

PROPOSED SOUTH DOWNS NATIONAL PARK

**SUBMISSIONS ON BEHALF OF WEST SUSSEX COUNTY COUNCIL AND
CHICHESTER DISTRICT COUNCIL ON TOPIC 5**

Introduction

1. These short submissions accompany the evidence provided by the Councils which explains why the land currently within the East Hampshire and Sussex Downs Areas of Outstanding Natural Beauty ("AONB") ought to retain its AONB status if it is not included in any new South Downs National Park ("SDNP").
2. They focus on the procedural relationship between the confirmation of any South Downs National Park designation order which excludes the non-chalk landscapes and the continuing protection of retained AONB land.
3. As the Inspector explained in his Part 2 boundary report, the Countryside Agency identified 2 possible options to maintain the protection of land that is worthy of AONB status in the event that it is excluded from the SDNP:
 - a. that the East Hampshire AONB (Revocation) Order and the Sussex Downs AONB (Revocation) Order be confirmed, leaving Natural England to decide whether to re-designate any of the excluded portion(s) of the existing AONBs and issue new AONB designation orders accordingly;
 - b. that Natural England withdraws the revocation orders and decides whether to make further AONB variation orders.¹

¹ Part 2 para. 8.14.

4. The Inspector favoured the second option,² recognising that confirmation of the revocation Order would be inappropriate if his recommendation to exclude the non-chalk landscape were accepted, because “to do otherwise would leave large areas of attractive Wealden countryside without a protective landscape designation.”³ He anticipated that any new AONB variation order(s) would be taken forward in concert with the separate exercise to determine the more focused boundary for the SDNP. Any delay in forming the SDNP would be inevitable if the designation were not to proceed on a flawed basis, that is by including the non-chalk landscapes.⁴

Position of the Councils

5. The starting point is that the Councils do not wish to see land which currently enjoys AONB status losing the protection that that status affords.
6. The original designation orders in respect of the East Hampshire and Sussex Downs AONBs must remain in force unless and until comparable protection is given by another order for the land that is excluded from the SDNP.
7. Prior to the formal confirmation of any order designating the SDNP, the process of designating a new area of AONB should be followed pursuant to ss. 82 and 83 of the 2000 Act. It would be for Natural England to make identify the new boundary for a Hampshire and Sussex AONB, presumably following an indication from the Secretary of State as to which land was intended to be confirmed as the SDNP.
8. The Councils consider that it would be neater for this process to designate a new AONB (and in parallel revoke the original two designation orders as

² Para. 8.15.

³ Covering letter to the Secretary of State dated 31 March 2006, third page.

⁴ Para. 8.15.

currently before the Secretary of State), rather than make variation orders under s. 83(7) of the 2000 Act in relation to the original orders (and withdraw the current revocation orders). The new area would essentially be a Wealden AONB rather than a part Sussex Downs and East Hampshire AONB. However the latter approach would not be wrong or invalid.

9. Whether a new designation order is made for the one new AONB with consequential revocation orders, or whether variation orders are made in respect of the original designation orders, consultation with local authorities must be carried out under s. 83(1) and representations must be invited under s. 83(2) of the 2000 Act. There is no statutory requirement for consideration of those representations at a public inquiry. Natural England has to forward the representations to the Secretary of State (s. 83(3)) before a decision on whether to confirm the order (with or without modifications) is taken under s. 83(4). That decision would take into account views expressed by the Inspector on Topic 5 at this inquiry.

Conclusion

10. Therefore what has to be arranged to secure the continued protection of AONB land is for the Secretary of State to be invited to:
 - a. ensure that Natural England follow the necessary statutory procedures to secure the continued protection of the remaining AONB land before the confirmation of the SDNP order;
 - b. then confirm at the same time:
 - i. the proposed SDNP designation order (as modified in accordance with the Inspector's recommendation to exclude the non-chalk landscape); and
 - ii. any designation order for a new AONB with the associated revocation orders (or any variation orders relating to the existing AONBs).

11. This will allow the AONB status of land to be excluded from the SDNP to be preserved until the designation of the new SDNP.