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**SOUTH DOWNS NATIONAL PARK
(DESIGNATION) ORDER 2002
RE-OPENED INQUIRY**

**LANDSCAPE EVIDENCE
for TOADS HOLE VALLEY**

by Philip Russell-Vick DipLA MLI

**On behalf of the joint owners of Toads Hole Valley;
JW Cook Estates Ltd and Pecla Investments**

February 2008

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1.0 QUALIFICATIONS AND EXPERIENCE

- 1.1 I am Philip Russell-Vick, a Partner of Enplan, landscape, planning and environmental consultants. I hold a Diploma in Landscape Architecture and I am a Chartered Member of the Landscape Institute. I have over twenty-five years experience in landscape planning and landscape architecture and have provided consultancy advice on a wide range of residential, commercial, industrial, mineral and other development projects throughout the UK and overseas.
- 1.2 Enplan was formed in December 2000. We offer consultancy advice in fields of Landscape Architecture, environmental and Town and Country Planning, with a current professional staff of fourteen. The practice is registered with both The Landscape Institute and Royal Town Planning Institute. Prior to this I was Landscape Director with Chris Blandford Associates, based in their Sussex office for seventeen years, during which time I worked on landscape and environmental projects ranging from large infrastructure schemes, including the M25 widening J12-15, A1(M) improvements at Peterborough, BAA airport projects at Heathrow, Gatwick and Stanstead, on-shore oil exploration schemes, green and brownfield residential schemes, urban regeneration projects in London, S and N Wales and Northern Ireland, urban expansion masterplans, quarrying and waste disposal schemes, flood alleviation projects including the Jubilee River on the Thames, best practice guides and strategies for the Highways, Countryside and Environment Agencies and for the highways Ministry of Hong Kong, and the design and implementation of many public spaces and parks, including five new parks in Kuwait City.
- 1.3 Enplan is commissioned by clients from the private and public sectors across the UK. Since starting the practice our landscape and visual impact assessment work has included proposals for the Medway Cement Works and chalk quarry for Blue Circle Industries plc (now Lafarge) in north Kent, mixed use redevelopment proposals for the former Shoreham Cement Works in the Sussex Downs AONB, golf course developments for the 2010 Ryder Cup at the Celtic Manor Resort, various major brown and greenfield housing development projects

across the South East, flood defence projects in London, Dorset and Somerset, telecommunication developments in The Gower, Cornwall AONB, Exmoor National Park and Sussex Downs AONB, airport related developments at two aerodromes in the Midlands. Recent landscape design work includes the visitor's centre for Sir Edwin Lutyens' WWI 'Memorial to the Missing' at Thiepval on the Somme, historic landscape restorations of Repton, Marnoch, Jekyll and Paxton parks and gardens, a BCI award winning flood defence project at Weymouth and a new 6* hotel and leisure complex at Mentmore Towers in Buckinghamshire.

- 1.4 In recent years I have given evidence at a number of major public inquiries such as the Medway Cement Works Call-in inquiries, 'SnOasis', the largest indoor winter sports complex, redevelopment of the former hospital at Leybourne Grange in the Green Belt for NHS Estates, 850 dwellings at Bromley also in the Green Belt and the Crow Holt wind farm proposal in Nottinghamshire.

- 1.5 I was first appointed by the joint owners of Toads Hole Valley to prepare a Landscape Report for the Public Consultation exercise in February 2002. I then attended the Local Plan Inquiry in 2002/03 at which I gave landscape and visual evidence about the site. I also gave evidence about the site at the re-opened Inquiry for the Brighton & Hove Albion FC stadium. In the course of my preparation for this inquiry I have undertaken further fieldwork to update and refresh my earlier assessment work. I am highly familiar with the landscape character of Sussex, the Sussex Downs and of the local landscape that forms the context of this site having worked on this scheme for many years and also lived and practiced in this area for most of my career.

2.0 SCOPE OF EVIDENCE

Scope of Evidence

2.1 My evidence to the Re-opened Inquiry into the proposed South Downs National Park (PSDNP) concerns the issues of landscape and natural beauty in respect of the Toads Hole Valley (THV) site near Brighton.

2.2 In this Proof of Evidence I concentrate upon the landscape character, quality and scenic value of the land at Toads Hole Valley. In considering these matters I shall:

- In Chapter 3.0, identify those issues that are central to the argument about whether THV meets the criteria for Natural Beauty, including considering how the approach of the Countryside Agency and the implications of NERC and Meyrick;
- In Chapter 4.0, review my landscape assessment, update its findings and apply further consideration to the matter of scenic quality;
- In Chapter 5.0, consider the landscape aspects of the past submissions, representations and evidence given to the first part of the inquiry by various parties; and
- In Chapter 6.0, summarise and conclude my evidence.

3.0 THE NATURAL BEAUTY CRITERIA, NERC AND THE MEYRICK JUDGMENTS

3.1 In this section of my evidence I seek to highlight a number of the key points raised about the inclusion/exclusion of THV from the PSDNP which I believe are particularly relevant to my case on landscape matters at the inquiry. Relevant extracts from the various documents are included at Appendices 1 to 7.

Countryside Agency's Position Paper 1 (CD/069)

3.2 The 1945 White Paper on National Parks (Dower Report) defined a National Park as *"an extensive area of beautiful and relatively wild country in which....the characteristic landscape beauty is strictly preserved"*.

3.3 The power to designate National Parks is conferred by the National Parks and Access to the Countryside Act, 1949 and subsequent amendments. The 1949 Act defines the purposes of legislation to include *"extensive tracts of country.....that by reason of their natural beauty....it is especially desirable that the necessary measures shall be taken....."*. Updated by the 1995 Environment Act, the provisions shall have effect for the purpose –

"(a) of conserving and enhancing 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."

3.4 Since the 1949 Act there have been two major reviews of National Parks, neither of which has led to the amendment of the statutory criteria. However, the Inspector at the 1993 Dartmoor inquiry (CD/069 paragraph 21), the Minister's decision letter and the DoE Circular 12/96 gave some policy interpretation.

3.5 The Dartmoor Inspector made observations regarding the current state of land versus its potential, notably that *"An area did not qualify for National Park designation because it had potential; it had to be of the required standard **at***

designation". He also stated that "*the critical test for boundary making in this case was whether the landscape was of **both** Dartmoor character and National quality*" (my emphasis). I will argue in my evidence that THV is not currently, or indeed, is ever likely to be a landscape of national quality standard.

- 3.6 Natural England relies upon the former Countryside Agency's Landscape Character Assessment Guidance for England and Scotland (CD/057), CAX 84, for the interpretation of the natural beauty criteria (paragraph 41 of CD/069). Whilst this is not the statutory test as such, it is the most sophisticated and widely accepted methodology available.
- 3.7 Appendix 2 includes relevant extracts from CAX84 and I would draw particular attention to Page 55 and 57, paragraphs 7.21 to 7.23, which specifically address the considerations necessary for attaching designations and status to landscapes. Also in paragraphs 7.1 to 7.8, CAX 84 draws a very useful distinction between the objective/subjective judgements for the separate analyses of **landscape character** (which is essentially objective), and that for **landscape quality/condition and landscape value** (which is essentially subjective). I note that 'landscape quality', as referred to in the criteria for determining designations includes both the landscape quality/condition and landscape value aspects considered by CAX 84. I will argue that whilst THV has some representative downland landscape characteristics, by virtue of geology and topography, this aspect should not be confused with its landscape quality, which is low and inadequate to meet the demanding test of national quality.
- 3.8 In July 2000 (paragraph 52 of CD/069) the Countryside Agency agreed a revised approach for defining National Park boundaries. In particular, there could be differing landscape characters, but that landscape quality would be key determinant rather than uniformity. On the determination of boundaries the new approach sought easily distinguishable physical boundaries but that the boundary should not be regarded as a sharp boundary between areas of differing quality. Rather that in most situations there will be a transition of quality across a broad sweep and that the boundary chosen should be an easily identifiable feature within this transition. I will argue that the A27 represents just such a

boundary as it is a definable physical boundary at the transition from low quality landscape at the urban edge in the south, to higher quality landscape to the north.

- 3.9 CD/069 paragraph 53 is important; *“Landscape quality includes visual and intangible features and value. 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.”* Again I will argue that whilst there may be the presence of some key characteristics, there are incongruous ones (A27, urban edge), it is in a poor state of repair and does not demonstrate integrity with the unspoilt downland to the north.

NERC and the Meyrick Judgments

- 3.10 In respect of natural beauty the original Meyrick case turned on the matter of “naturalness” or otherwise of Hinton Park; Mr Justice Sullivan finding that the Secretary of State in accepting the Inspector’s recommendation had misapplied the criteria. Hinton Park is a designed and historic landscape that provides the setting for a Grade I Listed Building and whilst there was no dispute between the parties regarding the high landscape quality (or beauty of the landscape) the aspect of ‘naturalness’ was not or not sufficiently displayed by the landscape at Hinton to meet the natural beauty criteria.
- 3.11 In the same way that there is no definition of natural beauty in the Act, there is no definition of ‘naturalness’ either; it is also not addressed by CAX 84. Mr Justice Sullivan identified that the Inspector and Assessor had discarded the requirement for a high degree of naturalness substituting in its place a test of visual attractiveness or landscape quality.
- 3.12 Section 99 of NERC clarifies that National Parks may include agricultural land, woodlands and parks. Partly as a result of which the High Court, in the further Meyrick appeal, did not address the question of Judge’s consideration of natural beauty the appeal having already failed the recreation test.

3.13 I deal with this in my assessment by splitting the natural beauty test into two parts, (1) naturalness (albeit refined by Section 99) and (2) beauty, and it seems to me that both have to be met. Following CAX84 I interpret the test of naturalness to be that of landscape character and that of beauty as being landscape quality.

4.0 LANDSCAPE ASSESSMENT AND APPLYING THE CRITERIA

Landscape Analysis

- 4.1 My landscape analysis for the purposes of making representations to the Public Consultation exercise in 2002 is included at Appendix 9. Since that time further assessments of the THV land have been undertaken, specifically for the 2002 Local Plan Inquiry (extracts of my assessment at that time are included at Appendix 10) and for the 2005 Brighton & Hove Albion Football Club Public Inquiry, and most recently in updating the work in the preparation of this evidence. It is fair to say that nothing of significance has physically changed since the original landscape analysis in 2002 and my overall conclusions on the landscape character and quality have not altered since that time.
- 4.2 I note that in December 2005 the Countryside Agency published an Integrated Landscape Character Assessment, prepared by LUC, for the designated National Park as it was at that time. THV was then excluded from the PSDNP and therefore, the assessment did not specifically address the character of the land. Consequently I do not rely upon this assessment.
- 4.3 The findings of my analysis can be summarised as follows (taken from the September 2007 representations at Appendix 8):

3.3 THV has some features that are characteristic of the Downs and, in some views, is seen in the context of the Downs. However, this is substantially outweighed by the significance of the detracting features, specifically the severance and impacts upon it of the A27, the dominance of the urban edge, the impact of unauthorised uses on the land itself and the contrast, in its appearance, between it and the farmed Downs to the north. In views from the higher ground on its east and west flanks, THV can be seen in the wider context of downland to the north and in these aspects its inherent topographical/geological association with the

open chalk downland is apparent. However, in these views the incongruous alignment and intrusion of the A27 is also apparent, as too is the dominance of the urban edge. From lower positions in the landscape THV is not observed in the context of the Downs, these views being blocked by the road embankment, and it appears isolated and degraded. Despite sharing several characteristics with the downland north of the A27, overall this is not a high quality landscape, does not meet the natural beauty criterion and should not be included within the National Park.

3.4 The A27 embankment was designed to reduce its overall impact by widening the landtake from the minimum required for engineering purposes, to give the embankments slightly more sympathetic gradients. However, this has not been fully successful due to the significant height of the embankment (some 20m at its highest) and, most importantly, because the road crosses the valley perpendicular to its grain, effectively damming the continuity of the valley in most views. The constant passage of heavy traffic not screened by planting or by landform, is visually and aurally intrusive and it only reinforces the break in the flow of the landform. Lighting of the Devil's Dyke Road junction and slip roads further reduces the landscape quality and increases the sense of severance from the downland.

3.5 The detailed landscape assessment appended also demonstrates that in long range views from within the Downs, along the length of the valley, the embankment also has the function of cutting off the THV land from the downland, making it indistinct such that it makes no contribution to the scale and character of the downland north of the road. It is accepted that this perception is not the one obtained in local views from the high ground adjoining the site or from the A27 embankment, but it is the dominant perception, the one that it is obtained from most viewpoints both within THV and from out in the Downs. Overall the site is not perceived as being part of a

wide sweep of downland but as a severed, isolated and degraded land at the urban fringe.

- 4.4 For my evidence to this Inquiry I have re-taken the photographs from most of the previously selected viewpoint locations and added some additional views both from within and out with the site (refer to Appendix 11). Viewpoints A to F replicate some of the location of the 2002 views (Appendix 10). The 2008 views show that the vegetation on and around the site has developed slowly and that there is evidence of some light scrub developing. The widespread scars caused by the unauthorised motorcycle use remain clearly evident.
- 4.5 Viewpoints G and H are additional views from around the site's boundary and clearly illustrate the poor condition and low value of the landscape.
- 4.6 Viewpoints I, J and K are from locations within the site and therefore are not strictly publicly accessible locations. These views demonstrate how the A27 embankment visually obstructs and severs the site from downland to the north and give some impression of the visually intrusive the traffic on the road. There is also the strong sense of enclosure of the topography, which could be argued to be a characteristic feature of downland valleys, but the soldier like rows of housing along the skyline on two sides of the site (with the A27 on the other third side) is certainly not characteristic of the Downs and is not representative of a high quality, nationally important and beautiful landscape. The experience of being within the site, surrounded on all sides by development and with the views truncated by buildings and the constant noise of traffic, is quite different to the experience of being in unspoilt downland valleys to the north in which there always views along the length of the valley, across a generally well tended landscape to a rolling, undeveloped skyline.
- 4.7 In my February 2002 report I specifically addressed the approach the Countryside Agency had adopted in defining the original 2001 draft boundary. In response to the matter of landscape quality I drew the distinction at that time between the characteristics of the land (landscape character) and detracting

features (landscape quality); a theme of my evidence to this inquiry (refer to pages 11 and 12 of Appendix 9).

“a) Areas of high landscape quality should be included within the area of land identified for designation.

The land at Toads Hole Valley has several key characteristic elements but many significant detracting features. The characteristic features include:

- *Its landform, including the lower parts of major ridgelines and along valleys part of the rolling dip slope as it tilts towards the coast.*
- *There are long views from the higher ground both within the land and adjacent to it, into the Downs and across the urban area to the sea.*
- *Some chalk grassland and scrub on the steep western valley side.*

The detracting atypical features include:

- *A distinct valley but substantially severed by the A27 on its high embankment. This runs perpendicular to the landform directly across the grain of the dip-slope topography.*
- *Severe visual and noise impacts of traffic on the A27, lighting impacts of the Devil’s Dyke Road junction and lighting on the junction approach on the A27 itself.*
- *Severance from the farmland to the north has made the agricultural landholding unviable. Its proximity to the urban area makes it unsuitable for livestock and is too distant from other arable units to readily accessible for farm machinery. Since the opening of the bypass it has effectively been abandoned in*

agricultural terms and, therefore, its landcover is in strong contrast to the well kept arable land north of the A27. Also, Toads Hole Valley is subject to unauthorised access and uses, e.g. motorcycle rallycross, tipping, etc.

- *Dominating urban presence of development along both ridges to the east and west and in valley bottom to the south of the land degrades the quality of the landscape.*

In conclusion, in views from the ridgelines Toads Hole Valley can be seen in the wider context of downland to the north and in these aspects its underlying association with the open chalk downlands is apparent. However, in these views the incongruous alignment and intrusion of the A27 is also apparent, as too is the dominance of the urban edge. From lower positions in the landscape Toads Hole Valley is not observed in the context of the Downs and appears largely isolated and degraded. Despite sharing several characteristics with the downland north of the A27, overall this is not a high quality landscape and should not be included within the national park.”

- 4.8 I suspect there may not be much dispute between the parties at the inquiry in the matter of the ‘underlying’ landscape character of the site, the land having some characteristic features of downland. However, landscape character is not the sole test. Land for inclusion within a National Park must, in my thesis, meet both parts of the ‘Natural Beauty’ test; that is the land must be both *natural* and *beautiful*. In terms of landscape character, or its *naturalness*, THV may pass the test in that it has some characteristics of downland. However, the test of *beauty* is the demanding one of high landscape quality, it must be of national importance (this is landscape quality/condition and value as defined by CAX 84) and it does not pass this, indeed it falls markedly short. Moreover, in the view of the Dartmoor Inspector, the landscape quality test should be applied to the landscape in its current state, not in some potential or projected state, and therefore it should not be argued, as it may wrongly by some, that in some way time will enhance this

landscape, that the scars will heal. In any case below I demonstrate that as there is no prospect of the management regime on this land changing, the landscape quality will remain low.

Applying CAX 84 to Natural Beauty

4.9 There is no absolute definition of natural beauty in the 1949 Act. I rely upon paragraph 7.22 of CAX 84 (Appendix 2), the Countryside Agency’s most up to date guidance on landscape character assessment. This defines detailed criteria for the consideration of natural beauty, as follows, and specifically ties this back to the selection of landscapes for special recognition or designation, presumably having the exercise of forming potential new National Park boundaries very much in mind:

<i>CAX 84 Natural Beauty Criteria</i>	<i>Comments on THV</i>
<p>Landscape quality/condition: Judgements about the physical state, intactness of the landscape and the condition of features</p>	<p>The SNCI/CROW land aside, the majority of THV is in poor condition. It is substantially unmanaged and there is no prospect of bringing the land under any form of proactive management in present circumstances. The land has been despoiled by unauthorised uses and fly-tipping. It does not exhibit the quality or condition of most downland.</p>
<p>Scenic quality: Landscapes which appeal visually to the senses</p>	<p>THV is not a landscape that appeals visually to the senses. It has some downland characteristics that can be perceived in some views from the surrounding area but its poor condition and the visual intrusion of the urban edge, A27 and other roads significantly detract from its scenic quality. In some views from its boundaries it forms the foreground to long views out into the Downs. Whilst these are moderately appealing and the openness of THV contributes to the appreciation of the Downs, in itself THV is not in keeping and</p>

	detracts from the quality of the scene.
Rarity: Presence of rare features or rare character types	The SNCI/CROW land aside, it has no rare features or rare character types.
Representativeness: Whether there are features or particular characteristics that are representative	It does share some representative features/characteristics with downland – i.e. the underlying chalk geology, the landform of the asymmetrical valley and scrub/grasslands of the SNCI/CROW land.
Conservation interests: Presence of conservation features of interest (ecological and archaeological) that can add value to the landscape	Ecological – SNCI area but the majority of the site has very limited or no ecological value nor will it have without active management for which there is no prospect (refer to Appendix 13). Cultural Heritage – There are no conservation features of interest and no particular cultural heritage aspects of interest (refer to Appendix 12).
Wildness: Presence of wild or relatively wild character that makes a particular contribution to the sense of place	In part this topic is superseded by NERC as NPs may include man-made managed landscapes, such as parks, although clearly the presence of wild character may still contribute. Wildness is not a particular characteristic of the South Downs and it is not found at THV
Associations: With particular people, artists etc (cultural heritage)	THV has no special or particular associations (again refer to Appendix 12)

4.10 In addition, CAX 84 in paragraph 7.23 includes a further criterion, ‘Tranquillity’, as a part of the full range of criteria used to identify landscapes for designation. Tranquillity is considered to be *“a composite feature related to low levels of built development, traffic, noise and artificial lighting”*. THV has built development on two of its three sides and the A27 on its third. There are very high levels of traffic on the A27 and traffic also intrudes on the south eastern boundary of King George VI Avenue. Aural intrusion from these roads is highly noticeable on the site and all adjoining roads and residential areas are artificially illuminated. THV is not in any sense tranquil. Perhaps more to the point is that it is, in my

judgement, the least tranquil area of retained downland along the whole of the Brighton & Hove urban edge.

- 4.11 In my judgement THV scores poorly overall on landscape quality/condition, scenic quality and in terms of tranquillity. The SNCI/CROW aside, I don't believe the site has any rare features. Representativeness is tied largely to landscape character and I accept that the site exhibits some elements of representativeness but in my opinion this is substantially outweighed by the poor condition and scenic quality of the land. THV does not meet the test for *beauty*.

Applying NERC Section 99

- 4.12 CAX 84 partly covers the aspects of nature conservation and cultural heritage values raised by Section 99 of NERC. Outline cultural heritage and vegetation/habitat studies were commissioned by my clients to assist in the preparation of my evidence (refer to Appendices 12 and 13 respectively).
- 4.13 Chris Place of Place Archaeological Consultants was responsible for the archaeological and cultural heritage report. He very firmly concludes that there are no particular or special cultural heritage associations with this land.
- 4.14 The ecological work by Andrew Cross of Ecological Planning & Research (EPR) of Winchester concludes that the former arable land is currently of very low or no ecological value. It is presently a species-poor grassland that is slowly evolving to scrub. He predicts, as there is no prospect of active management or farming on the land, this scrub will dominate and that this in turn will probably in the very long term evolve to low value Ash/Sycamore woodland. This will be, therefore, not only be a site of low nature conservation interest but also one of low scenic value and visually increasingly less representative of characteristic open downland.

Boundary Considerations

- 4.15 I accept that the fact that the A27 physically severs THV from the vast area of Downs to the north is not in itself justification for exclusion. Indeed I sympathise with the view that other areas severed in the same physical way as THV should be within the Park (e.g. Hollingbury, Coney Hill, Foredown Hill and Southwick Hill). But there are absolutely fundamental and telling differences between these sites and THV. Firstly, in these cases, all of the land is of course high ground and is, or is part of a longer and highly characteristic downland ridge. Secondly, in all these cases, the consequence of the land being a ridge is that the A27 is in cutting (or tunnel in the case of Southwick Hill) where it passes the by the land. It is therefore, much better concealed from the surrounding landscape and this gives rise to excellent visual connectivity between the land and the Downs to the north. Lastly, again in all of these cases, the land has high landscape qualities, being actively managed and/or farmed, or in-part farmed. This is made possible by much of it being in public ownership, of one form or another, or directly accessible from adjoining farmland.
- 4.16 Hollingbury is part of a ridgeline and culminates in a distinct hill. It is partly a municipal golf course, in the ownership of the City Council, and is partly farmland and woodland. The golf course is well established (some 100 years old I believe) and has a very good fit with its setting, having maintained a high degree of openness without the intrusion of inappropriate landforms and planting. Hollingbury is a highly dominant landscape feature albeit virtually surrounded by the urban area.
- 4.17 Coney Hill is at the end of a long ridgeline and is in public ownership. It is very steep sided to the north, which is heavily wooded and it is 'topped' by its distinctive windmill. From the downs to the north it is a prominent feature in the landscape and is seen as part of the wider Downs. The A27 is some six lanes wide to the north of Coney Hill, but it is suppressed in the landscape and not widely intrusive.

- 4.18 Foredown Hill is also prominent in the landscape being part of a long ridgeline. It is readily accessed from the farmland to the north by an overbridge and it remains in agricultural production. The quality of the landscape is the equal of the land to the north of the road cutting.
- 4.19 Southwick Hill is partly in the ownership of the National Trust and all of it is actively farmed or is managed downland scrub. The tunnel means the land is not severed physically or visually from the Downs. Its landscape quality is unquestionably high.
- 4.20 Two other areas of land with downland characteristics between the urban area and the A27 are proposed to be excluded from the PSDNP. Mile Oak and Benfield Valley Golf Course are both parts of characteristic downland ridgelines and they are read in views from the north as part of the Downs. Therefore, they pass the naturalness test in respect of landscape character. However, they both fail the beauty test of high landscape quality largely, I assess, due to their immediate urban surroundings rather than their inherent qualities.
- 4.21 By contrast to all of the sites above, THV is part of a valley. It has high ground at its western and eastern edges, both of which are the sides of longer ridgelines, but the land itself is not a high prominent ridge. As a consequence of this landform the A27 is on an embankment up to 25m high, for much of its length as it cuts across this valley. THV is visually separated from the Downs in some views as a result and its qualities are affected by the visual and aural intrusion of the road. Clearly the fact that it is a valley alone does not preclude it from being in the PSDNP, although it is distinct from the other areas in this respect and it is seriously affected by the A27 in a way that the other areas are not. In addition, of course, I assess THV's landscape quality to be low and in marked contrast to all of the four included areas discussed.
- 4.22 I have considered where the boundary for the PSDNP should be drawn along the northern edge of the A27 (refer to Appendix 20). Whilst the A27 may be included within the Park where the PSDNP would be both to its north and south, there is no justification for including the road where the land to the south would not be in

the Park. This would be a consistent approach with other sections along the A27 and in accord with the Inspector's opinion at paragraphs 7.452 and 7.453. The boundary would pass from the Coney Hill area across the A27 at Devil's Dyke Road and would be along the northern edge of the carriageway all the way to Foredown Hill. This would also exclude the thin slither of open land between the road cutting and school at Hangleton west of THV.

5.0 THE LANDSCAPE ASPECTS OF OTHER SUBMISSIONS AND THE INSPECTOR'S REPORT

5.1 In this section of my evidence I seek to address a number of key points raised by objectors and others about THV.

Objection Evidence of Mr MGI Ray

5.2 In Mr Ray's evidence dated 4th November 2003 (refer to Appendix 3), in his conclusions, he makes a point about the threat to land at the urban fringe if it is not included in the PSDNP. The matter is not whether he is right or wrong about this but rather whether this issue is part of the criteria for designation and in my submission it is not.

Objection Evidence of the South Downs Campaign (Society of Sussex Downsmen)

5.3 At 2.2.4 of the evidence of the Society of Sussex Downsmen (Part 2: Boundaries), dated November 2003 (refer to Appendix 4), it is stated that THV is in a state of transition and that is considered that the land has potential, if properly managed and restored as Downland. Again, I do not believe that the potential of land falls within the scope of the criteria and that such an approach is inconsistent with the Dartmoor Inspector's position on requiring the land to be in a 'current state' of high quality.

Objection Evidence of Mr D Bangs (Friends of Whitehawk Hill)

5.4 Mr. Bangs' evidence on behalf of the friends of Whitehawk Hill (refer to Appendix 5) raises several points that require rebuttal.

- *THV is part of an almost treeless high plateau tablelands:* This reference is not one recognised in the landscape character assessments; that it is part of a wider landscape character area is not in dispute.

- *Cannot be separated from valley system to north:* In terms of some of its characteristics this is accepted. However, it is physically and in many views visually separated by the A27. It is also very clearly separated in terms of its landscape quality.
- *Landscape is exposed, highly interconnected and strongly connected to the seascape and distant coastal plain:* From the higher parts of the land at the north eastern corner there is visual connectivity with the downland to the north and there are views across Hove to the sea. From the vast majority of the land there is not visual connectivity with the Downs and there are no views over the coastal plain to the sea. Mr. Bangs grossly exaggerates the extent of this aspect and I believe demonstrates a failure on his part to properly and objectively analyse the real position on the ground.
- *Effects of development on THV and narrowness of Downs at this point:* This is a similar point to Mr. Ray and as stated this is not part of the criteria for designation.

Countryside Agency's Response to Objection Evidence by Mr. Ray and Mr. Bangs

5.5 I support CPM's case, on behalf of the Countryside Agency, in response to Mr Ray's and Mr. Bangs' evidence (paragraphs 4.10 to 4.15 and 4.9 to 4.23 respectively).

5.6 In respect of their response to Mr. Ray the CA state:

"The scenic quality and sense of place have been eroded by the A27; which impacts on the perception of the site. This is evident in views from both within Toad's Hole Valley and from the National Park to the north.....Views out of the site are severed by the embankment of the A27 and the traffic is seen breaking the skyline while views south from the national park towards Toad's Hole Valley are elevated and look across the A27. Clearly in both views the A27 visually and physically severs Toad's Hole Valley from the downland.

The severance of the land from the wider AONB by the A27 results in the land being associated with the urban context and not the wider landscape to the north.

The lack of management of the grassland at Toad's Hole Valley and damage to the area as a result of trespass means that the quality of this area of land at the urban edge has been eroded and does not demonstrate the characteristic qualities of the open downland in this part of the National Park.

Only the south western embankment is designated as a Site of Nature Conservation Interest.....the Countryside Agency's approach to defining the boundary acknowledges that features of scientific value, situated on the margins of a National Park, should be included where practicable. This approach is appropriate if the natural beauty and recreational issues are finely balanced and such a designation outweighs any minor concerns. However, in the case of Toad's Hole Valley the considerations against the area meeting the natural beauty criteria is so strong that any ecological designation would not on balance sway the decision making process."

- 5.7 In respect of Mr. Bangs the CA's response shares much in common with that of the response to Mr Ray but states additionally:

"Overall, the urban context and presence of the A27 affects the character and quality of this area and is regarded as not meeting the Natural Beauty criterion".

- 5.8 It seems to me that the Agency's representatives at the Inquiry were robust and unequivocal about their recommendation not to include THV within the National Park. I find these statements to be entirely in accord with my own assessment and I fully support this position.

Inspector's Report

5.9 There are several matters I need to address. These are as follows:

- At 7.694 of the Inspector's report, I would broadly agree with the Inspector's view of the physical characteristics of the site and that the A27 physically severs the land from the Downs. This is essentially the objective assessment of landscape character.
- In the matter of the more subjective assessment of landscape quality, the Inspector states that *"in my opinion THV reads as part of the wider tract of downland landscape to the north."* I have accepted in my evidence that there are locations from where this is correct (i.e. from the high ridge to the north east) but that this is less true from some high points north of the road and certainly not the case from south of the A27 looking north (see my photographs at Appendix 11, which include views from around and within the site).
- He also raises the matter of the scale of the site at 43ha and that this cannot be considered to be a left over parcel of land. I appreciate that this was part of the Countryside Agency's approach at the outset of defining a potential boundary for the PSDNP but I am not aware that the size of the land has any bearing on meeting the natural beauty criteria.
- In 7.695 the Inspector accepts that the quality of the land has suffered deterioration and associates the appearance with that of set-aside. Set-aside is of course cut at least once per annum, as part of the terms of the agreement. THV has never been cut to my knowledge.
- It is stated that the land has suffered superficial damage. But, the report then, erroneously in my view, overrides this point by stating the land is consistent with downland character. Landscape characteristics cannot outweigh the consideration of landscape quality; both parts of the test must be passed. The suggestion that the superficial damage is temporary is also inconsistent with Dartmoor in respect of meeting the criteria here and now.
- I note that it is not stated in the report that THV is of high or of sufficient landscape quality for designation and I draw the inference that the Inspector judges the land to be large scale downland in terms of

landscape character and that therefore, on this basis alone, it should be in the Park. I believe this is the wrong approach. THV manifestly fails to meet both parts of the natural beauty test.

Evidence of Alison Farmer

- 5.10 I have reviewed the evidence of Alison Farmer on behalf of Natural England in respect of the Western Weald area. I find there is commonality between her methodological approach and my own in the matter of the test for natural beauty. In particular, that is in two parts; character and quality, both of which must be satisfied. At paragraphs 34 to 37 Ms. Farmer is critical of the Landscape Assessor's approach on these matters and at paragraph 41 states:

“Moreover such a strong reliance on landscape character in making judgements on whether or not land should be included in a national Park (see for example Inspector's Report Annex B paras 2.38 and 2.39) has no basis either in statute or in policy.....”

- 5.11 I also find similarities to my own approach throughout her evidence including on Tranquillity, Openness, Sense of (Relative) Wildness and Remoteness, at paragraphs 84 to 87. These are all amongst the factors to test natural beauty.

6.0 SUMMARY AND CONCLUSIONS

- 6.1 The power to designate National Parks is conferred by the National Parks and Access to the Countryside Act, 1949 as amended. Since the 1949 there have been two reviews of National Parks, neither of which amended of the statutory criteria. However, the Dartmoor Inspector at the 1993 inquiry made observations regarding the current state of land versus its potential, notably that “*An area did not qualify for National Park designation because it had potential; it had to be of the required standard **at designation***”. He also stated that “*the critical test for boundary making in this case was whether the landscape was of **both** Dartmoor character and National quality*” (my emphasis).
- 6.2 Natural England relies upon their Landscape Character Assessment Guidance for England and Scotland (CAX 84), for the interpretation of the natural beauty criteria. This draws a distinction between the objective/subjective judgements for the separate analyses of *landscape character* (which is essentially objective), and that for *landscape quality/condition and landscape value* (which is essentially subjective). Paragraphs 7.21 to 7.23 of the document specifically address the considerations necessary for attaching designations and status to landscapes.
- 6.3 In my view the natural beauty test should be split into two parts, (1) *naturalness* (albeit refined by NERC Section 99) and (2) *beauty*, and it seems to me that both parts have to be met. Following CAX84 I interpret the test of naturalness to be that of landscape character and that of beauty as being landscape quality. I note there is common ground with my approach and that of Alison Farmer on behalf of Natural England as set out in her evidence in respect of the Western Weald area.
- 6.4 THV may pass the naturalness or landscape character test in that it has some characteristics of downland. However, the test of *beauty* is the demanding one of high landscape quality, it must be of national importance and it does not pass this, indeed it falls markedly short. Moreover, in the view of the Dartmoor Inspector, the landscape quality test should be applied to the landscape in its current state, not in some potential or projected state. There is no prospect of the

management regime on this land changing and the landscape quality will remain low.

- 6.5 In respect of the criteria of CAX84 THV scores poorly overall on *landscape quality/condition*, *scenic quality* and in terms of *tranquillity*. The SNCI/CROW aside, I don't believe the site has any *rare features*. *Representativeness* is tied largely to landscape character and I accept that the site exhibits some elements of representativeness but in my opinion this is substantially outweighed by the poor condition and scenic quality of the land. THV does not meet the test for *beauty*.
- 6.6 CAX 84 also partly covers the aspects of nature conservation and cultural heritage values raised by Section 99 of NERC. Outline cultural heritage and vegetation/habitat studies were commissioned by my clients. Place Archaeological Consultants very firmly conclude that there are no particular or special cultural heritage associations with this land. The ecological work by Ecological Planning & Research concludes that the former arable land is currently of very low value species poor grassland slowly evolving to scrub. As there is no prospect of active management of the land, this scrub will probably, in the very long term, evolve to low value Ash/Sycamore woodland. This will be, therefore, not only be a site of low nature conservation interest but also one of low scenic value and visually increasingly less representative of characteristic open downland.
- 6.7 I accept that the fact that the A27 physically severs THV from the vast area of Downs to the north is not in itself justification for exclusion. Indeed I sympathise with the view that other areas severed in the same physical way as THV should be within the Park (e.g. Hollingbury, Coney Hill, Foredown Hill and Southwick Hill). But there are absolutely fundamental and telling differences between these sites and THV. Firstly, in these cases, all of the land is of course high ground and is, or is part of a longer and highly characteristic downland ridge. Secondly, in all these cases, the consequence of the land being a ridge is that the A27 is in cutting (or tunnel in the case of Southwick Hill) where it passes the by the land. It is therefore, much better concealed from the surrounding landscape and this

gives rise to excellent visual connectivity between the land and the Downs to the north. Lastly, again in all of these cases, the land has high landscape qualities, being actively managed and/or farmed, or in-part farmed. This is made possible by much of it being in public ownership, of one form or another, or directly accessible from adjoining farmland.

- 6.8 By contrast to all of the sites above, THV is part of a valley. It has high ground at its western and eastern edges, both of which are the sides of longer ridgelines, but the land itself is not a high prominent ridge. As a consequence of this landform the A27 is on an embankment' up to 25m high, for much of its length as it cuts across this valley. THV is visually separated from the Downs in some views as a result and its qualities are affected by the visual and aural intrusion of the road. Clearly the fact that it is a valley alone does not preclude it from being in the PSDNP, although it is distinct from the other areas in this respect and it is seriously affected by the A27 in a way that the other areas are not. In addition, of course, I assess THV's landscape quality to be low and in marked contrast to all of the four included areas discussed.
- 6.9 I have considered where the boundary for the PSDNP should be drawn along the northern edge of the A27. The boundary would pass from the Coney Hill area across the A27 at Devil's Dyke Road and would be along the northern edge of the carriageway all the way to Foredown Hill.
- 6.10 My evidence also addresses a number of points raised by objectors and others about THV, including the Inspector's report. I broadly agree with the Inspector's view of the physical characteristics of the site, essentially the objective assessment of landscape character. In the matter of the more subjective assessment of landscape quality, the Inspector states that *"in my opinion THV reads as part of the wider tract of downland landscape to the north."* I have accepted in my evidence that there are locations from where this is correct (i.e. from the high ridge to the north east) but that this is less true from some high points north of the road and certainly not the case from south of the A27 looking north. It is stated that the land has suffered superficial damage; this goes to the matter of landscape quality and value. But, the report then, erroneously in my

view, overrides this point by stating the land is consistent with downland character. Landscape characteristics cannot outweigh the consideration of landscape quality; both parts of the test must be passed. The suggestion that the superficial damage is temporary is also inconsistent with Dartmoor in respect of meeting the criteria here and now. I note that it is not stated in the report that THV is of high or of sufficient landscape quality for designation and I draw the inference that the Inspector judges the land to be large scale downland in terms of landscape character and that therefore, on this basis alone, it should be in the Park. I believe this is the wrong approach. THV manifestly fails to meet both parts of the natural beauty test.

- 6.11 It seems to me that the CA's representatives at the Inquiry (CPM) were robust and unequivocal about their recommendation not to include THV within the National Park. In response to objectors they state *"the quality of this area of land at the urban edge has been eroded and does not demonstrate the characteristic qualities of the open downland in this part of the National Park..... in the case of Toad's Hole Valley the considerations against the area meeting the natural beauty criteria is so strong"*. I find these statements to be entirely in accord with my own assessment and I fully support this position.