

**NATIONAL PARK AND ACCESS
TO THE COUNTRYSIDE ACT 1949**

**SOUTH DOWNS NATIONAL PARK
(DESIGNATION) ORDER
OBJECTION N° SDNP 2697**

**SUPPLEMENTARY PROOF OF EVIDENCE TO THE RE-OPENED INQUIRY
DAVID JARVIS PPLI ON BEHALF
OF TARMAC LIMITED
(RELATING TO SECTION D, KINGSLEY)**

JANUARY 2008

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1. INTRODUCTION

- 1.1 My name is David Jarvis. I am a Director of David Jarvis Associates Limited.
- 1.2 My practice was appointed in May 2003 by Tarmac Southern Limited to examine, inter alia, the impact of the Proposed South Downs National Park (PSDNP) on its interests near Lode Farm, Kingsley (Section D of the proposed boundary).
- 1.3 I presented my main Proof of Evidence to the South Downs National Park Inquiry on Wednesday 31st March 2004.
- 1.4 I submitted a Supplementary Proof of Evidence (dated July 2004) to the Inquiry in the light of the decision concerning the establishment of the New Forest National Park (28th June 2004).
- 1.5 In the light of the Meyrick judgement, the Inspector's recommendation that "Non-Chalk" landscapes be excluded and Natural England's (NE) revised proposed boundary to the PSDNP, I submitted Additional Evidence in support of the case that the land near Lode Farm, Kingsley should be excluded from any National Park designation.
- 1.6 I have submitted a Proof of Evidence (762/1/1) to the re-opened Public Inquiry.
- 1.7 This supplementary Proof of Evidence (762/1/2) deals with the subject of 'characteristic natural beauty'.

2. CHARACTERISTIC NATURAL BEAUTY

- 2.1 I would like to comment on the issue of characteristic natural beauty which has been raised by some objectors, notably Val Kirby for Natural England (NE) (1330/1/1) and the South Downs Campaign (1147/1/1).
- 2.2 They attack the Inspector's reference to and use of characteristic natural beauty. They suggest that the reference to "characteristic" is not warranted by law or policy. In my view their attack is misconceived.
- 2.3 The legal test for designation is well known (Section 5 of the 1949 Act as refined by the NERC Act 2006). It may be summarised as extensive tracts of land which pass, inter alia, the "natural beauty" and "opportunities for open-air recreation" tests; but they must have defensible boundaries.
- 2.4 These Acts refer to "tracts", "areas" and "National Parks" all in the plural. From Hobhouse to the NERC Act 2006, it is accepted that there will be a family of National Parks. As all the land within these National Parks will have passed the "tests", how are they to be delineated? The answer is by "characteristic natural beauty". This is implicit in all previous National Park designations. If it were not so, we would have one all-encompassing National Park which included all extensive tracts of land in the UK which passed the tests and had a defensible boundary.
- 2.5 It is implicit in the names of our National Parks that they display characteristic natural beauty. Dartmoor and Yorkshire Dales National Parks both pass the tests and exhibit "Dartmoor characteristics" and "Yorkshire Dales characteristics".
- 2.6 The Dartmoor decision is suggested to be inapplicable in designating a new National Park because it was on a boundary decision. This criticism is fundamentally misguided. Whether refining boundaries of existing National Parks or defining boundaries of new National Parks,

the application of characteristics natural beauty is implicit.

- 2.7 Some National Parks will include more landscape character types than others. Dartmoor, New Forest and South Downs are reasonably obvious and limited. The Lake District or Pembrokeshire Coast National Parks are likely to contain many landscape character types.
- 2.8 So what holds a specific National Park together? Natural England's policy on natural beauty is defined in the Countryside Commission's Position Paper 5 (CD 44) at Sections 2a and 2b.
- 2.9 Section 2a refers to high landscape quality and states that it "... embraces natural beauty ..." and is interpreted as "the extent to which the landscape demonstrates the presence of key characteristics and the absence of atypical or incongruous ones ...".

This is characteristic natural beauty.

- 2.10 Section 2b refers to landscape character and says that "usually however there will be some unifying factors ..."

These unifying factors will give a National Park its distinctiveness ... its characteristic qualities.

- 2.11 Val Kirby at paragraph 43 of 1330/1/1 suggests "There is no particular 'National Park flavour' of natural beauty. She is right otherwise we would have one all-encompassing National Park. There are, however, "Dartmoor" and "New Forest" flavours. There is a "South Downs" flavour.
- 2.12 The clue is in the name. This is the proposed "South Downs" National Park.
- 2.13 Natural England accepts that the PSDNP is built around the chalk downland which forms the "essence" of the South Downs (Inspector's Report, Part 1, paragraph 2.7). Natural England also accepts that there is a "core area" (Inspector's Report, Part 2, paragraph 2.26).
- 2.14 This "core" landscape is what makes the National Park distinctive; what gives it its "characteristics". If there were not a "core" landscape, we would be back to one national National Park again.
- 2.15 The South Downs Campaign (1147/1/1) at para 3.29 and Val Kirby (1330/1/1) at para 23 make the point that the NERC Act 2006 does not introduce a requirement for "characteristic natural beauty". This is not a sign that Parliament rejected the test. On the contrary, it shows that Parliament is content with the use of a test which has been implicit from the beginning of the designation of individual National Parks.
- 2.16 In conclusion, I fully support the Inspector's (and Assessor's) reference to and use of the criterion of characteristic natural beauty. It is implicit in all designations hitherto. Without it we would have one all-encompassing National Park. It is consistent with the 1949 Act which clearly contemplates National Parks in the plural. It is consistent with the approach of the Secretaries of States, Inspectors and Assessors in the Dartmoor and New Forest Public Inquiries. It is consistent with NE's own policy expressed in CD 44 which requires the presence of key characteristics and unifying factors. There is a Chalk core landscape. A South Downs National Park should be exactly that, not a South Downs and Low Weald National Park.