

South Downs National Park Public Inquiry
(Re-opened)

Rebuttal of WSCC's alternative boundary

(Topic 3, #1007/2/1)

by



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1 Introduction

- 1.1 The South Downs Campaign (SDC) wishes to rebut the evidence of West Sussex County Council (WSCC) on Topic 3: Possible Boundary Petersfield to Pulborough, contained in its written representation #1007/2/1.
- 1.2 The SDC has already submitted evidence under Topics 1 and 2¹, which refutes the basic premise of the WSCC case. The SDC submits the following without prejudice to its previous evidence that there is no legal requirement for a National Park to display 'characteristic natural beauty' and that the precedents relied upon by the Landscape Assessor and WSCC are overtaken by the amendments in the NERC Act and were, in any case, wrongly interpreted in the New Forest National Park inquiry and the first part of the South Downs National Park inquiry².
- 1.3 It is noteworthy that WSCC claims that its approach to determining a new boundary to exclude the Western Weald is not reliant on the test of character and that this was not a test applied by the Inspector or Landscape Assessor (see section 3 below).

2 The WSCC National Park Tests

- 2.1 In paragraph 4.1.2 (#1007/2/1), WSCC sets out the principles for a boundary for a PSDNP "*that included those areas with more National Park characteristics*" and lists five tests, two of which are clearly entirely related to character:

1. Geology: primarily the landscape types derived from the underlying chalk

4. Character: the Downs, because it is these landscapes that have more of the National Park characteristics [tautology]

- 2.2 Other tests are:

2. Topography: high ground, but including internal valleys

3. Land Use: Areas with a light settlement pattern so generally excluding towns and villages. Also excluding areas severed by main roads from the extensive tract

- 2.3 In relation to test 2, the SDC has already shown in its evidence the highest point in the designated PSDNP in Sussex is Blackdown, which lies in the Western Weald³. The South Downs ICA⁴ also describes the area of the Western Weald Blackdown to Petworth Greensand Hills as:

"prominent hills formed from sandstones and cherts ...with steep escarpments at their inner edge..."

¹ #1147/1/1

² #1147/1/2

³ #1147/14/1

⁴ CD #14

“sandstone geology has resulted in eroded deeply sunken lanes and deep ravine like valleys...”

“the settlement pattern is typically dispersed and density of settlement is low – this contributes to the rural nature of the hills”

“the significant amount of woodland cover, including both ancient and plantations...contribute to the sense of enclosure, mystery and remoteness that characterises the hills”.

- 2.4 Test 3 is entirely related to settlement pattern and roads and in paragraph 5.1.2 the *“small fields and copses, numerous roads and villages”* are quoted as the Wealden character. In the same paragraph the Wealden landscape is also contrasted with the *“large-scale open fields and major woodlands that give the downs their characteristic landscape”*.
- 2.5 Small scale fields may be found in the Rother Valley but certainly do not dominate it. For example, the South Downs ICA describes the northern Rother Valley Sandy Arable Farmland as *“a landscape divided into large scale geometric fields”* and *“the large open arable fields, denuded hedgerow boundaries and lack of woodland create an open landscape with long views”*. By the very description of this landscape it must follow that it cannot be heavily settled.
- 2.6 In addition, it has already been shown for the Greensand Hills (see paragraph 2.3 above) that *“the settlement pattern is typically dispersed and density of settlement is low”*.
- 2.7 These quotes from the South Downs ICA clearly show that WSCC's definition of 'National Park' qualities in their tests 2 and 3 exist in the Western Weald. It is true that parts of the Rother Valley are more settled than either the Downs or the Greensand Hills. However the fact that such more settled valley areas lie between blocks of higher ground is entirely in keeping with the situation in existing National Parks. Appendix C of Professor Tregay's evidence⁵ amply illustrates this point.
- 2.8 The final test is:
- 5. Designation History: Hobhouse, AONB; including the pragmatic inclusion of narrow areas of AONB, likely to otherwise be de-designated.*
- 2.9 The SDC has brought evidence⁶ to show that the boundaries drawn up by Hobhouse (or Dower) for the existing National Parks sometimes bear little relation to what was designated, the prime example being the Northumberland National Park. They are merely a starting or reference point. The designation history in this instance is that the Downs and Weald sit together in AONBs in the south east of England⁷ as they do in the designated PSDNP.

⁵ #1147/16/2

⁶ Paragraph 2.8, CD 217

⁷ Appendix D, #1147/15/2

- 2.10 The final point of the WSCC test is not understood as it seems to suggest that land should be included in a National Park that does not meet the National Park criteria (according to WSCC), even when there can be no washing over of that landscape.
- 2.11 The SDC also fails to understand the statement in paragraph 2.1.2 that “*there continues to be no support for the inclusion of the Wealden area in the South Downs National Park*”. Whether this refers to public support or legal precedent there is no foundation for this claim.

3 Characteristic Natural Beauty

- 3.1 WSCC claims, in paragraph 3.1.8 that:

“It is clear that neither the Assessor nor the Inspector were designating landscape because they happened to be chalk-based landscapes”

- 3.2 However, this statement is at odds with the Landscape Assessor’s statement⁸:

*“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.”[his emphasis]*

- 3.3 He then uses the so-called precedents of Dartmoor and the New Forest to constrain the South Downs National Park to the chalk to fit his point of view above⁹:

“The findings of the Dartmoor and New Forest Inquiries confirm the need for National Parks to have individual, distinctive and coherent identity... Land should excluded if it does not share the characteristic of the core of the proposed National park, even if it is of outstanding quality”

4 The WSCC Boundary

- 4.1 WSCC lays claim to its proposed boundary being based on the principles set out by the Landscape Assessor and the Inspector (paragraph 4.1.7). These principles are unlawful under the terms of the existing legislation, particularly in light of the NERC Act 2006 amendments and the Meyrick Judgments. Moreover, if these truly represented the Inspector’s wishes, it is surprising he drew an Indicative Line up to 4km to the north, in West Sussex, of the line now proposed by Hankinson Duckett Associates¹⁰ on behalf of WSCC (up to 5km in the Arun Valley). It is even more surprising, if his real intention was as set out by WSCC, that he did not advocate the

⁸ Paragraph 6.129, Annex A, CD #3

⁹ Paragraph 7.4, Annex A, CD #3

¹⁰ See Topic 5 Map - #1007/3/2

WSCC approach to the Secretary of State and recommend that the boundary be drawn within the Area of Search proposed by WSCC at the first part of this Inquiry.

- 4.2 The SDC does not intend to rebut the boundary line proposed by WSCC field by field since the basic premises on which it is based are so obviously flawed. However, it points out that the boundary to the west of Bury is based on substantially different principles to those to the east of Bury. To the west the land to be included in the PSDNP must display 'downland character', as defined by WSCC. To the east a so called 'pragmatism' overrides this principle in order to include the South Downs Way and then further east it follows the AONB boundary despite this including "*roads, farmsteads and the smaller field pattern of the Weald*"¹¹. However, by necessity and for consistency, this means applying this pragmatic approach from Storrington to Polegate, which is a distance of approximately 50km (as the crow flies).
- 4.3 The reason appears to be to prevent this area of Wealden landscapes losing national protection should a South Downs National Park be designated along WSCC's suggested lines. This is no doubt why the convoluted final part of test 5 in paragraph 4.1.2 was included, but the necessity to set aside National Park criteria (as WSCC claims that these areas do not meet the criteria) should serve as a warning to the soundness of this approach.
- 4.4 It should also be made clear, despite what is claimed by WSCC¹², that this is quite different to the pragmatic approach taken by the New Forest Inspector. His main concern was how a small area of AONB, which he was in no doubt met both the National Park designation criteria¹³, connected to the main body of New Forest¹⁴ so that it didn't lose its landscape protection. He therefore was not setting aside the requirement for land to meet the National Park criteria for it to be included in the National Park that WSCC appear to be suggesting for AONB land north of the scarp slope, east of Storrington (which WSCC contends does not meet both the designation criteria for inclusion in the South Downs National Park).
- 4.5 It is also worth noting that WSCC says "*that 'pragmatic' boundaries for the extensive tract are occasionally appropriate*"¹⁵. However, a 'pragmatic' boundary that runs for around 50km can be hardly described as occasional. When it is also greater in length than the 'non-pragmatic' boundary which WSCC has drawn up for the Western Weald from the Hampshire border to Storrington, a distance of around 32km (as the crow flies), then it would appear that the 'pragmatic' boundary is the dominant theme. This then further undermines WSCC's whole boundary setting approach.

¹¹ Paragraph 5.1.23, #1007/2/1

¹² Paragraph 5.1.23, #1007/2/1

¹³ Paragraph 4.174, CD 204

¹⁴ Paragraphs 4.174 – 4.175, CD204

¹⁵ Paragraph 5.1.23, #1007/2/1