chapter 6 shows how we interpreted the criteria in arriving at the draft boundary. **You may wish to comment particularly on these points....**' (CD31 page 7–8).

would lead to false expectations about potential for removing any human interference, the public ownership of land or tighter controls of visitor access.

6.234 In my view the Agency is correct in their assessment that the limited rights of access in National Parks in the UK are generally well understood through, for example, the work of the National Park Authorities in promoting responsible access. There is also evidence to suggest that some people already consider the 'South Downs' to be a National Park, supporting the case that designation would not, in itself, lead to a significant change in the expectations of Park users²³.

²³ The *Great Britain Day Visitor Survey 2002* included for the first time a question about whether people had visited a National Park in England and Wales in the last 12 months. Respondents were then asked to name it. The preliminary findings of this survey suggest that 5% of all day visitors surveyed had visited the South Downs and considered it to be a National Park (CD127).

7 SUMMARY CONCLUSIONS

7.1 The points below summarise my findings from the previous section and follow the same sub-headings.

Past policy interpretation

7.2 It is reasonable for the Agency to reconsider how the statutory criteria set out in the 1949 Act should now be applied, to best meet the needs of contemporary society. Earlier statements of policy concerning the requirement for openness, wildness and remoteness do remain relevant today, however.

7.3 National Parks need to provide opportunities for quiet outdoor recreation in an extensive area, which provides a sense of relative wildness and remoteness. This requirement does need to be considered in relation to the geographical position and overall accessibility of an area to potential users of the National Park.

Characteristic natural beauty

7.4 The findings of the Dartmoor and New Forest Inquiries confirm the need for National Parks to have an individual, distinctive and coherent identity. Only those areas that have typical chalk downland landscape characteristics can be said to possess distinctive 'South Downs' character. Land should be excluded if it does not share the characteristics of the core of the proposed National Park, even if it is of outstanding quality. The chalk downland alone meets the requirement for characteristic natural beauty.

The Agency's new policy and approach

7.5 By not consulting on its new policy, the Agency has failed to follow its own best practice guidance. Although this may have reduced the standing of the policy amongst stakeholders, it does not invalidate it.

Traditional policy approach

7.6 In designating the proposed National Park, the Agency has placed too little emphasis on the requirement for National Parks to be open, wild and of characteristic natural beauty.

7.7 The Agency has overemphasised wider policy objectives in the assessment process. This has had greatest significance in peripheral areas away from the core of the proposed National Park, where the Agency has relied most

heavily on the wider policy objectives to establish the 'especial desirability' of including the land.

The Agency's approach

- 7.8 The significance of the natural beauty of National Parks may be undermined by the inclusion of large tracts of land of doubtful landscape quality. This is true, even if the land in question is of high nature conservation or historical interest. The inclusion of such land is therefore inconsistent with the Agency's approach and the statutory criterion.

Cultural heritage and perceptual aspects

- 7.9 The Agency is correct to take cultural heritage and perceptual matters into account when assessing natural beauty, as these are recognised to be important in identifying valued landscapes suitable for designation. But the weight attached to them must be carefully considered, lest they be used to justify the inclusion of land that does not otherwise meet the statutory criterion.

The assessment process

Initial decision to include both AONBs

- 7.10 By including all the land in both AONBs within the Study Area, without first carrying out a detailed landscape assessment, the Agency made prior assumptions about the quality of the land and did not follow its own best practice guidance.

Extent of Area of Search

- 7.11 The Agency was correct to identify a wider Study Area initially and then to narrow down to determine an Area of Search. The Area of Search was drawn too widely, however, and subsequent stages in the designation process offered little opportunity to re-examine the initial findings.
- 7.12 The Agency appears to place too much reliance on wider policy objectives in coming to the view that the Area of Search should be based upon the two AONBs and other land.

Area of Search assessment

- 7.13 There is no comprehensive and transparent assessment for each of the ten landscape character areas against each of the test criteria used to determine natural beauty at the Area of Search stage. The lack of transparency applies

generally to the Area of Search assessment, which falls short of the recommended best practice.

- 7.14 This does cast significant doubt on the conclusions reached in this part of the designation process, particularly in transitional areas, where landscape quality is less certain.
- 7.15 I consider that the Area of Search has been drawn too widely initially, that land of doubtful quality has been included and consequently, some of the findings of the assessment should be reviewed.

Coherent character

- 7.16 The chalk downland has a distinctive and coherent character, which is recognised by the 1999 national Countryside Character map and more detailed landscape character assessments. The landscape of the Weald is of distinctly different character to the chalk downland, having more characteristics in common with adjacent areas lying to the north.
- 7.17 In arguing that the Wealden areas should be included within the proposed National Park, the Agency has placed too little emphasis on the key test for natural beauty, i.e. the presence of landscape of outstanding quality, which is of distinctive 'South Downs' character.

Variety

- 7.18 At the national level, variety of character is generally not a characteristic of the English National Parks. The proposed National Park would be unusual in containing six countryside character areas, where the two largest are of distinctly different character. The Agency has placed too much emphasis on the need for a wide variety of landscape character and recreational experience. This approach would detract from the overall cohesion of the proposed National Park. The Park should instead be confined to the chalk downland, which is of distinctive 'South Downs' character.

Consensus

- 7.19 In coming to the view that the Weald, 'Coastal Lowlands' and chalk downland constitute a 'valuable assemblage of classic English landscapes' that merits designation as a National Park, the Agency has not given sufficient emphasis to the long-held support for a South Downs National Park consisting of chalk downland alone.

Unifying factors

- 7.20 The 'scarpland' theme referred to by the Agency applies to a much more diverse tract of land than would be appropriate to include within the proposed National Park, if it is to have a coherent and recognisable character.
- 7.21 The geological, historical, ecological and visual links are not sufficiently strong for the majority of the Weald and 'Coastal Lowlands' to be considered part of the extensive tract of land that can qualify as the proposed National Park.

Proximity requirement

- 7.22 The Agency is correct to interpret the 'proximity' requirement not just in terms of physical distance, but also in terms of sustainable transport provision, provided that the land in question has first been shown to meet the statutory criteria. But it is not clear how the proximity requirement has influenced the assessment of recreational opportunity in practice.

Assessment of natural beauty

- 7.23 The chalk downland can be distinguished from the Weald and 'Coastal Lowlands' in terms of wildness, remoteness, openness and tranquillity.
- 7.24 The Agency has not assessed wildness fully and transparently. As a result, this key characteristic of other National Parks has generally been underemphasised in the assessment process. This is of most significance away from the core areas of the proposed National Park, where the sense of relative wildness is less or where fragmentation due to urban influences is more likely. The chalk downland clearly meets the natural beauty criterion, however.
- 7.25 It is reasonable to consider the term 'wilderness' to be synonymous with 'wildness', which is now more commonly used in the UK context.

Recreational experience – open access land

- 7.26 The Agency's broad approach to the recreational criterion is correct, as it is wrong to place too much reliance on statistics of open access land and rights of way. But the extent of land available for open access does remain a key characteristic of National Parks. The assessment of recreational opportunity for each of the landscape character areas does not give open access land sufficient emphasis.

Recreational experience – qualitative assessment

- 7.27 The Agency is correct to take a qualitative approach as the quality of the recreational experience is critical.
- 7.28 The assessment of recreational opportunity is overly complex and not at all transparent. This casts some uncertainty on the conclusion by the Agency that the peripheral areas meet this criterion. The chalk downland clearly offers a superior recreational experience and meets the criterion, however.

Noisy sports and indoor activities

- 7.29 Although the Agency does appear to have included noisy sports and indoor activities in the recreational assessment, the results would not be significantly different were these activities to be excluded.

Not comparative

- 7.30 The Agency has not compared the recreational experience of the proposed National Park with that of other National Parks, AONBs or ordinary countryside.
- 7.31 Objectors are incorrect to suggest this undermines the assessment process, however, as they place too much reliance on a comparison of qualitative aspects such as open access land. The designation of a National Park has to be based on the intrinsic merits of the land in question.

Assessing potential

- 7.32 The Agency is correct to consider potential recreational opportunities in assessing whether land meets the recreational criterion, providing that these opportunities reflect the distinctive character and special qualities of the proposed National Park and are not speculative, unrealistic or impractical.

Extensive tract

- 7.33 Both the proposed National Park and a 'chalk-only' Park can be described as extensive tracts in terms of their physical extent.
- 7.34 The chalk downland contains extensive and contiguous areas of characteristic landscape. It alone offers the opportunity for continuous walks of substantial length in relatively wild, exposed, remote or tranquil surroundings and most fully meets the extensive tract requirement.

The designation process

Consultation

7.35 Although the Agency gave the impression that the decision on the principle had already been made, the informal consultation did provide an opportunity for comments on the policy and approach. There is, however, no reliable guide to the level of support or objection, as the Agency did not ask whether the National Park is necessary or appropriate.

7.36 I can find no evidence to suggest that the Government has placed any pressure on the Agency in its consideration of the proposed National Park.

Nomenclature

7.37 The Agency is correct in its assessment that the limited rights of access in National Parks in the UK are generally well understood and that designation of the proposed National Park would not lead, in itself, to a significant change in the expectations of Park users.

Annex B:

Landscape Assessor's supplementary report on A3 corridor/Rother Valley

ANNEX B

1 AREAS REQUIRING ADDITIONAL SCRUTINY

1.1 The Inspector requested that I examine in detail two specific areas within the proposed South Downs National Park, due to their strategic importance in providing a physical connection between the chalk downland and areas of high-quality landscape, lying to the north and west. These two areas are:

- the Rother Valley east of Petersfield; and
- Petersfield, Liss and the A3 corridor to the north of Buriton.

Case for the Agency

1.2 The Area of Search report (CD36) provides the most comprehensive rationale for the inclusion by the Agency of these broad areas. The classification in Appendix 5 of the report places both the Rother Valley and the A3 corridor within the 'Wealden Greensand' landscape character area. The report identifies the following subdivisions of the character area but does not indicate their extent on the plan included with the description:

- the Hangers;
- Middle and Northern Heaths;
- Scarp Footslopes and Rother Valley;
- Amberley Wildbrooks and Pulborough Marshes; and
- Storrington.

1.3 Two of these subdivisions – 'Middle and Northern Heaths' and 'Scarp Footslopes and Rother Valley' – are relevant to the areas that I have been asked to examine. Appendix 5 of CD36 describes the key features and existing recreational provision of these subdivisions, which I summarise below:

Middle and Northern Heaths

- the heathland has the feel of an untamed and wild landscape and provides a sharp contrast to the more managed character of the agricultural Rother Valley;
- these areas extend up to and are contiguous with the Surrey Hills AONB;
- a dense network of narrow and often sunken lanes carries a strong sense of mystery;
- the heathland mosaic contains a mix of oak–birch woodland, coniferous plantations, open heathland and common land, with extensive areas of bracken scrub;
- an intimate, small-scale, well-wooded landscape where settlements are generally well integrated;
- many areas of common land and woodland provide open access for the walker,

- horse rider or cyclist in a high-quality environment;
- the landscape offers intimate, tranquil recreational experiences, particularly in the areas to the north of Midhurst; and
- the A3 corridor reduces tranquillity locally and presents a physical barrier, so fragmenting the recreational landscape.

Scarp Foothills and Rother Valley

- the 'Scarp Foothills' forms a particularly well defined feature from south of Petersfield to the Adur Valley;
- the rolling landform contains an intricate pattern of pasture and arable land, woodlands and hedgerows, and a distinctive pattern of spring-line villages;
- the riparian landscape of the western Rother tends to be pastoral, but beyond this, the valley is characterised by large-scale, open arable farmland with extensive views to the chalk ridge; and
- sites of cultural significance include Bignor Roman Villa, Petworth Park and other designed landscapes.

- 1.4 In testing the 'Wealden Greensand' character area against the statutory criteria, the Area of Search report does not assess these subdivisions separately. Instead, it distinguishes those parts of the character area lying within the AONBs from those outside.

Parts of the Wealden Greensand landscape character area within the AONBs

- 1.5 In considering the natural beauty of the AONB landscape the report notes that:
- most of the area has a close geological, visual or historical association with the chalk;
 - spectacular views of the escarpment provide a strong 'sense of place';
 - with the exception of the main settlements, this is not a populated landscape;
 - the significant woodland cover provides a strongly tranquil, intimate and deeply rural feel;
 - within the A3 corridor, road and railway infrastructure and development associated with Liss and Petersfield have adversely affected the character and cohesiveness of the landscape, although visual and noise intrusion from the A3 is generally localised; and
 - the historic character of Petersfield and Liss has been undermined by development that is more recent.
- 1.6 In assessing the opportunities for open-air recreation the report finds that:
- the superiority of the recreational experience is derived from its intimate, tranquil, deeply rural and unspoilt character;

- the wooded Hangers and Greensand ridges north of Midhurst, sunken lanes and views to the chalk escarpment provide a memorable setting for recreation;
- the opportunities for walking, riding and cycling are good and include long distance routes such as the Hangers Way. These resources tend to be underused;
- the wooded character allows for increasing recreational use without loss of quality;
- the A3 presents a local barrier to the recreation experience; and
- the settlements of Petersfield, Liss, Midhurst and Petworth have an important recreational role.

1.7 The report concludes that the 'Wealden Greensand' character area lying within the two AONBs meets both criteria, although the A3 corridor requires particular scrutiny and refinement at the boundary assessment stage.

Parts of the Wealden Greensand landscape character area outside the AONBs

1.8 Parts of the 'Northern Heaths' lie outside the AONBs. Within these areas, the Area of Search report notes that there are some areas of high-quality landscape, which retain the key characteristics and strong 'sense of place' of the character area, but that land of lesser quality has caused some fragmentation. Specifically, the report identifies that the A3, the extension of once nucleated villages, the military character of some settlements and linear development along roads affect the landscape quality.

1.9 In testing for recreational opportunities, the report notes that an extensive network of public footpaths and bridleways serves these (non-AONB) areas well. In line with the Agency's approach, however, opportunities for markedly superior recreation should be limited to areas of high landscape quality with a strong and distinctive character and with sufficient opportunities to allow people to explore. Although Woolmer Forest is not wholly open to the public, it is included in the Area of Search partly due to its potential to offer a markedly superior recreational experience. It also supports and extends the recreational opportunities of the AONB landscape.

1.10 Within the 'Northern Heaths', the report concludes that land owned by the MoD (Woolmer Forest) requires particular scrutiny and refinement at the boundary assessment stage, but the A3 corridor north of the AONB boundary should be **excluded** from the proposed National Park.

1.11 The report finds that designation of the selected parts of the 'Wealden Greensand' character area (both AONB and non-AONB) is especially desirable for the following reasons:

- they represent some of the most tranquil areas within the Study Area;
- a variety of character and recreational experiences would be included;
- the areas have strong geological, historical and visual association with the 'South Downs';
- they bring the Park closer to the rail network, to London and the Surrey conurbations;
- they help to protect more vulnerable areas to the south;
- they provide opportunities for comprehensive management of, for example, long distance routes;
- designation can improve the opportunities for increased access to, for example, Woolmer Forest; and
- they provide opportunities for partnership working with landowners such as the National Trust and the Forestry Commission.

1.12 In its closing submission, the Agency notes that this large landscape character area does contain major towns and roads. Although fragmentation was identified in the A3 corridor in Hampshire and in the Rother Valley in Sussex, the Agency considered it insufficient to merit the exclusion of either area from the National Park (CD135 page 87).

2 THE ROTHER VALLEY

- 2.1 East of Petersfield the River Rother flows through a wide and shallow vale between two Greensand escarpments to meet the Arun at Pulborough. This part of the river valley lies within the Sussex Downs AONB.

Case for the Agency

- 2.2 The Agency concluded at the Area of Search stage that this land meets the statutory criteria. Subsequent assessment was mainly restricted to the vicinity of the boundary, so the Rother Valley was not assessed further (CD33 para 4.3). In its closing submission, the Agency notes that:

“The Rother Valley within the Sussex Downs AONB is in parts quite highly populated, including the towns of Midhurst and Petworth as well as a number of villages....The single carriageway [A272] runs along the valley, connecting Petworth and Petersfield. Being relatively flat and alluvial, the valley is in many places highly cultivated with some glass houses. However, in my submission the valley is still overall of high natural beauty and the settlements are all attractive and high quality, so adding to the recreational experience. There are also significant areas of woodland, heath and common that are sparsely inhabited and of exceptionally high quality to the north of the Rother valley. In my submission to exclude the valley would result in a strip of undesignated land running through the middle of the national park, or else the exclusion of large tracts of land to the north that fully meet the statutory criteria” (CD135 page 88).

Assessor’s Findings

- 2.3 The 1995 *Landscape Assessment of the Sussex Downs AONB* (CD182) includes a comprehensive and detailed landscape classification and description, which I have found helpful in my own assessment of the Rother Valley. I have used the classification to structure my comments on the parts of the Rother Valley lying within the AONB.
- 2.4 The 1995 report identifies that the Rother Valley consists predominantly of a mix of two landscape types – ‘Heathland Mosaic’ and ‘Sandy Arable Farmland’. The two landscape types occur on both sides of the River Rother. Together, these form a band over 20 km in length and of variable width, but rarely less than 2 km, which lies between the higher ground of the ‘Scarp Footslopes’, to the south and the ‘North Wooded Ridges’, to the north. The Rother floodplain is treated as a separate landscape type, which is termed the ‘Minor River Floodplains’. Together, these five landscape types broadly correspond to the

Sussex 'Wealden Greensand' landscape character area in the Area of Search report¹.

Sandy Arable Farmland

2.5 The 1995 assessment (CD182) notes that some key characteristics of the 'Sandy Arable Farmland' landscape type are in a poor condition, largely because of agricultural intensification. It describes the key characteristics of this landscape type, which I summarise as:

- a wide, rolling, relatively shallow valley with a strong geometric framework of large arable fields;
- deeply sunken, narrow lanes run north-south and accentuate this geometry;
- an open, fairly large-scale landscape, though views from the lanes are often constrained by banks; and
- small, clustered sandstone villages and a scatter of farms and farm cottages – the unifying influence of the estates of Cowdray and Petworth is evident in many of the villages.

2.6 Specifically the report notes that:

- the most vulnerable element in the landscape is the strong geometric hedgerow network which provides an overall visual structure;
- there is considerable evidence of field enlargement and hedgerow removal;
- the remaining hedgerow oak trees are mostly over-mature and many are stag-headed. These are at risk from compaction and damage from agricultural machinery;
- the arable field patchwork can seem bland, but provides a sense of scale and some welcome longer views across the Rother Valley, particularly from higher ground to the north; and
- the sunken lanes are also vulnerable to erosion.

2.7 The report highlights the need for tree and hedgerow conservation, planting and management to enhance the landscape structure. Upgrading the landscape of the A272 corridor, focusing on hedgerow restoration and planting to frame the sequence of views across the Rother valley, is also noted as a priority.

2.8 Pressures on the Rother Valley are also identified in the 1994 *Landscape Assessment of West Sussex* (CD113 page 52) including:

¹ The five landscape types are shown on the plan facing page 6 of CD182

- loss of hedgerows;
- village expansion, leading to unsightly fringe development; and
- continuing road and bridge improvements, particularly to the A272.

2.9 From my visits to this area, I find that CD182 provides an accurate description of the pressures upon the ‘Sandy Arable Farmland’ landscape type. The effects of agricultural intensification noted in 1995 remain evident throughout the area and it is likely that the condition of the landscape has deteriorated further in the intervening decade.

2.10 Today, the large arable fields that lie on the flat well-drained loamy sands between Petersfield and Fittleworth support cereals, potatoes, turf production and, on the deepest soils, intensive horticulture. Salads and other high-value crops, such as asparagus, grow on many of the south-facing slopes. Agricultural operations are highly mechanised, introducing a frequently noisy, industrial element and a great deal of movement into the landscape. Wire fences have replaced a large number of the hedgerows, few hedgerow trees remain and many of the surviving oaks are now stag-headed.

2.11 Because the soils are drought prone, irrigation equipment is in use at drier times of the year. Crop protection is also used extensively and being very reflective, is highly noticeable, especially when seen from higher ground to the south of the river.

2.12 The flatter landscape of the Rother Valley also has little capacity to absorb intrusive development and infrastructure. Many of the farm buildings are large and industrial in character, and therefore plainly visible in the open landscape. The overhead power transmission line that runs from Chithurst towards Buriton has a particularly high visual impact. The busy A272 cross-country route also has a marked influence as it runs parallel to the river and can be clearly seen and heard from a number of points throughout the valley. A scatter of development of suburban character along the A283 and A272, extensions to settlements such as Fittleworth, Tillington and Rogate, and more extensive housing development on the outskirts of Midhurst and Petworth, together exert an urban influence on the landscape of the Rother Valley.

2.13 In my view, the cumulative effect of these impacts reduces any sense of tranquillity and remoteness and undermines the character and cohesiveness of the ‘Sandy Arable Farmland’. I consider it likely that the landscape quality has deteriorated significantly in the thirty-eight years since the confirmation of the

AONB in 1966. Tranquil Areas Mapping indicates that the tranquillity of the A272 corridor decreased noticeably in the years between the early 1960s and early 1990s².

- 2.14 In supporting the inclusion of the larger Wealden towns in the proposed National Park, the South Downs Campaign notes that, while Petersfield and Midhurst do not impose themselves on the surrounding landscape and have only a localised impact on it, Petworth is more prominent in the landscape when viewed from the south (CD260 para 3.3 and 3.4).
- 2.15 The Rother Valley as a whole contains many sites of ecological, historical and archaeological importance. These include highly characteristic settlements, such as Rogate, Trotton, Stedham, Iping and Tillington, many ancient bridges, the designed landscapes of Petworth and Cowdray, heathland such as Iping Common and the habitats associated with the River Rother. The weight attached to these assets must be carefully considered, however, if they are not to be used to justify the inclusion of land that does not otherwise meet the statutory criterion³.
- 2.16 Although there are many views to the chalk downs and Greensand ridges which do contribute to the 'sense of place', I find that these views are often distant and across expanses of intensively cultivated, quite ordinary countryside which is not outstanding in any way.
- 2.17 To the south-east of Petworth the landscape of the Rother Valley becomes more varied as the 'North Wooded Ridges' landscape type encroaches from the north. This results in an overall increase in woodland and topographical diversity and consequent improvement in landscape quality. Substantial tracts of lower quality 'Sandy Arable Farmland' remain, however, where field amalgamation, loss of hedgerow trees and large-scale intensive cultivation predominate, with some large open areas given over to pig rearing, horse grazing and paddocks. I consider that these tracts fail to meet the natural beauty criterion for the reasons given for the 'Sandy Arable Farmland' as a

² The CPRE map of England is included at Appendix F4 and F5 of 1881/1/2. The A272 is not apparent on the tranquillity map for the early 1960s. The road is evident as a white or pale green line in the early 1990s, indicating that tranquillity has reduced in the intervening period.

³ I note that the 1985 North Pennines AONB Inquiry found that the presence of flora and fauna of a high and special quality does not automatically give an area a quality of natural beauty, but is a relevant consideration (CD80 para 3.8).

whole⁴.

- 2.18 In conclusion, I do not consider that the landscape of the ‘Sandy Arable Farmland’ landscape type is of outstanding or high quality. Few of its characteristic elements are intact and many have been lost. The area is too extensive to be described as a small parcel of land, where the high quality of adjacent landscapes might be considered to ‘wash over’ or counteract the low quality of the land in question.
- 2.19 The Agency maintains that landscape quality is the key determinant of natural beauty⁵ (CAR 343 para 5.2). It suggests that a sweep of landscape should be excluded where it is felt to have lost its characteristic elements and intactness (CD58 para 4.2.1). I agree that landscape quality is a key consideration in assessing landscape value. I find that the condition and intactness of this landscape have been extensively eroded and, as a result, it is not of sufficient quality to meet the natural beauty criterion.
- 2.20 I note that in a report of April 2000, West Sussex County Council reviews the ‘Sandy Arable Farmland’ landscape character area against the criteria set out in the 1999 *Interim Landscape Assessment Guidance*. The report recommends that the character area should be omitted from the proposed National Park because of its low landscape value (1881/1/2 Appendix L paras 4.11–4.13).
- 2.21 The Agency states that the landscape needs to be of outstanding value, in order to deliver a recreational experience that is markedly superior (CD70 para 20). There is therefore little point in my assessing in detail whether or not the second criterion is met, but I wish to make the following general comments to support my finding that this area does not meet the statutory criteria.
- 2.22 The ‘Sandy Arable Farmland’ contains a network of minor roads, bridleways and footpaths, including the Sussex Border Path. I find that many paths are difficult to follow, overgrown by nettles or disrupted by ploughing where they cross arable fields. Closer to the River Rother there are fewer paths, the

⁴ These tracts lie predominantly to the north of the river, between the A285 and Byworth; between Fittleworth and Byworth, extending both sides of the A283; and a smaller area to the south of Fittleworth Common. They are illustrated on the plan facing page 6 of CD182.

⁵ The current best practice guidance states that: ‘landscape quality (or condition) is based on judgements about the physical state of the landscape, and about its intactness, from visual, functional and ecological perspectives. It also reflects the state of repair of individual features and elements which make up the character in any one place’ (CD57 para 7.8).

network is fragmented and it is often necessary to use the narrow lanes. Near to the A272, many of these lanes are busy with traffic and their banks are eroded by passing vehicles as a result. The ancient bridges that cross the Rother also tend to be traffic bottlenecks, making them difficult crossing points for recreational users, particularly at peak times. Routes generally pass through a predominantly agricultural landscape with distant views to the chalk escarpment or Greensand ridges. The recreational experience improves where there is access close to the River Rother or to the 'Heathland Mosaic' landscape type, but for the landscape type as a whole, I consider that the experience is similar to many other areas of lowland Britain and not at all 'markedly superior'. I therefore conclude that the 'Sandy Arable Farmland' fails to meet the recreational criterion.

Land to the east of the AONB

2.23 Further east, beyond the AONB boundary, the tract of flatter land (broadly defined by the eastern edge of Waltham Park, the A283, the A29 south from Pulborough to Hardham Priory and the railway line south to Watersfield) has been adversely affected by a number of urbanising influences. These include the busy roads, extensive development of a suburban character, especially to the south of the A29 at Coldwaltham, roadside commercial development, the Hardham water supply works and a proliferation of wire fencing and outbuildings associated with horse grazing. I consider that these detractors are all the more intrusive because of the flat topography and combine to lend the area an urban fringe character. The visual impact of Coldwaltham, the railway and busy A29 also dominate the generally open land to the south-east, particularly in views from the main recreational route, the Wey-South Path, north of Greatham Bridge. The 1994 report *Landscape Assessment of West Sussex* notes significant pressure for development in this landscape, particularly along the A29, A283 and adjacent to Pulborough (CD113 page 46). Although the tract retains some positive characteristics, such as the riverside footpath, green lanes, Stopham Bridge and the Roman Station, I find that these are overwhelmed by the poor quality of the majority of the landscape. I conclude that the character of this landscape has been extensively fragmented and that it fails to meet the natural beauty criterion.

Adjacent landscape types

2.24 The narrow alluvial floodplain of the River Rother has a very distinctive 'sense

of place', derived from its enclosed, intimate and secluded character. The poorly drained areas adjacent to the river provide well-wooded, rough pasture of small fields, which lacks structure where hedgerows have been lost but overall forms a strongly wooded, sinuous tract of land which contrasts sharply with the surrounding arable land. Away from the busy lanes and A272, the landscape is tranquil and unspoilt and the river itself is a very distinctive feature, most visible from the ancient bridges. I conclude that the River Rother floodplain is of outstanding natural beauty. It is surrounded by 'Sandy Arable Farmland', however, which I do not consider to meet the natural beauty criterion.

- 2.25 The 'Heathland Mosaic' landscape type that occurs on the poorer soils of the Folkestone Formation outcrop contrasts strongly with the flat agricultural land within the Rother Valley. The areas of heathland extend from Iping Common to Duncton Common and include Coates and Hesworth Commons⁶. These areas are characterised by an irregular pattern of oak-birch woodland, conifer plantations, open heathland and common land with bracken scrub, which result in an enclosed landscape with few views. There are few settlements and only occasional, isolated houses and farms. Most recent development, sand quarries or smallholdings tend to be well screened by woodland. There are few roads, but numerous paths and tracks provide good recreational access. The South Downs Campaign highlights the value of these heaths for wildlife, and for recreation, noting that many of the ancient earthworks and banks are recognised as Scheduled Ancient Monuments (3275/2/3).
- 2.26 Despite some adverse development and dense planting of conifers in parts, I consider that this landscape generally retains a strong 'sense of place' and is of high quality. Numerous paths and tracks provide excellent access to a relatively wild and remote landscape experience. I conclude that this landscape type is of outstanding natural beauty.
- 2.27 West Heath Common, which lies to the north-west of Nyewood, is an exception to this general finding. A large proportion of the heathland is taken up by a working sand quarry. Although the sand pit is mostly well screened by woodland, it is visible from the chalk escarpment and the sound of vehicles reversing is audible from the adjacent Sussex Border Path. The farmland that

⁶ The areas of 'Heathland Mosaic' landscape type are shown on the plan facing page 6 and described on pages 55-57 of CD182

surrounds the pit to the south and east is characterised by a proliferation of wire fencing and scatter of low-grade buildings, used in connection with horse grazing, and the dominating presence of the adjacent overhead transmission line. I do not consider that this small area of 'Heathland Mosaic' landscape type is of sufficiently high quality to meet the natural beauty criterion.

2.28 The 'Scarp Footslopes' landscape type consists of a band, varying in width from 2–4 km and composed of an Upper Greensand bench immediately below the chalk escarpment, with Gault clay lying further to the north. Woodland cover is more extensive on the clay, but well-developed hedgerows with many distinctive hedgerow oaks link the woodlands, giving the whole landscape a strong framework. Views tend to be contained, because of the rolling, sometimes undulating, topography and the high proportion of woodland cover.

2.29 The 1995 Assessment notes that the many distinctive spring-line villages, strong 'estate' influence, twisting narrow lanes and the dominant presence of the chalk ridge throughout contribute to the strong 'sense of place' of this landscape. I agree with this analysis and conclude that this landscape type meets the natural beauty criterion.

2.30 Again, there is one exception to this general finding. A small area, near Quebec and to the south of the overhead transmission line, to the east of Goose Green and west of Nyewood, has been adversely affected by field amalgamation, the presence of pylons and highly visible large-scale farm buildings. These are significant detractors in this flatter, more open area and combine to create an unremarkable landscape, through which the Sussex Border Path passes. As a result, I consider that this small area fails to meet the natural beauty criterion.

2.31 To the north of the Rother Valley, the dense conifer plantations and broadleaved woodlands of the 'North Wooded Ridges' landscape type mask the varied, often steeply undulating relief of the Hythe Formation outcrop. Frequent small clearings in the tree cover contain rough grazing, small paddocks or areas of the 'Heathland Mosaic' landscape type, as at Woolbeding Common. To the south, the woodlands are bordered by small fields of rough grazing on undulating land, frequently used for horses, with the intensively managed fields of the 'Sandy Arable Farmland' lying below. Recent development, horse paddocks and ornamental planting of a suburban character have had a local effect on the landscape quality of the southern parts

of the landscape type, particularly nearer the A272. These detractors are generally well screened by woodland when viewed from lower ground, and I do not consider that they significantly affect the overall landscape quality. In my view, this landscape is of outstanding natural beauty.

Conclusions

- 2.32 The Agency states that, taken as a whole, most of the Sussex 'Wealden Greensand' landscape character area has a close geological, visual or historical association with the chalk. It confirms, however, that such links must be a secondary consideration, once land is deemed to meet the natural beauty criterion (CD135 para 50). In Section 6 of Annex A, I outline why I consider that the Agency has overemphasised the importance of the unifying links in justifying the inclusion within the proposed National Park of landscape of very different character to the chalk downland.
- 2.33 In terms of its visual association, I consider that land adjacent to the chalk escarpment should be included within the proposed Park only where the escarpment forms a dominant characteristic of the land and so imparts a strong 'South Downs' character. This depends on the character of the landscape, the distance from the escarpment and the nature of the downland topography being viewed. From my visits to the area I find that the 'Scarp Footslopes' landscape type is generally dominated by the overwhelming presence of the chalk escarpment. This does not hold true for the 'Heathland Mosaic' landscape type, which has a strongly enclosed character and few views of the chalk ridge.
- 2.34 I also consider that the majority of the 'Sandy Arable Farmland' is too distant for the chalk escarpment to form a dominant characteristic of the landscape. The *Draft Boundary Recommendations* report notes that:
- "...areas at the foot of the main chalk escarpment are strongly influenced by – that is, they borrow character from – the South Downs, becoming visually part of it, even though they are, in a mapping sense, part of the Low Weald. Further away from the scarp face, the association becomes weaker and eventually, with increasing distance, disappears altogether" (CD33 para 5.4).*
- 2.35 In the case of the Sandy Arable Farmland, I agree with the statement in the report *Defining the Boundary in Areas of Transitional Landscape* (CD51), which notes that (for land between Glynde and Polegate north of the A27):
- "This area lies up to 4 km from the chalk escarpment ... the distance makes these*

views [to the escarpment] less dramatic and the borrowed character less strong” (CD51 para 4.2.4).

- 2.36 I set out in Section 6 of Annex A the reasons why I consider that to qualify for inclusion in the South Downs National Park land has to be of both outstanding natural beauty **and** of distinctive ‘South Downs’ character. I consider that the ‘Heathland Mosaic’ and ‘North Wooded Ridges’ landscape types, which lie within the proposed National Park, are of distinctly different landscape character to the rolling chalk downland of the ‘South Downs’. I find that this distinction is evident at all scales of assessment. The national Countryside Character map classifies the ‘Heathland Mosaic’, ‘Sandy Arable Farmland’ and ‘North Wooded Ridges’ landscape types as part of the ‘Wealden Greensand’ countryside character area, which extends into Surrey. It distinguishes these types from the chalk downland, lying to the south and west.
- 2.37 The Agency argues that to exclude the Rother Valley would either result in a strip of undesignated land or the exclusion of large tracts to the north that fully meet the criteria. I do not agree that the ‘Sandy Arable Farmland’ landscape type identified in the 1995 *Landscape Assessment of Sussex Downs AONB* is of sufficient natural beauty to justify inclusion in the proposed Park. The landscape also fails to meet the recreational criterion. In my opinion, this must also disqualify the River Rother floodplain, which, although of high quality, does not abut, and is therefore isolated from, the extensive tract of qualifying land by the poorer quality ‘Sandy Arable Farmland’.
- 2.38 Turning to the land lying to the north of the Rother Valley, I consider that, although the ‘North Wooded Ridges’ landscape type is of outstanding natural beauty, this area is also isolated by the ‘Sandy Arable Farmland’ from the extensive tract of qualifying land of chalk downland, which lies to the south and west. I conclude therefore that the ‘North Wooded Ridges’ (and the part of the Low Weald contained within) should be excluded from the proposed National Park.
- 2.39 I also find that the ‘Heathland Mosaic’ and ‘North Wooded Ridges’ landscape types are not of ‘South Downs’ character and should not be included with the chalk downland in the proposed National Park. I consider that the ‘Heathland Mosaic’ and the land lying to the north of the ‘Scarp Footslopes’ have insufficient unifying links with the chalk downland to warrant their inclusion.
- 2.40 I therefore recommend that the northern boundary of the proposed National

Park be redrawn to follow easily recognisable features within the 'Scarp Footslopes' landscape type. This should exclude all land to the north of the Rother Valley, the 'Sandy Arable Farmland', Rother floodplain, the 'Heathland Mosaic', land in the vicinity of Quebec (see para 2.30, above) and also the tract of land to the east of Waltham Park (see para 2.23, above).

3 PETERSFIELD, LISS AND THE A3 CORRIDOR

3.1 The A3 road and rail corridor continues north of Petersfield to the boundary of the proposed National Park near Liphook and lies within the 'Wealden Greensand' landscape character area, identified in the Area of Search report. It contains the upper reaches of the River Rother, as the river flows south from Greatham Mill to Petersfield.

Case for the Agency

3.2 The Agency has reviewed the boundary of the proposed National Park within the broad corridor several times over the course of the designation process. I have found it helpful to include a brief review of these changes, in order to understand the reasoning that led to the final boundary.

3.3 The Area of Search study recommends that the A3 corridor (including Petersfield and Liss), together with land owned by the MoD, requires particular scrutiny and refinement at the boundary assessment stage, and that the part of the A3 corridor lying outside the AONB should be excluded from the National Park.

3.4 The Agency subsequently reclassified the 'Wealden Greensand' landscape character area as follows:

- 8a Sussex Wealden Greensand AONB;
- 8b Hampshire Wealden Greensand AONB; and
- 8c Hampshire Wealden Greensand (non-AONB)⁷.

Petersfield, Liss and the A3 corridor lie within areas 8b and 8c.

3.5 In the Board paper for the March 2001 meeting, Agency Officers recommended exclusion of area 8b because it does not meet the recreational criterion, due to the localised impact of the A3 corridor. They also considered that, as a whole, area 8c does not meet the natural beauty criterion due to fragmentation. This fragmentation results from the effects of settlements, 'horsiculture' and transport infrastructure, but some small areas of high quality may merit inclusion (Table 1, Annex 4 of CD41).

3.6 From the minutes of the March 2001 meeting, it appears that the Agency Board agreed the Area of Search, with the exception of area 8b. It considered that the A3 corridor north of Petersfield might warrant inclusion and should be

⁷ These are illustrated on Annex 1 Map A of CD70.

examined in more detail at the next stage. Woolmer Forest should be excluded, despite its ecological importance, because active military use limits the opportunities for recreation. The minutes also note that towns should not generally be included in National Parks, and particularly settlements situated on the edge, unless they make a positive contribution to National Park purposes. This resulted in the proposed exclusion of Petersfield.

3.7 The July 2001 report *Proposed South Downs National Park – Draft Boundary Recommendations* (CD33) notes that significant variations to the recommended Area of Search were only made where new information presented a strong case for changing the initial draft boundary. Section E of the Boundary Tables provides further details of these changes as follows:

- Woolmer Forest meets the natural beauty criterion, but is regularly closed to the public for military use, so failing the recreational criterion;
- the Longmoor Inclosure is regularly open to the public, has approximately 30–40,000 visitors per annum, provides an excellent heathland experience and includes part of the Woolmer Forest SSSI. It meets both criteria;
- Petersfield has some high-quality townscape, a historic core and a strong relationship with its outstanding landscape setting. It offers a variety of tourist facilities and recreational opportunities and meets both criteria;
- the Victorian railway settlement of Liss has strong historical and military connections with Longmoor Camp and Woolmer Forest, and so meets the natural beauty criterion;
- the A3 and rail line fragment the landscape and recreational experience of the area to some degree. However, there are approximately twenty footpath and road crossings over the A3 between Petersfield and the Longmoor Inclosure, which ensure continuity of the recreational landscape; and
- the visual impact and sound of the A3 is minimised, as much of the route is in cutting.

3.8 The report concludes that, on balance, the A3 road and rail corridor does not have a significant detrimental impact on the recreational experience. Whilst the case for including Liss is not clear-cut, it notes that it is exceptionally difficult to determine a clearly identifiable and strongly defensible boundary on the ground, which excludes the town. In the light of the Longmoor area meeting both criteria, the report considers that the whole of the Upper Rother Valley should be included within the proposed National Park.

3.9 At its September 2001 meeting, the Agency confirmed these recommendations (CD40). The minutes conclude that Petersfield meets the criteria for inclusion,

despite containing modern development of a quality that does not reflect the local countryside character. Cultural links to the 'South Downs' would also make it a good recreational gateway. The minutes note that the decision to exclude Woolmer Forest was not based solely on the restricted recreational opportunity:

"Landscape factors had also been taken into consideration in recommending the exclusion of the forest by proposing a boundary along the A3 – an easily recognisable feature" (CD40 minute 4d).

3.10 Annex 2 of the September 2001 Board paper notes that inclusion of the A3 corridor is warranted. Based on the new recreational evidence gathered, the Agency found the recreational criterion to be broadly met, despite the localised impacts of the A3.

3.11 The boundary was subsequently amended following the public consultation exercise carried out by the Agency. The May 2002 *Local Authority Consultation report* includes several changes and points of clarification (CD27 pages 51–54 and 90–91), which I summarise as follows:

- although Greatham contains some buildings of merit, a village green and archaeological sites, these are insufficient to warrant inclusion of the whole settlement, which is not surrounded by high-quality landscape and contains some 'ordinary' development;
- Liphook has weak links to the surrounding landscape; recent development also detracts from the historic core and the settlement should be excluded;
- Liss is on the edge of the AONB and does not have a strong historic core. The high quality of the surrounding countryside washes over the settlement, however, and is not diminished by it. The town has the potential to act as a gateway and should be included; and
- by including Longmoor as far as the A3, it became exceptionally difficult to determine a boundary that excludes Liss and the A3 corridor.

3.12 Following the Local Authority consultation exercise, the Agency included changes to the boundary, which are set out in the January 2003 report *South Downs National Park – The boundary and the reasoning for it* (CD23 page 7), which I summarise below:

- only a small part of the MoD land remains inaccessible at all times. The recreational experience offered by the remaining area is markedly superior, and is available to the public at certain times. It should therefore be included;
- although there are some poorer quality areas within and adjacent to the settlement

of Greatham, the linear form of the village ensures that it has a strong association with its landscape setting. On balance, and in the light of the case to include Woolmer Forest, the areas of lesser quality are not sufficient to warrant exclusion of the whole settlement; and

- although Passfield Common and Conford contain high-quality landscapes with access, these areas are fragmented by development. Additionally, they are a considerable distance from the chalk escarpment and Hangers and thus have few unifying links. They should therefore be excluded.

3.13 In its closing statement, the Agency concludes that:

“The A3 corridor ... has a localised impact on the landscape quality and condition of the surrounding area. The Countryside Agency considered excluding the upper A3 corridor and Petersfield at the Area of Search stage. However, further analysis undertaken when identifying a draft boundary found that the impact of the corridor is not as significant as initially thought and does not create a barrier to recreational opportunity with a number of crossings. Furthermore, the quality of the surrounding land was found to be so high that it washes over the corridor and still forms an extensive tract.... To exclude the A3 corridor as well as Petersfield and Liss would have resulted in a narrow hole in the boundary or the exclusion of important high-quality land to the north. In the Countryside Agency’s assessment, the impact of the corridor was not significant enough to warrant either approach” (CD135 page 87).

Assessor’s Findings

3.14 The 1998 report *East Hampshire AONB Integrated Management Guidelines* (CD183) provides the most comprehensive description of the key characteristics of the AONB landscape. The study was carried out by the same consultants as the 1995 *Landscape Assessment of the Sussex Downs AONB* and the classification is broadly comparable. The report describes five landscape types⁸ which together broadly correspond to the ‘Wealden Greensand’ landscape character area identified in the Area of Search report. These are:

- Hangers on Greensand;
- Open Farmland on Greensand;
- Pastures (Hangers Associated);
- Mixed Farmland and Woodland; and
- Heathland and Forest Pasture and Woodland (Heath Associated).

⁸ These are illustrated on the plan following page 66 and described on pages 99–115 of the 1998 report (CD183).

3.15 Petersfield, Liss and the A3 corridor lie predominantly within the 'Mixed Farmland and Woodland' landscape type. To the north-west of Petersfield the corridor also abuts the 'Pastures (Hangers Associated)' landscape type, and to the north-east the 'Heathland and Forest Pasture and Woodland (Heath Associated)' types. To the south of Petersfield, the 'Open Farmland on Greensand' and 'Hangers on Greensand' landscape types effectively form a continuation of the 'Scarp Footslopes' type⁹ westwards.

Mixed Farmland and Woodland

3.16 The 1998 report identifies two distinct landscape character areas or vales. The smaller vale lies to the south and east of Petersfield and abuts the 'Sandy Arable Farmland' type identified in CD182. The larger vale extends north from Petersfield to the boundary of the East Hampshire AONB.

3.17 CD183 identifies the key characteristics of this landscape type, which I summarise as:

- flat or gently undulating, open farmland;
- expansive views to the chalk escarpment to the west and south, and to the heathland and forest to the east;
- mixed farming with grazing predominant on heavier soils to the west and south and mixed arable and pasture to the east, with relatively few hedgerows;
- a strong pattern of woodland, particularly to the north of Petersfield;
- settlements limited to isolated scattered farms; and
- a limited network of roads.

3.18 The report highlights the following issues within this landscape type:

- the contrast between the farmland landscape and the prominent urban edge of Petersfield and Liss;
- the impact and lack of visual containment of intrusive development within the urban fringe areas, particularly the industrial estates on the perimeter of Petersfield;
- the visual impact of the A3 Petersfield by-pass road corridor, including road embankments, lighting columns and proliferation of road signage;
- traffic noise of the A3;
- the impact of lighting from urban area and A3 interchanges;
- fragmentation of farmland and severance of fields and hedgerows by the Petersfield by-pass;
- the urbanising influence of the railway and telecommunications infrastructure;

⁹ As identified in the 1995 *Sussex Downs AONB Landscape Assessment* (CD182)

- the lack of riverside trees along some sections of the River Rother and its tributaries;
- the declining population of hedgerow trees; and
- the impact of horse grazing on the urban fringe.

3.19 The report highlights the need to enhance the network of hedgerows and woodland that enclose the lowland farmland in order to help integrate the dominant areas of urban development and the transport corridors.

A3 Corridor, Petersfield and Liss

3.20 From my inspections of this area, I find that the 1998 report provides an accurate assessment of the impacts resulting from the A3 corridor and the urban areas of Liss and Petersfield. I have used the classification in the document to structure my comments and the landscape types I refer to are taken from the 1998 report, unless stated otherwise.

3.21 The corridor containing the A3, the B2070 and the main London to Portsmouth railway has an extensive impact on its hinterland. Although there are some sections where the A3 is in cutting, I find that sufficient lengths are level with the surrounding landscape for the sound and movement of traffic to be highly noticeable in the adjacent flat or gently undulating open farmland. The embankments, lighting columns and proliferation of road signage, associated with the B2070, A272 and the Petersfield by-pass and their interchanges, together have a strong urbanising effect upon the landscape. The tract of land so affected extends to several kilometres, comprising most of the 'Mixed Farmland and Woodland' landscape type. I also note that Tranquil Areas Mapping shows the A3 corridor in the early 1990s as a tract of land several kilometres wide, where tranquillity has been compromised. The map also suggests that there has been a noticeable reduction in tranquillity within the corridor since the early 1960s (1881/1/2 Appendices F4 and F5).

3.22 To the south and east of Petersfield, hedgerow removal, field amalgamation and the loss of hedgerow trees have reduced the quality of the 'Mixed Farmland and Woodland' landscape type. Although this gently sloping landscape has extensive views to the chalk escarpment to the south and Hangers to the west, it has little capacity to absorb the noise and visual impacts associated with the southern urban edge of Petersfield and the transport infrastructure. I consider that these impacts have diminished the character and quality of this landscape and that the area consequently fails to meet the

natural beauty criterion.

3.23 Along the route of the B2070, the urbanising effects of linear residential and commercial development, car parking, boundary treatment of a suburban character and horse paddocks have eroded the predominantly wooded rural character of the landscape type. This influence extends, in varying degrees, from the Bolinge Hill Farm access to the north of Buriton to Sheet and from Hill Brow to the northern limit of Rake. I consider that the landscape quality of the road corridor improves as it passes through the densely wooded Chapel Common, but deteriorates to the north, beyond the Milland junction, due to extensive development of a suburban character to the south of Liphook.

3.24 The Hill Brow ridge provides a distinct edge to the Upper Rother Valley to the east of the 'Mixed Farmland and Woodland' landscape type. The ridge forms part of the 'Heathland and Forest Pasture and Woodland (Heath Associated)' landscape type which also occurs to the north of the river on the shallower slopes that extend towards the Longmoor Inclosure. This landscape type is characterised by heathland, heath-associated woodland, areas of pasture and commercial forestry plantations. A series of settlements and scattered housing have had a considerable impact on the character and quality of the landscape, despite the wooded setting. The settlements include Sheet and the linked settlements of Hill Brow, Liss and Liss Forest. The horse paddocks, suburban-style housing, gardens and boundary treatment have a noticeable effect on the landscape character, particularly on the edges of these settlements. Residential development on the north-east facing slopes leading up to Hill Brow and in the Rake and Rake Common areas is more scattered, but still has a marked impact. Further east, the prominent elevated plateau of the 'North Wooded Ridges' landscape type quickly improves in quality away from the urbanising influence of the A3 corridor. This transition is identified in the 1994 *Landscape Assessment of West Sussex* which, in describing the plateau, notes that:

*"To the west, the elevated land carries the old A3 and London to Portsmouth railway and the area relates more closely to Liss, Liphook and Haslemere, rather than to West Sussex"*¹⁰.

¹⁰ The northern part of the 'North Wooded Ridges' landscape type of the 1995 *Landscape Assessment of the Sussex Downs AONB* (CD182) broadly corresponds with the 'Milland Basin' landscape type described in the 1994 *Landscape Assessment of West Sussex* (CD113).

- 3.25 Extensive residential and commercial developments have adversely affected the townscape quality of Liss and lend the settlement a suburban character. The noise of traffic on the A3 and the adjacent main line railway is also highly intrusive. Liss Forest has been similarly affected by development of a suburban character and these urbanising influences extend eastwards along the B3006 to the B2070 and Hill Brow.
- 3.26 In considering whether Petersfield meets the natural beauty criterion, I find that the town does have strong visual links with the escarpments to the south and west. Historical links with the chalk downland are evident, for example, in the naming of 'Sheep Street', which leads towards the Market Square from the south. The town also has a highly characteristic historic core, containing many vernacular buildings within a high-quality townscape.
- 3.27 The South Downs Campaign argues that the situation of Petersfield gives it a profound 'sense of place', being located close to the chalk ridge, Hampshire Hangers and the Hythe beds of the Upper Greensand. It also has a strong connection with the surrounding landscape; Butser Hill is prominent in many views from the town centre, while Heath Pond brings the countryside right into the town. Petersfield has also remained compact in size through strict planning policies that have discouraged linear development and urban sprawl. While Petworth and Midhurst share the vernacular building tradition of the Weald, the Campaign claims that Petersfield has stronger links with the chalk, due to the extensive use of flint (CD260 para 3.6 and Annex B).
- 3.28 In supporting the inclusion of Petersfield, Hampshire County Council points out that the town and its people relate very strongly to the downland setting and that to exclude the town would separate the community from its landscape (CD258).
- 3.29 I find Petersfield to be a substantial town which has been greatly extended by recent development on its perimeter and along the roads that lead from it. Much of this development is unremarkable and lends the hinterland a suburban character. Several large car parks, recent commercial development and an extensive industrial estate to the south overwhelm the historic core, which now accounts for only a small proportion of the town. The more recent part of the industrial estate is clearly visible from the A3. The Agency states that the relationship of a settlement with its wider landscape setting is the key issue when considering whether to include it within a National Park (CD70 para 40).

I find that the sheer scale of the town, the extent of the peripheral development and the physical and audible presence of the by-pass to the west combine to sever the urban core from the 'Mixed Farmland and Woodland' landscape. I consider that the town is not sufficiently integrated with the surrounding landscape to allow it to form part of a broad tract of qualifying countryside and that it does not meet the natural beauty criterion.

- 3.30 Although Sheet has a distinctive centre, I find that this village has been overwhelmed by substantial areas of modern housing that extend to Petersfield.
- 3.31 In conclusion, I do not consider that Liss, Petersfield or Sheet meet the natural beauty criterion. I also find that the character of the surrounding landscape has been extensively fragmented by the transport infrastructure and urbanising influences. In my view, the character and quality of the 'Mixed Farmland and Woodland' landscape type have been so degraded by the combined effects of the settlements, road and rail links, that the tract no longer meets the natural beauty criterion. I agree that the Hangers provide a dramatic backdrop to the west, and that there are also good views to the more subdued topography of the wooded slopes to the east, but I do not find, as the Agency argues, that the adjacent landscape is of such high quality that it 'washes over' the A3 corridor, Petersfield or Liss. I consider that the impacts noted above are too great and the tract of land affected too extensive for this to be the case.
- 3.32 To the north of Petersfield, the more undulating and enclosed landscape of the 'Pastures (Hangers Associated)' landscape type extends to the village of Steep. The intricate pattern of smaller fields, hedgerows and small woodlands, strongly undulating landform and views of the chalk and Upper Greensand Hangers combine to make this area very distinctive. Horse paddocks, extensive residential and other development, planting and boundary treatment of a suburban character have fragmented the character of the area, particularly on the rural fringes, as at Steep Marsh, however. Commuter short-cuts or 'rat runs' have also caused erosion of some of the small winding lanes, while the general amount of traffic further reduces the characteristic sense of remoteness and tranquillity of the area. I conclude that this landscape fails to meet the natural beauty criterion.

Adjacent landscape types

- 3.33 To the west of the A3 corridor, the 'Hangers on Greensand' landscape type

remains an intimate, secluded landscape with distinctive hanger woodlands on the steeper escarpments and enclosed pasture, interspersed with woodland, on the flatter ground. Within the AONB, this Upper Greensand escarpment forms a band of variable width and height that extends from close to Buriton westwards then north to Selbourne. The scattered villages and network of sunken lanes are generally less affected by suburban influences and the landscape characteristics remain largely intact. I consider that this landscape is of outstanding natural beauty.

- 3.34 The 1998 report (CD183) identifies that, while smaller in scale, the ‘Hangers on Greensand’ reinforce the impact of the adjacent chalk ‘Scarps-Hangers’ and together these landscape types form a distinctive and dramatic feature. The South Downs Campaign confirms that these hangers form an extension of the main east–west scarp as it swings to a north–south axis around the Weald. Both chalk and Greensand hangers therefore provide a physical and visual connection to the main chalk spine (CD262 para 2.4). *The Hampshire Landscape: a Strategy for the Future* also notes that the chalk and Greensand hangers together ‘form one of the steepest and most dramatic areas of landscape in the county’ (CD87 pages 110 and 111).
- 3.35 I find that the chalk and Greensand hangers possess many of the characteristics of the ‘South Downs’ chalk downland. In view of their strong visual association, similar topography and related landscape character, I consider that they form part of the same extensive tract of downland landscape and that there is a strong case for including both the chalk ‘Scarps-Hangers’ and ‘Hangers on Greensand’ landscape types (as identified in CD183) within the proposed National Park.
- 3.36 To the north of Hawkey, around Langrish and near Buriton, the steep chalk and undulating Greensand hangers enclose an area of flat or gently sloping land up to 2 km wide. Views to the chalk hangers and, further south, to the main chalk scarp dominate these areas of ‘Open Farmland on Greensand’. Narrow sunken lanes and the few, small and compact villages, contribute to the strong ‘sense of place’ of the predominantly mixed agricultural landscape. Although there is some amalgamation of fields, I find that the landscape framework of these areas is generally intact and consider that they meet the natural beauty criterion.

Recreational opportunities

- 3.37 In considering the recreational opportunities, I find that, although there are many crossings over and under the A3, the majority of the pedestrian crossings that connect with footpaths or bridleways occur between Bolinge Hill Farm and the Hangers Way, to the north-west of Petersfield. Further north, most of these crossings are not particularly well integrated with the footpath network, so requiring recreational users to use the approach roads, many of which are very busy with traffic. In my view, the A3 corridor does present a substantial barrier to recreational enjoyment of the area, particularly to the north of the Hangers Way.
- 3.38 I consider that the potential for the settlements of Petersfield and Liss to provide a gateway to the National Park must be a secondary consideration, once the natural beauty test has been met. In considering the inclusion of Liphook, the Agency confirms that the potential role of the settlement as a gateway is not dependent upon its inclusion within the proposed National Park (CD27 page 52). In my view, this principle should apply equally to Liss and Petersfield.

Ministry of Defence land

- 3.39 Turning to the MoD land that extends either side of the A3, I consider that the extensive military activity and associated development have compromised the character and quality of these heathland landscapes. I agree that the heathland landscape of the Longmoor area is outstanding in places, and enjoys good views to the west and the east. I find, however, that the Longmoor Camp and adjacent development (for example to the south of the Woolmer Road and east of Greatham), the intensive military activity, presence of military vehicles and wide vehicle tracks, warning signs, road markings and peripheral fencing, combine to undermine the character and quality of the area. Similarly, although parts of Woolmer Forest are relatively remote and of high quality, the peripheral track, signage, warning flags and fences adversely affect the overall landscape character and quality. The overhead transmission line that runs along the northern boundary of Woolmer Forest has a significant local impact.
- 3.40 The Area of Search report identifies the MoD land as lying within the 'Middle and Northern Heaths' subdivision of the 'Wealden Greensand' landscape character area. The report notes that the open heathland is characterised by a feeling of an untamed and wild landscape, which provides much open access

and an intimate, tranquil recreational experience. I consider that these characteristics have been undermined by the extent of the military activity, associated development and other military paraphernalia in the Woolmer Forest area. Furthermore, the tranquillity and remoteness that are characteristic of similar areas of heathland are also compromised by the sound of gunfire, which is audible from the surrounding area, for example at Greatham, when the firing ranges are in use. This is compounded by traffic noise from the A3.

- 3.41 I agree with the opinion of the County Council, expressed in its 2000 report *The Hampshire Landscape – a Strategy for the Future* that ‘...significant areas of MoD land around Bordon erode the rural character’ (CD87 page 29). The established military use has allowed the retention of high-quality heath and woodland landscape of recognised ecological value at Woolmer Forest and Longmoor. The areas also contain important archaeological remains, which contribute to their landscape value. This type of landscape is not rare in Hampshire, however, and there are other, far more extensive areas of the ‘Heathland and Forest’ landscape type elsewhere in the county, notably in the New Forest (CD87 page 16).
- 3.42 Consequently, I consider that the characteristics of the MoD land are no longer intact; the landscape has been fragmented to such an extent and the overall quality so affected by military activity and development that it no longer meets the natural beauty criterion. Because the landscape is not of outstanding value, it cannot deliver a recreational experience that is markedly superior to that provided by normal countryside. I wish to make the following general comments on the recreational opportunity, however, to support my finding that the MoD land does not meet the statutory criteria.
- 3.43 The evidence suggests that Woolmer Forest is currently used for training with live ammunition and there is restricted access for three-quarters of the year with access only at certain times of the day for the remainder of the year. I note that there is no guarantee that this use will change in future (CD27 page 52). Without a substantial change to this regime, I find it hard to envisage this area as anything other than a recreational resource of local importance, for the use of those who are familiar with the risks and regulations. Apart from the car park near Woolmer Pond, there is little obvious indication of any public access to the forest from the surrounding roads and it is not, in my view, a landscape which visitors are likely to explore. Although there are fewer restrictions on

public access to the MoD land to the south of the A3, the obvious military presence and warning signs alerting users to the potential risks are similarly not conducive to widespread public enjoyment of this landscape.

- 3.44 I conclude that the MoD land fails to offer a recreational experience that is markedly superior.
- 3.45 To the west, the original core of Greatham now forms a minor proportion of this extended linear settlement. Noise from the A3 and MoD land, together with the strong military character of the immediate area, undermines the quality of the adjacent landscape. I concur with the earlier finding of the Agency, that the quality of the majority of the buildings and of the surrounding landscape is not sufficiently high to warrant the inclusion of the village (CD27 page 51).

Conclusions

- 3.46 Taylor Woodrow Developments Ltd claims that between Petersfield and Liphook, the urban nature of the settlements, the A3 corridor and the mainline railway detract from the scenic quality, recreational opportunities and tranquillity of the area (2460). This objector suggests that the boundary of the National Park should follow the route of the A3 to the west and the B2070 to the east, so excluding both Petersfield and Liss.
- 3.47 The Agency argues that to exclude the A3 corridor, Petersfield and Liss would result in a narrow hole in the boundary, or the exclusion of high-quality land to the north and that the impact of the corridor is not sufficient to warrant either approach (CD135 Annex 1 page 87). I do not agree with this analysis and consider that the A3 corridor, including Petersfield and the MoD land, fail to meet the natural beauty criterion. The land in question does not therefore provide a markedly superior recreational experience. Additionally, I find that the A3 corridor presents a barrier to recreational use. There are also questions over the potential use of Woolmer Forest for recreation that would make its inclusion inappropriate, given the Agency approach not to include land where 'potential provision of recreation becomes speculative, unrealistic or impractical' (CD36 para 5.4).
- 3.48 In my opinion, this must disqualify all land lying to the east of the A3 corridor, because it is separated from the extensive tract of qualifying land of chalk downland, which lies to the west, by a considerable swathe of countryside that does not meet the natural beauty or the recreational criteria. I also find that the land to the east is not of 'South Downs' character (as noted above at para

2.39).

3.49 I therefore recommend that, to the north of Petersfield, the eastern boundary of the proposed National Park boundary should follow easily recognisable features along the eastern limit of the 'Hangers on Greensand' landscape type, described in CD183. To the south of Petersfield, the boundary should follow the northern edge of the 'Hangers on Greensand' landscape type. Outside the AONB, I recommend that the MoD land either side of the A3, together with Greatham village should be excluded from the proposed National Park.

Annex C:

Governance

ANNEX C: GOVERNANCE – ADMINISTRATIVE ARRANGEMENTS FOR THE PROPOSED NATIONAL PARK AUTHORITY

INTRODUCTION

- 1.1 Defra's letter of the 10 April 2003 set out the issues to be addressed at the South Downs inquiry. Amongst other things the letter invited the inquiry to consider the establishment and operation of a South Downs National Park Authority. The question posed was "*... how might it best be established and operate?*"
- 1.2 Simply because a National Park is designated under the 1947 Act, it does not follow that a National Park Authority (NPA) must be established under the Environment Act 1995. That said, in practice this has been done for every English National Park, including that recently designated for the New Forest.
- 1.3 The comments and recommendations that follow therefore anticipate or assume that the Secretary of State is satisfied that there should be a new National Park in this part of the country and that it should be managed by a NPA. This annex, in effect, considers the governance of a new National Park for the South Downs.
- 1.4 Although I consider that National Park status would secure more financially advantageous funding, I recognise that funding arrangements are subject to Parliament's discretion and are obviously uncertain in advance of decisions regarding the extent of the National Park and the precise responsibilities of the in-coming NPA. Although the Agency provided evidence on the possible level of annual funding for the PSDNP, in the order of £6m according to CD27, it is impossible at this stage to examine potential expenditure. Thus a meaningful balance sheet cannot be provided and as I comment in Part 1, the establishment of a new National Park is, to an extent, a leap into the unknown. Nonetheless, the best evidence available suggests that a NPA would attract additional resources for the conservation and management of the designated land. On historical evidence this would be greater than that achievable if AONB status were to be retained. The Secretary of State can be in no doubt, as a matter of public confidence, that if the purposes of the National Park are to be achieved, new money is required. It is worth emphasising that currently, either directly or indirectly, National Parks are fully core funded by Central Government. The early additional costs of setting up the NPA also need to be realistically addressed.
- 1.5 I set out below the governance issues under the following headings:
 - NPA Membership
 - National Park Management Plan – working in partnership and with local communities
 - Forward Planning
 - Development Control
 - Land and Foreshore Management

- Visitor Management

- 1.6 Before considering these issues in turn it may be helpful to make 2 general comments. Firstly, in the Part 2 report I recommend that the PSDNP be more closely focussed on the core chalk landscapes. I also recommend the omission of several sizeable settlements. Clearly the omission of the larger towns and the significant reduction in the size of the National Park and its resident population has material implications for its future management structure. However, as the Secretary of State may conclude that the National Park should be on the lines favoured by the Agency, the conclusions and recommendations in this annex aim to take that possibility into account.
- 1.7 Secondly, I have given careful consideration to the Agency's advice to the Secretary of State regarding the role and responsibilities of an incoming NPA as set out in Position Paper 1 and the accompanying Annex (CD71) and as clarified in other documents and orally at the inquiry. Much of the Agency's advice reflects the recommendations of the Governance technical advisory group (CD77). Where relevant in the following paragraphs I have commented on this advice and whether or not I support it. It is also worth noting that this annex does not do justice to the many high quality written submissions put forward on the Governance issue. These will make useful reading if and when a new NPA is established.

**

NPA MEMBERSHIP

- 1.8 I briefly discuss this issue in the Part 1 report under the heading 'democratic deficiency'. It gave rise to a considerable weight of representations, many taking issue with the statutory basis for the appointment of members to a NPA. Whilst I understand the concerns that there would be no direct election of local representatives, considerable safeguards are built into the relevant legislation and guidance.
- 1.9 The Environment Act 1995 embodies conclusions of the National Parks Review Panel – the Edwards Report 1991 'Fit for the Future' (CD76). The Act provides for 50% (plus 1) of the NPA to be serving councillors from the constituent county, unitary and district authorities. A further 25% (less 1) would be parish councillors appointed by the Secretary of State. The remainder would be other Secretary of State appointees. Clear advice is given in paragraphs 33-41 of Circular 12/96 (CD3) that councils '*shall have regard to the desirability of appointing members of the council who represent wards situated wholly or partly within the National Park*'. Secretary of State appointees should have a capacity to present a wider national viewpoint and experience with direct relevance to the character and responsibilities of the particular National Park, preferably combined with '*local associations*'. They are to be '*selected*

for their personal qualities and experience and not as representatives of specific groups or organisations'. Thus the expectation is that three quarters of the NPA would be local councillors from within the designated area, and that the remainder would be likely to have local associations.

- 1.10 The 2002 Defra Review of NPAs (CD9) remarked that the hybrid status of NPAs *'brings advantages by providing a genuine mix of people with different experience and skills and legitimately different views. Where the combination works well there is rounded and balanced decision-making. But, crucially, it depends to a large degree on the goodwill and constructive working relationships between members'*. It also observed that *'In most parks the current mix of members seems to be working reasonably well'* and that *'It is perhaps inevitable that there is sometimes tension between those members who see themselves as promoting local interests and those appointed by the Secretary of State to represent national interests'*.
- 1.11 Given the high proportion of councillors on the NPA that would be likely to come from within the designated area, I do not consider there would be a material 'democratic deficit'. National evidence indicates that, given good will to act in the best interests of the Park and its statutory purposes, the NPA model from the 1995 Act is working reasonably well. I find no compelling case to recommend some other structure for the South Downs that may require new legislation.
- 1.12 Selecting NPA members from over 180 parish councils will be a challenging exercise, and many representations stressed the importance of the selection process being open and transparent. I agree, and below I support the Agency's advice on this issue, subject to the involvement of District, as well as County, Associations of Parish and Town Councils.
- 1.13 I acknowledge that modern agriculture is a more widespread and dominant use in the South Downs than in any other National Park. The industry thus understandably maintains that strong representation should exist within the ranks of the NPA. Given the requirements of the Act and the advice in the Circular, I believe there are adequate safeguards to ensure that agricultural interests are properly represented within the NPA, alongside the other key contributors to the future of the National Park. The Circular also emphasises the essential requirement for NPAs to take full account of the economic and social needs of local communities in fulfilling the purposes of National Parks. Thus key industries such as agriculture will need to be given due weight in the NPA's decisions.
- 1.14 There was widespread support for the Agency's proposal for a NPA having 46 members. This is significantly more than any other NPA, but the PSDNP would be unique in covering parts of 15 local authority areas and over 180 parishes. And even with 46 members individual members would have a significant workload if good local liaison/representation is to be secured. It also seems to me that if it was decided that some form of area committee arrangement was appropriate due to the size

and elongated shape of the National Park, this would also point to a need for higher than usual number of members.

- 1.15 On the other hand I am conscious of the recommendation of the Defra Review to reduce the size of NPAs and also the contents of Alun Michael's consultation letter of 16 July 2004 (CD240). I also note the advice in Circular 12/96 that NPAs should be kept as small as possible, consistent with effectiveness and an equitable distribution of local representation. The likelihood that less than 46 members might be appropriate in the South Downs is given some support by the experience in the Peak District National Park (it cannot be less than 30 in the South Downs in any event under the membership formulae). The Peak Park involves 12 county/district authorities and has 30 members. Bearing all of the above in mind I consider that the NPA should be constituted with a maximum of 38 members initially. That number to be reviewed after, say, 3 years. The figure of 38 is not recommended by the Agency, or anyone else so far as I can re-call, but it is one of the possible membership arrangements identified in CD238.
- 1.16 A number of representations make the point that the now common local authority practice of cabinet government and scrutiny committees could go some way towards increasing the efficiency of what could otherwise be an ungainly administration. The Agency has reached similar conclusions and below I support its advice. I also support the widespread feeling that parish members should be elected. I offer no views as to the way this should be managed other than to mention that the arrangements in the Dartmoor National Park for electing parish appointees would be a possible model – see annex 3 of CD232. The notion that the NPA should have an independent chair also has merit in my view, but the Agency informs me that this would require new legislation. As this may not be feasible or forthcoming I therefore resist the temptation to recommend an independent chair.
- 1.17 My recommendation that the National Park should only include the core chalk downland and exclude the larger urban areas has implications for the size of the NPA. If the Secretary of State accepts my recommendations, there may be scope to reduce the number of members of the NPA to 34. Nonetheless the overall dimensions of the National Park remain considerable and the size of the Authority would need to remain proportionate to the important tasks to be done.

Recommendations

- 1.18 ***The NPA should be constituted with a maximum of 38 members initially and the situation reviewed after 3 years, or 34 members if the designated area is confined broadly to the core chalk downland.***
- 1.19 ***I support the advice of the Countryside Agency, modified as described above, as set out in paragraphs 13 and 11 of Annex 1 to CD71:***

- *The NPA should agree with Defra, and locally with the county and district associations of town and parish councils, an open, transparent and democratic process for the election of parish members whose names could then be submitted to the Secretary of State for appointment.*
- *The NPA should put in place efficient decision-making structures in line with the modernising local government agenda.*

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NATIONAL PARK MANAGEMENT PLAN – working in partnership and with local communities

- 1.20 The 1995 Act places a duty on an in-coming NPA to prepare and publish a National Park Management Plan within 3 years of it becoming a local planning authority. The Plan would look at the needs of the designated area and ways of balancing conflicting interests in the light of the requirement to conserve and enhance the National Park's natural beauty and cultural heritage. Whilst the Agency has paid tribute to the work undertaken singly and jointly by the East Hampshire Joint Advisory Committee and the South Downs Conservation Board, a Management Plan for a South Downs National Park would provide the first overall policy framework for the area. This, and its parallel Development Plan Documents, should involve all the local communities and those with legitimate interests in the future of the National Park. As put in evidence, these need to be Plans for the National Park, not the NPA's own in-house Plans. They also need to build on successful previous work: this new era for the South Downs needs to be evolution, not revolution.
- 1.21 There is already considerable published advice on the content and preparation of Management Plans, not least CD67, and it is unnecessary for me to comment on these aspects. However, the importance of gaining the confidence of local communities, other authorities and other interest groups cannot be overemphasised, and below I set out my support for the Agency's advice.

Recommendations

- 1.22 *I support the advice of the Countryside Agency as set out in paragraphs 46, 50 and 48 of Annex 1 to CD71:*
- *A South Downs National Park Authority when preparing a National Park management plan should consult widely and early so that the communities and organisations within the Downs are actively involved in policy development. It should in particular work with public bodies within the Downs to ensure that they incorporate in their own business plans a*

clear statement of how they will fulfill their duty to take account of National Park purposes. The progress of a National Park Authority and others towards meeting the targets in a National Park management plan should be monitored and reported publicly on an annual basis.

- ***A South Downs National Park Authority should put in place arrangements which will actively and demonstrably involve local people.***
- ***A South Downs National Park Authority should forge strategic partnerships in the Downs with both the statutory and voluntary sector. It should seek places for its members on the relevant committees of other organisations and local and regional forums such as Local Strategic Partnerships, the South East England Regional Assembly and others.***

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FORWARD PLANNING

- 1.23 The Edwards Report of 1991 looked carefully at the proper planning role for NPAs, concluding that the planning process was capable of making a major contribution to achieving the purposes of National Parks. It considered many of the same arguments now put forward in representations from those opposing the designation of the PSDNP, including the risks of inward looking plans as a result of fragmentation and separation.
- 1.24 The 1995 Act makes NPAs the sole LPA for its area. The Act makes provision for the transfer of plan making functions to other local authorities, but this has not been done for any National Park. Under the Local Government Act 1972, the NPA could delegate any planning function to another local authority if it so decides.
- 1.25 The designation process, including the period when the South Downs Inquiry was sitting, overlapped the time when the (now) Planning and Compensation Act 2004 was progressing through Parliament. That legislation has now completed its parliamentary journey. As there is now (relative) certainty about the forward planning process, I will only comment on the requirements under the 2004 Act: previous regimes are now history.
- 1.26 The demise of structure plans and their replacement by a Regional Spatial Strategy (RSS) – in this case The South East Plan, prepared by the South East England Regional Assembly (SEERA) – now makes it imperative that the NPA has a permanent seat on this Assembly. Without such an appointment the PSDNP purposes would only be championed at regional level indirectly by other appointees or on its behalf by the sole representative from the New Forest NPA. As all 73 principal local authorities in the region have a seat, together with the

New Forest NPA, it should follow that the PSDNPA should be treated in the same way. Joint representation with the only other National Park in the region would be inadequate. Thus below I support the advice of the Agency, but add that the NPA also needs to be properly represented on any organisation set up to consider sub-regional matters. In its decisions, SEERA is, of course, bound by section 62 of the 1995 Act to take account of National Park purposes.

- 1.27 To prevent duplication, the NPA may wish to forge working relationships at officer level with the three County Councils and Brighton and Hove City Council to provide strategic support for the work of SEERA. Whether the relationships are formal or informal will depend on the goodwill that can be developed, but the Councils may reasonably expect their costs for strategic work undertaken on behalf of the NPA to be met.
- 1.28 At the next level, whilst there is support for jointly prepared Local Development Frameworks (LDFs) with the 12 constituent District and Borough Councils, I cannot see how such arrangements could properly promote the purposes of a National Park. Securing agreement would be hugely time consuming and achieving consistent policies throughout the National Park would be virtually impossible. Preparation and review of LDFs would vary from authority to authority and thus applying consistent up-to-date policies across the National Park would be unachievable.
- 1.29 I therefore strongly support the Agency's advice, modified to refer only to the post 2004 Act situation, that the NPA should prepare a Park-wide LDF. This is consistent with the conclusions of the 2002 Defra review (CD9 recommendation 11). Close collaboration with the constituent LPAs would be essential, commencing with an early Local Development Scheme and Statement of Community Involvement. The statutory test of soundness of LDFs as amplified in Planning Policy Statement 12 (PPS12) specifically mentions the need for policy coherence and consistency between neighbouring authorities. The need to have regard to authorities' community strategies is also mentioned. Thus close collaboration and an outward-looking National Park LDF are inescapable.
- 1.30 There was support in the representations for the Park-wide LDF to include minerals and waste policies, as its sole planning authority status would require. For similar reasons to those that resulted in these topics remaining the responsibility of County Councils under earlier legislation, rather than being transferred to District Councils, namely that it would be more efficient and make better use of limited staff and other resources, I believe the NPA should seek to prepare joint minerals and waste development plan documents with the three County Councils. Whether that would be via some form of Joint Committee is subject to some legal uncertainty as I understand it. Be that as it may, as the County Councils are bound by section 62 of the 1995 Act to take account of National Park purposes when making decisions, I am confident that responsible policies and proposals would be promoted via joint working arrangements. Joint working might also avoid the need

for separate minerals and waste plans for the PSDNP and the residual county areas. I would add that because minerals and waste proposals could have significant implications for National Park purposes, joint responsibility is much preferred to the NPA delegating minerals and waste policies to the County Councils. Such action could be seen as an abdication of responsibility by the NPA.

- 1.31 A National Park limited to the core chalk downland would give rise to a lower forward planning workload. In particular the omission of the major towns means that complex planning issues directly related to these urban areas, for example town centre development, housing provision, urban regeneration and the like, would remain with the constituent authorities. The Agency's view that if the major settlements were included in the National Park, the NPA would not need to be closely involved in urban issues is wishful thinking it seems to me. Certainly the NPA's ability to focus on the fundamental purposes of the National Park would be difficult if the major towns form part of its forward planning responsibilities.

Recommendations

- 1.32 ***I support the advice of the Countryside Agency, modified and amplified as described above, as set out in paragraphs 18 and 17 of Annex 1 to CD71:***
- ***A South Downs National Park Authority should, as a statutory planning authority, have a seat on the regional planning body in order to influence wider development policies which affect the Park, and to play a leading role in the preparation of a Regional Spatial Strategy. It should also be represented on any body established to consider sub regional policies.***
 - ***A South Downs National Park Authority should prepare a Park-wide Local Development Framework. The National Park Authority and neighbouring planning authorities will need to work closely to ensure sustainable development policies across the Park and beyond and to address cross-boundary issues, which arise as a result of the shape of the Park. A South Downs National Park Authority should also work closely with those involved in the preparation of community strategies to ensure a Park-wide Local Development Framework is in conformity with them.***
 - ***A South Downs National Park Authority should collaborate with the County Councils to prepare joint minerals and waste development plan documents.***

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DEVELOPMENT CONTROL

- 1.33 As the sole planning authority the NPA would be responsible for all aspects of development control including Conservation Area and Listed Building consents, mineral applications and planning enforcement and appeal work. The evidence suggests that the NPA could be expected to receive in the region of 4,500 planning applications per year. This would be over four times the number received by any other NPA and many more than most rural districts elsewhere. Within the National Park boundary as proposed by the Agency many of these applications would be within the towns, and most would relate to proposals broadly unrelated to National Park purposes.
- 1.34 Clearly there is much merit in examining ways of delegating back to the constituent authorities the role of determining those applications that have little bearing on the purposes of the National Park. Indeed, in the absence of some form of delegation, there is a real prospect that the development control process would be unmanageable and fail to meet the necessary national standards. The Agency does not dispute this, so far as I am aware. That said, it is necessary to ensure that the delegation arrangements safeguard the essential delivery of National Park purposes. Detailed evidence on possible delegation arrangements was submitted by a number of authorities and also by specialist and other groups. This material included a draft protocol and service level agreement. I do not believe it would be right for me to express a view on this work. It is not a matter that the Secretary of State can determine in any event. Building on the considerable amount of work undertaken to-date, most notably by NAPLAMOG (the group of 15 local authorities directly affected by the PSDNP), the NPA needs to agree with the constituent authorities the most efficient means of achieving high quality and consistent decisions within the National Park. Of especial importance would be the need to address the widespread concerns regarding possible loss of access and accountability in any new decision making process.
- 1.35 Whatever the delegation details, I am in no doubt that the NPA must retain a mandatory call-in power to enable it to determine any application for itself. This safeguard is necessary to ensure National Park purposes are given appropriate weight in the decision making process. It has to be recognised that this mechanism must inevitably result in some duplication of work with the attendant costs and inefficiencies. I would add that I believe that the NPA should also determine the relatively small number of minerals and waste applications that it likely to receive, but advised by the specialist officers of the County Councils.
- 1.36 If my recommendation that the National Park be more closely focussed on the core chalk downland is accepted, different considerations come into play. Although no detailed figures are to-hand, the development control workload would be significantly lower. On the other hand the proportion of applications likely to have implications for National Park

purposes is likely to be higher. In these circumstances, and in the interests of efficiency and consistency with national and local policy frameworks, I am not convinced that there are compelling grounds for a delegation agreement with the constituent authorities. It seems to me that the 2002 Defra Review's conclusion that all of the existing NPAs should retain their development control responsibilities supports that view. It also reflects the recommendation of the Inspector in the New Forest National Park, contrary to the Agency's preference in that instance for some form of delegation arrangement.

- 1.37 Whatever view the Secretary of State takes on the extent of any new South Downs National Park, it will be for the in-coming NPA to reach a judgement on the way it should exercise its development control responsibilities. Central to that crucial decision will be the likely development control workload.

Recommendations

- 1.38 ***I support the advice of the Countryside Agency, amplified as described above, as set out in paragraph 20 of Annex 1 to CD71:***

- ***A South Downs National Park Authority should work with existing local authorities to agree the most effective means of handling and determining development control casework to achieve the purposes of the National Park: this may involve delegation to existing local authorities. If the area of the National Park is largely confined to the core chalk downlands, the initial presumption should be that the National Park Authority will determine all planning and related applications.***

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LAND AND FORESHORE MANAGEMENT

- 1.39 Land management is likely to occupy a significant amount of an in-coming NPA's time and resources. It is an area where a NPA can add value, so to speak. It is widely acknowledged, nonetheless, that a considerable amount of good work in terms of land management and conservation is already undertaken in the designated area by many public and voluntary organisations, and of course by farmers and other landowners. The detailed evidence presented by the SDC (Do.3275/40-42/1) sets out a comprehensive account of past and possible future initiatives. I am in no doubt that an NPA should recognise and build on this experience and expertise, and seek to add value to it in a well considered manner. As put in evidence, the NPA should exercise its land management role with a light touch and not attempt to reinvent the wheel.
- 1.40 I recognise that with the high proportion of the National Park in active agricultural production, changes in South Downs landscape are likely to come about primarily by developments emanating from the EU,

including agri-environmental measures and new crops to provide sources of renewable energy. Against this background it seems to me that the NPA would have an important role advising, persuading and motivating landowner and managers to participate in at least Entry Level Schemes in general, and particularly Higher Level Schemes in important areas. Thus I support the Agency's advice to provide a 'first stop shop' for this role. I also support the Agency's advice in respect of habitat restoration. When the Government set the current National Park exercise in motion it is significant that the then Minister emphasised an aspiration to restore open downland in the South Downs. This may prove to be one of the measures by which the success or otherwise of the NPA is judged. In all of the above work, it is important to emphasise the need for the NPA to work with existing authorities and organisations.

- 1.41 Similarly I support the Authority's advice on matters of nature conservation, cultural heritage and the management of the coastal and marine environment. West Sussex County Council does not favour the Agency's advice on nature conservation, but generally the advice on these matters enjoys broad support.

Recommendations

- 1.42 ***I support the advice of the Countryside Agency, modified and amplified as described above, as set out in paragraphs 23, 25 27, 29 and 31 of Annex 1 to CD71:***
- ***A South Downs National Park Authority should provide a first stop shop for farmers and landowners, working with existing authorities, Defra, the Forestry Commission and voluntary organisations such as the Farming and Wildlife Advisory Group, to target existing agri-environmental schemes and offer a specialist advisory service. It should also provide mechanisms (such as a panel or working group) for discussing and acting upon local land management, farming and forestry issues.***
 - ***A South Downs National Park Authority should pursue the restoration of habitats through an integrated rural development initiative, in partnership with existing authorities, those who own and manage land and with those who will benefit from it.***
 - ***A South Downs National Park Authority should take a leading role in nature conservation and particularly, working with English Nature, existing authorities and voluntary organisations, in implementing biodiversity action plans. It should provide mechanisms (such as a panel or working group) for addressing and acting upon nature conservation issues.***

- ***A South Downs National Park Authority should play an active role in conserving the cultural heritage of the Downs. It should work with English Heritage, local authorities and voluntary bodies to create a better understanding of the contribution cultural heritage makes to the landscape of the Downs. It should provide mechanisms (such as a panel or working group) for discussing and acting upon cultural heritage issues. It should develop an active relationship with English Heritage including the possible delegation of powers, secondments or co-location of staff.***
- ***A South Downs National Park Authority should take the lead on Integrated Coastal Zone Management, working closely with other bodies with statutory responsibilities.***

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VISITOR MANAGEMENT

- 1.43 There is general support for the value that can be added by a National Park countryside management service with multi-skilled rangers. Again I support the advice of the Agency, but stress the need to build on the achievement of existing organisations and to work in collaboration.
- 1.44 A number of important sites in the PSDNP are already in public ownership or protected by other means. I therefore support the advice of the Agency, which provides a mechanism for achieving high standards throughout the National Park. The need to gain the confidence of existing owners is vital.
- 1.45 The lower than average extent of open land emphasises the importance of the rights of way network to the quality of recreational experiences in the PSDNP. The 2002 Defra review concluded that statutory responsibility for the networks should remain with highway authorities, an approach strongly supported here by the three County Councils. However, I consider the importance of rights of way in the South Downs makes it vitally important that the NPA should have a key strategic role in developing the network, probably in concert with its related open access role. It should also seek to make a positive contribution to the three Rights of Way Improvement Plans. It will be for the NPA to work out details with the County Councils which I would expect to take a highly responsible approach to achieving added value within the National Park.
- 1.46 I have reservations about the need for a separate Park-wide transport strategy. Local Transport Plans remain the responsibility of the highway authorities and I can see greater merit in these setting out the needs of the National Park. A separate Park strategy could do no better than repeat the strategy and proposals in the LTPs. It will be for the NPA and the highway authorities to arrive at the best way of presenting and monitoring this essential information.

1.47 Finally, I support the advice of the Agency in respect of education and interpretation but not in respect of the preparation of a joint tourism strategy. Other agencies have a leading role in the promotion of sustainable tourism strategies and the Agency's proposed new strategy could confuse matters unnecessarily. Given the many other tasks facing an in-coming NPA it seems to me that this is one job that could be left to others.

Recommendations

1.48 I support the advice of the Countryside Agency, modified and amplified as described above, as set out in paragraphs 33, 35, 37, 38, 40 and of Annex 1 to CD71:

- ***A South Downs National Park Authority should develop and run its own integrated, comprehensive and area based countryside management service, taking advantage of the successful work undertaken by existing authorities and organisations.***
- ***A South Downs National Park Authority should undertake a strategic role in site management by developing a framework, in partnership with bodies who own land in the area, that ensures high standards for publicly owned land. It should only consider the purchase of land where there is a demonstrable benefit in doing so.***
- ***A South Downs National Park Authority should prepare a comprehensive access strategy for the area addressing access to open country, rights of way improvements, management and maintenance standards. Its statutory Local Access Forum should advise on the preparation of the strategy and help to integrate different interests and aspirations. There are a wide variety of recreation pursuits in the Downs which need to be considered: the strategy should cover recreational use of the air, land and water.***
- ***A South Downs National Park Authority should play a leading role in management and improvements to rights of way. It should work with highways authorities to agree the most efficient way of delivering the rights of way service, and preparing and implementing Rights of Way Improvement Plans, on a Park-wide basis. If possible, as a result of the National Park Review, rights of way powers should be transferred to a South Downs National Park Authority.***
- ***A South Downs National Park Authority should produce, in partnership with highways authorities, a Park-wide transport strategy. This would inform the transport policies and Local Transport Plans produced by the highways authorities, and may be an integral part of these Plans rather than a separate***

publication. A National Park Authority should work with highways authorities to deliver parts of the transport strategy.

- ***A South Downs National Park Authority should co-ordinate interpretation of the National Park and agree a shared interpretative strategy for publicly owned land and other important sites. It should also develop an outreach programme for the variety of communities inside and outside its boundaries.***

