

PROOF FOR SUBMISSION

1007/2/6

SOUTH DOWNS NATIONAL PARK INQUIRY 2008

Topic 6: Western Weald

**Supplementary and rebuttal evidence
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on behalf of
West Sussex County Council**

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Appendices

Topic 6 Appendices A, B, C are in 1007/2/4.

Appendix D: Defra 'New Forest National Park Boundary map for public information' June 2004.

Appendix E: Extract from 'Strategy for the New Forest' 2003.

Appendix F: Document from the New Forest National Park Authority website: 'Introduction to the New Forest National Park Interim Management Plan'.

1 INTRODUCTION

1.1 Scope of evidence

- 1.1.1 This evidence is prepared by Moira Hankinson on behalf of West Sussex County Council. It includes supplementary information to the Council's Topic 6 evidence (*1007/2/3 and 1007/2/4*) and rebuttal evidence on Hampshire County Council evidence on Topic 6.
- 1.1.2 The Council has previously submitted evidence relating to the designation as a National Park of the South Downs themselves, retaining the Wealden parts of the PSDNP as AONB. That evidence stands as the basis of the Council's evidence for this Topic 6. It includes:
- 1881/2698/1/1: 'In principle' evidence; Sections 11, 12.11 and 12.12;
 - 1881/2698/1/3: Plans at Appendices M, N, P, Q;
 - 1881/2698/1/6: 'Downs Area' evidence;
 - 1881/2698/1/7: 'Downs Area' plans and appendices;
 - 1881/2698/1/10: Aspects of the New Forest NP decision relevant to the Council's 'Downs Area' objection;
 - 1881/2698/1/11: Appendices to the 'New Forest' evidence;
 - 1881/2698/1/12: 'Downs Area' supplementary information.
- 1.1.3 That body of evidence sets out the geology, topography, land use, character, recreational and cultural aspects of the PSDNP area and assesses those against the 'extensive tract', 'natural beauty' and 'recreational' National Park criteria. It concludes that, should anywhere be found to have NP characteristics, it would be the South Downs themselves, with their relative openness, wildness, sense of remoteness, dramatic and iconic topography: a natural beauty of national importance that is closest to the character providing opportunities for a markedly superior recreational experience.
- 1.1.4 That evidence found that the Wealden landscapes of the AONB within the PSDNP met the natural beauty criterion for AONBs, but did not have the character providing for an exceptional recreational experience. Those Wealden landscapes are characterised by settlement, roads, small-scale fields, and enclosure. The western Weald parts of the AONB are contiguous with, and very similar to, the Wealden Surrey Hills AONB to the immediate north, and the undesignated Wealden areas to the east. The western Weald has the natural beauty of an AONB, but not the character that provides opportunities for recreational experiences any more exceptional than those of those other Wealden areas.
- 1.1.5 The Council's 'Downs Area' case was strongly supported by the findings of the New Forest NP Assessor and Inspector, and confirmed by the Secretary of State.

- 1.1.6 The Council's Topic 1 and 2 evidence sets out that the legislative changes in Meyrick and NERC make no material difference to the case for designation of the South Downs and not the Weald. That case does not rely only on 'characteristic natural beauty'; and 'characteristic natural beauty' was neither added nor removed by NERC or Meyrick. Cultural heritage, potential recreation and human influence were all taken into account by the Council's evidence and/or by the SDNP Assessor and Inspector, when reaching their conclusions that the Weald did not possess hallmark National Park qualities, as argued by the Council at the last session of the inquiry.
- 1.1.7 The Council's previous evidence therefore stands.
- 1.1.8 Hampshire County Council have submitted 'new evidence', which they claim supports inclusion of the western Weald. That evidence rarely goes beyond the PSDNP, the same principles are likely to apply to AONB and non-designated Wealden areas beyond the PSDNP, and it fails to identify how the Wealden parts of the PSDNP are so significantly superior to other Wealden areas that they should be designated NP.
- 1.1.9 The rest of this proof of evidence is structured as follows:
1. WSCC supplementary evidence
 2. Response on HCC Topic 6 evidence (*1969/1/10 and 1969/2/10*).

2 SUPPLEMENTARY EVIDENCE

2.1 Introduction

- 2.1.1 This section sets out supplementary evidence on 'western Weald' aspects of the Council's case. This includes:
- The Inspector's and Assessor's boundary-setting criteria.
 - Addendum and errata to my Topic 6 evidence.
 - Supplementary information, IN Appendices D, E and F.

2.2 Inspector's and Assessor's boundary-setting criteria

- 2.2.1 In the Topic 3 session, NE claimed that the criteria I used to assess the 'non-chalk' boundary were my own and were largely based on 'characteristic natural beauty'. I reiterated my evidence, that these were the SDNP Assessor and Inspector's criteria for boundary-setting, and included many of the CA/NE boundary-setting criteria.
- 2.2.2 This section schedules the criteria I used to follow the Inspector's finding: 'to exclude... non-chalk landscapes other than where the latter have a strong visual link to other association with the core chalk Downs' (*IR Part 2, para 2.71*).
- 2.2.3 Those criteria were set out in my Topic 3 evidence:

- 1007/849/2/1; paras 4.1.3 and 4.1.7.

2.2.4 **The Inspector's criteria:** (1007/849/2/1, para 4.1.3): The Inspector, in reviewing the essential qualities of a National Park and boundary setting considered the following matters to be particularly important:

- scenic quality;
- unspoilt character;
- characteristic natural beauty;
- a sense of openness, relative wildness and an ability to 'get away from it all'.
- exclusion of sizeable settlements at or close to the boundary;
- not following parish boundaries, unless they coincide with a clear physical feature;
- conservation interests, in some circumstances;
- a markedly superior recreational experience, with public access and opportunity to 'get away from it all'; with a higher bar than that applied by the CA;
- following obvious and easily identifiable physical features such as roads and watercourses;
- omitting unsightly development at the edges;
- including features of scientific, historic and archaeological significance at the margins, subject to meeting the statutory criteria;
- the boundary within transitional landscapes to be drawn conservatively close to the core of the NP

I set out the sources for each of those criteria in the following paragraphs.

2.2.5 **Scenic quality:** This is one of the CA's boundary-setting criteria (*IR Part 2, para 6.3*). The Inspector stated: 'I attach especial importance to scenic quality and unspoilt character' (*IR Part 2, para 6.3*).

2.2.6 **Unspoilt character:** CA and Inspector's criterion, as above.

2.2.7 **Characteristic natural beauty:** The Inspector discusses the CA criterion of 'Variety of landscape character' (*IR Part 2, 2.26 – 2.28*). He records that the Assessor found that 'only the chalk downland areas have the distinctive and characteristic natural beauty appropriate for the PSDNP' (*IR Part 2, 2.29*); that the two most recent NP designations found that a NP should possess both distinctive (Dartmoor/New Forest) character and be of national quality, confirmed by the Secretary of State; that the SDNP should be consistent; and that there is long-standing consensus that regarded the chalk downland South Downs as a potential NP, and not the landscapes to its north and south (*IR, Part 2, 2.30 – 2.35*). The Inspector concluded that 'Not all the land in the PSDNP need exhibit core South Downs character but... it must demonstrate a close association within' (*IR, Part 2, 2.61*).

2.2.8 'Distinctiveness and local character' and 'the presence of key characteristics' were also part of the CA's application of the statutory criteria and boundary setting (*IR, Annex A, paras 2.8, 2.11*). In their North-West assessment work, NE have recently endorsed their consultant's reports that use 'coherent landscape character' and 'distinctive sense of place' in assessing scenic quality (*CD#34, Table 2*).

2.2.9 **A sense of openness, relative wildness and an ability to 'get away from it all':**

- 'Elevated, exposed and lightly settled with a distinct sense of place, the chalk hills offer visitors the chance to... **'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' (*IR, Part 1, 3.50*).
- '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 chalk hills have that ability. The Assessor is of the same opinion and... 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. (*IR, Part 2, 2.39, 2.40; my emphasis*) (*See also IR Part 2, 2.19*).

CA required 'relative wildness'; and the NE North-West criteria include 'sense of remoteness... no roads... distant from significant habitation... lack of human influence... a sense of openness or exposure... high altitude' (*CD#34 Table 2*).

2.2.10 **Exclusion of sizeable settlements at or close to the boundary:** CA/NE criterion 2(d).

The Inspector stated: 'Where a sizeable settlement lies at or very close to the boundary, its exclusion is likely to be appropriate' (*IR Part 2, 3.3, 3.4*).

2.2.11 **Not following parish boundaries, unless they coincide with a clear physical feature:**

CA/NE criterion 2f. The Inspector considered this issue and concluded 'That the PSDNP boundary should not be amended simply to avoid splitting parish boundaries'; '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' (*IR Part 2, 5.4, 5.5*).

2.2.12 **Conservation interests, in some circumstances:** CA criterion 2j and one of the CA 'natural beauty' criteria. The Inspector included the CA's criteria, and stated 'In certain circumstances conservation interests also seem to me to merit particular weight' (*IR, Part 2, 6.3*).

2.2.13 **A markedly superior recreational experience, with public access and opportunity to 'get away from it all'; with a higher bar than that applied by the CA:** The term

'markedly superior recreational experience' is the CA's (*IR, Part 2, 2.36*). The Inspector found 'msre' to be 'a useful aid... That said... it seems to me that... the Agency generally sets the bar rather close to the ground... In practice, therefore, in considering boundary objections I have tended to apply the concept more stringently than the Agency' (*IR, Part 2, 6.4*).

2.2.14 **Following obvious and easily identifiable features such as roads and watercourses:** CA criterion 2e. The Inspector stated: '... it is important to ensure that the boundary of any NP can be easily identified on the ground...' and was concerned that the PSDNP boundary was, in places 'difficult to discern... complex and somewhat convoluted... ignoring other much more obvious... features such as a nearby road' (*IR, Part 2, 6.5*).

2.2.15 **Omitting unsightly development at the edges:** CA criterion 2h; agreed with by the Inspector (*IR, Part 2, 6.6*).

2.2.16 **Including features of scientific, historic and archaeological significance at the margins, subject to meeting the statutory criteria:** CA/NE criteria 2j. The Inspector stated: 'I consider that features of scientific, historic and archaeological [significance] 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' (*IR, Part 2, 6.7*).

2.2.17 **The boundary within transitional landscapes to be drawn conservatively close to the core of the NP:** CA Table 1, Item 4. The Inspector agreed with the CA that 'the boundary should be drawn conservatively close to the core of the National Park'; 'towards the higher quality end of the transition' (*IR, Part 2, 6.9*).

2.2.18 **Boundary-drawing criteria, based on the Inspector and Assessor's principles:** (*1007/849/2/1, para 4.1.7*): I applied the principles set out by the Assessor and Inspector. Those principles are:

1. **Inclusion of the downland chalk landscapes that have NP qualities;**
2. **Exclusion of the busier, more settled Wealden landscapes;**
3. **Boundary to be close to the escarpment;**
4. **Boundary to be within the CD182 'Scarp Footslopes' zone;**
5. **Following easily-identifiable lines on the ground, such as roads, streams and distinctive footpath/hedgerow lines.**

I set out the sources for these in the following paragraphs.

2.2.19 **Inclusion of the downland chalk landscapes that have NP qualities:** The Inspector found that '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... I

consider that it meets the test of 'a sense of relative wildness'... highlighted in the Agency's new approach' (*IR, Part 2, 2.19*). On that basis, he recommended that the PSDNP boundary be reviewed 'to exclude... non-chalk landscapes' (*IR, Part 2, 2.71*).

2.2.20 In order to identify the geographical location of 'chalk downland' and 'non-chalk landscapes', I mapped the chalk geology boundary and the Sussex Downs AONB Character Assessment boundaries of chalk landscape types (*CD 182*) (*mapped at 1007/2/2, App C, Plans HDA 102 A-D*). These are almost identical to those in the 2005 Integrated Landscape Character Assessment (*CD #14*). Natural England's landscape witness was unable to provide the Inspector with information that would enable him to identify the distinction he sought, between chalk downland and non-chalk landscapes; by geology, character or any other way.

2.2.21 **Exclusion of the busier, more settled Wealden landscapes:** The Inspector found that the extensive tract of core chalk downland merits NP status (*IR, Part 2, 3.33-3.42, 3.50, 3.56, 3.85-3.88; Part 2, 2.19*). He then found that 'Tranquility, 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' (*IR, Part 2, 2.20*). He found that parts of the Weald contain 'the busy A272 and the towns of Midhurst and Petworth. The A3 corridor... contains a significant amount of built development and is also notable as a major transportation corridor' (*IR, Part 2, 2.25*) (*See also IR, Part 2, 2.39, 2.40*). The NE North-West criteria include, for NPs: 'Relative lack of human influence, few signs of buildings'. 'Detractors' include 'presence or proximity of large numbers of people; human influence in terms of transport... extensive... development' (*CD#14 Table 2*).

2.2.22 The chalk/non-chalk geological boundary and the landscape character types mapped on my plans also identify those Wealden ('non-chalk') landscapes (*1007/2/2, App C, Plans HDA 102 A-D*). The 2005 Integrated Landscape Character Assessment (*CD #14*) also described those Wealden landscapes, including 'a high density of dispersed settlements, roads and railways', 'which affect tranquility'; 'small nucleated villages' and ' a convenient route for road infrastructure' (*Extracts and references at 1007/2/3 para 3.24.4*).

2.2.23 **Boundary to be close to the escarpment:** The Assessor found that 'land should be included... 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' (*Assessor's emphasis, my underlining*) (*IR, Annex A, 6.149*). The Inspector agreed; he considered that the boundary should be 'conservatively close to the core of the National Park' (*IR, Part 2, 2.51, 2.52, 2.71; 6.9*).

- 2.2.24 To identify a boundary 'close to the escarpment', my plans identified the OS steep contours and the published 'chalk escarpment' character types (1007/2/2, Plan 102 A-D). The Integrated Landscape Character Assessment identifies the same escarpment.
- 2.2.25 **Boundary to be within the CD182 'Scarp Footslopes' zone:** This is related to the Assessor's technical findings on visual links and the relationship of the boundary to the escarpment. He found that 'land adjacent to the chalk escarpment should be included... only where the escarpment forms a dominant characteristic... I find that the 'Scarp Footslopes' landscape type is generally dominated by the overwhelming presence of the chalk escarpment'. He therefore recommended that 'the northern boundary... follow easily recognisable features within the 'Scarp Footslopes' landscape type; (IR, Annex B, 2.33, 2.40). This was supported by the inspector, as in the previous criterion (my para 2.2.23 above).
- 2.2.26 My plans indicated the 'Scarp Footslopes' landscape type (1007/2/2, Plans HDA 102 A-D). The 2005 SDILCA has a similar zone beyond the scarp to the north.
- 2.2.27 **Following easily identifiable lines on the ground:** CA and Inspector's criterion (para 2.2.14 above).
- 2.2.28 **Inspector and Assessor's criteria: conclusion:** NE assert that the criteria I used to distinguish exclusion of the 'non-chalk landscapes other than where the latter have a strong visual link or other association with the core chalk Downs' (IR, Part 2, 2.71) were my own criteria and not those of the Inspector and Assessor. I made it clear in my Topic 3 evidence that I was using the Inspector and Assessor's criteria in that evidence (1007/849/2/1, paras 4.1.3, 4.1.7). This evidence has set out the sources for those criteria: they are all those of the Inspector and/or the Assessor; most are also the CA/NE own boundary-setting criteria.
- 2.3 WSCC Topic 6 evidence: errata/addendum**
- 2.3.1 In this section, I correct and add to my Topic 6 evidence (1007/2/3).
- 2.3.2 **Characteristic natural beauty: law:** (1007/2/3, para 2.2.14): A typographical error omitted a phrase from this paragraph. The last sentence should be corrected to: 'there is ample precedent, in the interpretation and application of the statutory criteria, precedent, guidance and policy, for characteristic natural beauty'.
- 2.3.3 **NE rejection of Dower:** (1007/2/3, para 2.3.12). NE reject Dower (1330/1/1 paras 26, 35(a)). I consider the evolution of the English National Park movement and early

proposals for NP designation to be essential to understanding the statutory criteria and their application. The NFNP Assessor referred to Dower (*CD 204, appendix 1 e.g. para 1.5*) as did the NFNP Inspector (*CD 204 e.g. paras 1.221, 5.115*). The Minister considered the NFNP Inspector's report and 'accepted his reasons and those of the Landscape Assessor, that there is a core area which meets the designation criteria' (*CD 203, Defra letter*). These reasons included consideration of Dower.

- 2.3.4 **Absence of NE references to the NFNP decision:** (*1007/2/3, para 2.4.14*): I refer in my evidence to confirmation by the Secretary of State of the characteristic natural beauty of the only NP to be designated in the 21st century – the New Forest. As set out above (2.3.3), the Minister accepted **the reasons** of the NFNP Inspector and Assessor that the core NF met the NP criteria. The Assessor's reasoning in principle was based on her 'General Report on Issues Relating to the Natural Beauty Criterion' (*CD 204, Appendix 1*). She thoroughly reviewed all of the English legislation, policy, guidance and precedent. She found that **'the critical test for boundary making is the presence of New Forest character and outstanding natural beauty of national or international importance'** (*CD 204, Appendix 1, para 2.46*). In applying her reasons to the NFNP designation she found, for example, that 'the CA approach in the Avon Valley became focused on an excessively wide and over-inclusive interpretation of the Forest landscape'. The Secretary of State therefore endorsed the Assessor's use of characteristic natural beauty, also accepted by the Inspector in his agreement with the Assessor's recommendations.
- 2.3.5 **NE reference to 'new information':** (*1007/2/3, para 2.4.16*). I state in this paragraph that Tranquility Maps 'demonstrate that the Downs are the most continuously tranquil parts of West Sussex'. This is demonstrated in Hampshire County Council's Topic 6 evidence. The 'South Downs CPRE Tranquility Mapping 2006' (*1969/2/10, p 46*) shows the central part of the '2002 designation excluding Western Weald' as being the most continuously tranquil area (dark green) on the map. The 'Western Weald excluded area' is fragmented by the red/orange 'low tranquility' areas of Petersfield, Midhurst, the A3 corridor and Rother valley. In fact, the undesignated part of the Weald north-east of the western Weald is more tranquil than is the 'excluded area'.
- 2.3.6 **NE critique of my approach:** (*1007/2/3, para 2.5.7*): NE have criticized my approach to meeting the Inspector's requirement for a review to exclude the non-chalk landscapes. I pointed out that my approach used CA methodology and came to the same conclusions as Inspectors and the Secretary of State. WSCC have asked me to also identify that it is not only my 'approach' that has been endorsed; it is also the **results** of my approach. At the NFNP Inquiry, I set out the case for ensuring the integrity of English NP designations by designating the New Forest, and not the Avon valley, low quality areas south of

Lymington or the Test valley north of Totton. At my Appendix D (*in 1007/2/7*), I attach a Defra plan of the NFNP. This identifies the PNFNP area, with a blue line; and the confirmed NFNP area, with a red line. This shows that the NFNP Assessor, Inspector and Secretary of State accepted both my methodology and its recommendations, and excluded the Avon valley and areas south of Lymington and north of Totton.

2.3.7 In my SDNP 'in principle' and 'Downs area' evidence, my methodology and its application identified that, if anywhere were to be found to meet the statutory criteria, it should be the Downs; and that the Wealden landscapes do not meet the statutory criteria, in not having natural beauty of a character providing opportunities for an exceptional outdoor recreational experience. Again, the Assessor and Inspector agree with my evidence, in recommending exclusion of these areas. My evidence also identified that Arundel and the area to its south, currently not in the AONB, should be excluded from the SDNP. The Inspector's recommendation again agrees with the results of my approach.

2.3.8 **Relative wildness/getting away from it all** (1007/2/3, para 3.5.4). Hampshire County Council refer to 'settlements and buildings' being 'examples of cultural features... that make a particular contribution to natural beauty'. I agree with the Inspector that this is an inverse correlation: the Downs are characterized by a lack of settlements, contributing to their relative wildness, tranquility, remoteness and sense of 'getting away from it all'. The Wealden landscapes do not generally have those qualities; they are more settled, with built development and roads (*refs at 2.2.9, 2.2.10, 2.2.21 above*). This is demonstrated by the relative population densities of those areas (*Table 1*).

Table 1: Population densities; PSDNP/excluded areas/Inspector's SDNP

	Area (Sq Km)	Population (Est)	Density People/sq km
PSDNP	1638 ¹	115,000 ¹	70.2
Excluded areas	335 ²	59,413 ⁴	177.35
Inspector's SDNP Downs area	1303 ⁴	55,587 ³	42.66

1. 1330/0/20, p 27, Annex 2.

2. 1330/0/20, p 18, Table 1.

3. 1330/0/20, p 27, Annex 2 footnote.

4. Calculated from 1, 2 and 3.

Note: These figures are approximate, as they appear not to take account of the other 'fringe' areas included/excluded from the PSDNP.

From these figures provided by NE, it can be seen that the population density of the areas excluded by the Inspector is four times that of the Inspector's Downs area SDNP. The figures do include Arundel, Steyning and Lewes, which are not in the western Weald, but NE's figures confirm the Inspector's quite reasonable judgment – that landscapes with

fewer people have a greater sense of wildness and remoteness than settled landscapes. What we are 'getting away from', in the exceptional recreational experience of National Parks, are other people and their houses, roads and cars.

- 2.3.9 **Historic landscapes:** (1007/2/3, Section 3.7): HCC refer to historic landscape character assessment. Such assessment is not new – similar evidence was submitted to the NFNP Inquiry. The Inspector and Assessor took careful account of this evidence, and weighed its value to natural beauty. Cultural heritage was particularly important for the New Forest, because of its historic grazing system, but if such features did not make a substantial contribution to natural beauty, they were dismissed: '... the Agency overplays the landscape archaeological significance of the parliamentary enclosure fields' (CD 203, Annex A para 5.332); 'Areas deemed to be historically or culturally connected with the Forest (even to a limited extent) have been included in the NFNP boundary, even where the primary constituents of natural beauty, such as landscape character and quality are not present or are only tenuously linked' (CD 204, Appendix 1, 3.62).
- 2.3.10 **The farmstead resource** (1007/2/3, Section 3.9). The HCC evidence maps 'the farmstead resource' within and beyond the PSDNP (HCC 1969/1/1, Figure 3). As with 'settlements and buildings'; this HCC evidence demonstrates the same inverse correlation found by the Inspector. The AONB Wealden landscapes (Sussex Downs, and High Weald AONBs) are characterized by a settled agricultural landscape, including numerous farmsteads, with quintessentially English AONB qualities. The relatively empty Downs and New Forest have few farmsteads; hence greater correlation with National Park remoteness and relative wildness.
- 2.3.11 **South Downs Integrated Landscape Character Assessment and South Downs Management Plan** (CD#14, #26 my reference at 1007/2/3, section 3.24, 3.25). These documents cover the whole PSDNP. This does not make the areas so covered compliant with NP statutory criteria. As my evidence has set out, similar work was prepared for the PNFNP area, again preceding the Inspector's report and Secretary of State's decisions. I attach at Appendix E extracts from 'Strategy for the New Forest' 2003. The area covered was the whole of the PNFNP area (App E, Map 1; compare with App D Defra map). The Inspector and Secretary of State did not feel at all obliged to take the coverage of this Strategy - the NF management plan - into account in their recommendation and decision, in designating a smaller area (App D Defra map).
- 2.3.12 The New Forest National Park Authority have adopted the 2003 Strategy as the 'NFNP Interim Management Plan'. The NFNPA make it clear that the text of the 2003 Strategy 'necessarily reflects that consultation on the National Park was still in progress at the time, and the **Strategy therefore does not presume either the establishment of a**

NPA or the final boundary' (*App F, first page of 'Introduction' document; last para; my emphasis*).

2.3.13 The same principle must apply to the SDILCA and Management Plan – consultation is still in progress on the PSDNP and these cannot presume either the establishment of a NPA or the final boundary of the SDNP.

2.3.14 **AONB/NP natural beauty:** (*1007/2/3, Section 5.3*): This section of my summary and conclusions identifies that there is a difference in the natural beauty required for NPs and AONBs. This is because the second NP criterion requires the character of the natural beauty to be such as to provide opportunities for exceptional outdoor recreation; and NERC relates the recreational opportunities to the special qualities of the area.

2.3.15 I referred in his section to precedent from Dower, Hobhouse, Edwards, Circular 12/96 and Defra. Those references are in my Topic 6 evidence (*1007/2/3, 2.4.21-23*). My 'in principle' evidence identified the evolution of National Parks and the 'other amenity areas'/Conservation Areas/AONBs, and the distinction between them (*1881/2698/1/1, Section 6.2*).

3 TOPIC 6 EVIDENCE OF HAMPSHIRE COUNTY COUNCIL

(1969/1/10 AND 1969/2/10)

3.1 Introduction

3.1.1 In their 'western Weald submissions' and Topics 1/2 evidence, HCC referred to 'new evidence' (*1969/2/1; issue (d) and 1969/1/1 para 10*). This included 'An Assessment of the Excluded Areas'. This document, although dated February 2008, was submitted with HCC's Topic 6 evidence in early May.

3.1.2 This section addresses items in HCC Topic 6 evidence, unless I have previously addressed them.

3.2 HCC Topic 6 evidence: David Carman

(1969/1/10)

3.2.1 **The Inspector's Report:** (*1969/1/10, 2.6, 2.7*): The Inspector's 'indicative line' and 'principles' are referred to by HCC. At the Topic 3 session, the Inspector stated that he did mean his line to be only 'indicative' and not to be taken as a firm line on OS details.

3.2.2 **Reasons for exclusion:** (*1969/1/10, 2.8*): HCC state that the Inspector's reasons for exclusion are based primarily on 'characteristic natural beauty', including the NF precedent, the Assessor's advice, and exclusion of the Rother Valley and A3 corridor. My reading of the Inspector's report is quite different. He carried out his own, independent,

appraisal of the qualities needed for NP designation and then looked to see where they occurred within the PDSNP. He came to a clear conclusion that the Downs have those qualities and the Wealden areas do not (*IR, Part 2, 2.19, 2.20*). I consider that the Assessor and Inspector were correct in considering that 'it is difficult to exaggerate the importance' of the first new National Park in the last 50 years, the NFNP (*IR, Part 2, 2.6*). Indeed, it is extraordinary that the Government's statutory advisor on protected landscapes has almost entirely failed to acknowledge that decision.

3.2.3 **Legal and policy framework:** (*1969/1/10, 2.9-2.10*): In relation to the legal basis for 'characteristic natural beauty'; see the WSCC response to submissions on behalf of NE on Topics 1 and 2, paras 5-27, and 1007/2/3 paras 2.2.14 (as amended at para 2.3.2 above) to 2.3.11. It is clear the Secretary of State, in endorsing the NF Assessor and Inspector's reports, accepted that an area needed to have both the characteristic natural beauty of its core, and high quality (*para 2.3.4 above*).

3.2.4 **New evidence:** (*1969/1/10, 2.11-2.14*): I very strongly disagree with HCC that a 'sea change' has taken place in the national guidance for landscape character assessments since 1998. The great 'sea change' in national landscape policy came in the early 1990s, with the change in emphasis from protection of selected 'quality' landscapes, such as Areas of Great Landscape Value; to the evaluation of the character of the whole countryside and local distinctiveness. This principle gathered strength from the early assessments (such as the Warwickshire Landscape Assessment Guidelines – 1993) through drafts and revisions of PPG7/PPS7 and the CC/CA guidance documents. These were formalized into the CA/SNH Landscape Character Assessment Guidance in 1999 and 2002 (*CD 57*). Those guidelines were fully taken into account in the first stage of this Inquiry and are still the up-to-date national guidance. The CA Topic Papers expand upon and explore the application of that Guidance. They are **not** a 'sea change'. If anything, the changes in evolving guidance during the late 20th and early 21st centuries have strengthened the importance of considering landscape character as the basis for planning decisions, including the designation of National Parks (*CD 57*).

3.2.5 Geographical Information Systems are a more structured and electronic way of recording base data, and were used in the CA's national character area work, which identified that the Downs are the Downs and the Weald is the Weald (*CD 56 pp 8-11*). Historic landscape character assessment is not new: it was carried out for the PNFNP area; but found by the Assessor and Inspector not to be particularly helpful in identifying the natural beauty of the current landscape (*para 2.3.9 above*)

3.2.6 The 'new LCA for the South Downs' is not a 'sea change' on the previous assessments. Landscape character assessment describes the landscape; the Downs and the Weald

have not changed because their topography has been digitized. The SDILCA describes the same differences as between the downland and Wealden landscapes as did the 1990s assessments.

- 3.2.7 **HCC position** (1969/1/10, 2.15-2.16): The HCC position has been rebutted in my Topic 6 evidence (1007/2/3, Section 3).
- 3.2.8 **Exclusion of the western Weald:** (1969/1/10, Section 3). The HCC 'Excluded Areas Assessment' (1969/2/10) largely reiterates the HCC Topics 1 and 2 evidence, which I have addressed.
- 3.2.9 **Natural beauty criteria:** (1969/1/10, 3.2): The criteria used by HCC are identical to those used by me in my 'in principle' evidence (1881/2698/1/1). The HCC recreational criteria (1969/1/10, 3.2, last 2 bullets) were also identified by me; the Inspector considered that recreational opportunity should be much more related to the character of the land, consistent with the statutory criteria.
- 3.2.10 **South Downs character:** (1969/1/10, 3.3): I reiterate my 'in principle' evidence. The South Downs is the correct geographical name for the chalk ridge between Winchester and Beachy Head. The Weald is not part of the South Downs.
- 3.2.11 Throughout their evidence, HCC refer to 'the western Weald'. However, if the word 'western' were removed, the HCC evidence would remain largely the same. The 'intrinsic qualities' scheduled at HCC para 3.3, pp 8-9 are those of the relationship of the South Downs and the whole of the Weald to its north. The exceptions are at:
- **'Special perceptual qualities':** The space, remoteness and quietness of the 'inspiring landscape' of 'an isolated island set apart from busier surrounding landscapes' quite clearly refers to the Downs. The Wealden landscapes of the PSDNP are not isolated or remote – they are absolutely in continuity with the Wealden landscapes to their north and east, and have numerous settlements and roads.
 - **Views:** Again, these are the views of and from the Downs. There are no 'seascape' views from the Weald and the 'open chalk downland and scarps... and.. more wooded areas to the west' are the Downs, not the Weald.
- 3.2.12 **Cultural considerations:** (1969/1/10, 3.4-3.31): I have largely addressed these issues in my Topic 6 evidence. The schedules in this section are the analyses that result in 'historic landscape significance', mapped at 1969/2/10 p 41, to which I have previously referred (1007/2/3, Section 3.10). In summary – natural beauty needs to be seen, without a complex thesis to explain it: 'it is unhelpful to public recognition of national park quality

standards if it is necessary to undertake complicated analysis to determine whether or not a piece of land warrants inclusion' (*NFNP Assessor, CD 204 Appendix 1 para 3.5*); depth of historic character occurs throughout England and does not necessarily have a correlation with natural beauty. The depth of history is obviously part of the character of the landscape, but, in terms of being taken into account in assessing natural beauty, it is as relevant for an AONB as for a National Park. It does not change an AONB into an area with NP qualities.

- 3.2.13 **Archaeology:** (*1969/1/10, 3.23-26*): Archaeology 'from the Mesolithic to the present day' occurs throughout lowland England. Again, it is applicable to an AONB. It is likely that it is only the really iconic and visible archaeological features, that occur almost entirely with the Downs, that make a substantial contribution to the potential NP qualities of that area.
- 3.2.14 **Artistic and literary associations:** Evidence was given on these in the first stage of this Inquiry. Artists and writers, such as Kipling, have clearly distinguished between the very different landscapes of the Weald and the Downs. All beautiful parts of England, including the three Wealden AONBs, are likely to have artistic and literary connections.
- 3.2.15 **Conclusion relating to cultural heritage:** HCC have not demonstrated that the western Weald has superior cultural elements to those of the Surrey Hills or High Weald AONBs – certainly, in the case of farmsteads, it has less. There is no evidence that the features scheduled, when taken into account, would give the western Weald the qualities of natural beauty or recreation that would lead to NP designation.
- 3.2.16 **Biodiversity:** (*1969/1/10, 3.32-37*): See 1007/2/3, section 3.15. The HCC evidence sets out a Wealden/Downland habitat relationship that applies to the whole North/ South Downs/ Weald anticline. Insofar as these can be taken account in assessing natural beauty, there is nothing to suggest that this is beyond the natural beauty of an AONB.
- 3.2.17 **Scenic quality:** (*1969/1/10, 3.38-39*): WSCC does not dispute the scenic quality of the Wealden AONBs. This is quite different to the character required to provide exceptional opportunities for outdoor recreation.
- 3.2.18 **Recreation:** Addressed in my Topic 6 evidence.
- 3.2.19 **Especially desirable:** (*1969/1/10, 3.48-54*): I address landscape aspects of 'especially desirable'. HCC quote CD#37 'tests' of 'Consensus' and 'Rarity/representativeness'. If these were applied to the PSDNP:

- **Consensus:** The 'area having previously been identified for designation' as a National Park is the South Downs and not the Weald. The Weald has only ever previously been considered for AONB designation.
- **Rarity/representativeness:** The South Downs have long been recognized as an iconic landscape, important in the nation's psyche. The western Weald is part of the much wider Weald, so is not representative or rare.

3.2.20 **Key benefits:** (1969/1/10, 3.50 to 3.54): Whatever the benefits of designation, the area designated must meet the statutory criteria for NPs. HCC claim 'no apparent benefits' from keeping the western Weald as AONB and the South Downs as a NP. I consider that the key national policy benefit is to maintain the integrity of National Park designation, ensuring that only those areas that fully meet the statutory criteria for NPs are so designated; and retaining a clear distinction between NP and AONB designation. There is no distinction between the qualities of the western Weald AONB areas and the Surrey Hills or High Weald AONBs.

3.3 'An Assessment of the Excluded Areas'

(1969/2/10)

3.3.1 I have addressed almost all of the issues in this last document of HCC's 'new evidence', in this or previous Topic 6 evidence.

3.3.2 **Section 1: Definitions of natural beauty:** These are the CD57 criteria, addressed previously; this is not new evidence.

3.3.3 **Section 2: The Western Weald:** It appears to me that if the word 'Western' were removed from this section, then the case set out by HCC applies to the whole Weald, or, at least, the AONB sections of it.

3.3.4 The 'natural beauty' criteria of landscape quality, scenic quality, conservation interests and associations apply to the western Weald, Surrey Hills and High Weald AONBs. In terms of representativeness and rarity, the whole Wealden anticline is one landscape structural unit – the western Weald is not unique. In terms of tranquility, other parts of the Weald and South Downs are more tranquil than the western Weald.

3.3.5 The HCC 'recreation' criteria of footpaths and open access apply across the whole of the Weald. There are footpaths throughout this area, many within the three AONBs. There is more open access land in the Surrey Hills AONB than in the western Weald.

4 CONCLUSIONS

4.1 HCC evidence

4.1.1 My previous conclusions on the HCC evidence still apply (*1007/2/3, Section 5.9*). The last of the HCC 'new evidence' does not change those conclusions.

4.2 Overall conclusions: Topic 6

4.2.1 The Inspector found that the Downs have NP qualities because the chalk has given rise to a very distinctive landscape of outstanding natural beauty, the character of which provides opportunities for open air recreation of NP quality. Those characteristics include high dramatic topography, large-scale, open landscapes, iconic features, remoteness, relative tranquillity and wildness and a sense of getting away from it all.

5.10.2 The western Weald is beautiful, worthy of AONB status, but has a less distinctive character, which continues across the whole Weald; it has less dramatic topography, with smaller-scale, more enclosed landscapes and few icons; there are settlements, roads and a sense of being in an established, comfortable, quintessentially English landscape of farms and villages, with paths through pretty countryside. The western Weald should remain AONB.