

**Natural England's brief to
consultants, commissioning
possible alternative boundary
from north of Petersfield running
east across to Pulborough**

This report was commissioned by Defra from Natural England. It represents Natural England's best interpretation of the alternative South Downs National Park boundary from north of Petersfield running across to Pulborough proposed by the inquiry inspector but does not reflect their position on what constitutes the most appropriate boundary for the South Downs National Park.

Consultants Brief - Proposed Boundary Variation

Introduction

1. Natural England was established on 2nd October 2006 as a result of the merger of the Landscape Access and Recreation divisions of the Countryside Agency with English Nature and Defra's Rural Development Service, to create a new integrated Non Departmental Government Body.
2. Natural England, as a result of this merger, becomes the statutory body responsible for designating National Parks and Areas of Outstanding Natural Beauty (AONBs).

Background to this contract

3. The South Downs National Park (Designation) Order 2002 (CD/012) was made on the 18th December 2002 using powers under the National Parks and Access to the Countryside Act 1949. The order was made as the Countryside Agency was of the belief that the area merited designation according to the statutory criteria and that the boundary shown was the right one.
4. This proposed boundary was considered in detail at the resulting Public Inquiry that ran between 10 November 2003 and 18 March 2005. The Designation Order remains to be confirmed by the Minister on the basis of any recommendations made as a result of this Inquiry.
5. We now have sight of the Inspector's Report and his subsequent recommendations, based in part by advice from his landscape assessor. The Inquiry Inspector accepts that there are extensive tracts of land within the Proposed South Downs National Park (PSDNP) that fulfil the statutory criteria for designation.
6. However, within his report he proposes a major variation to the Boundary as drawn by the Countryside Agency in the South Downs Designation Order 2002.
7. The Inspector makes his recommendation on the basis of a supplementary report by the acting landscape assessor. This report suggests that there are some doubts about the intrinsic landscape quality of some of these areas and that they should be omitted.
8. The Inspector does not identify a precise alternative boundary line to be considered or endorsed by the Minister. He also comments that although some argued at the Inquiry for the exclusion of similar areas from the Designation Order they did not identify a boundary line that would meet this point. An 'indicative' line is presented within his report and he advises that a more definitive line needs to be identified based upon this.
9. The proposed variation affects a section of the Northern Boundary (Sections E-H) between Petersfield and Pulborough. This broadly encompasses the Rother Valley and the Wealden Greensand areas. The Inspector suggests this section needs to be reviewed to exclude 'lower quality' and 'non-chalk' landscapes where

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they do not have a strong visual link or other association with the chalk 'core' of the Downs.

10. Natural England has inherited all the statutory powers and duties relating to designating protected areas, and for reviewing boundaries, as a result it has been asked by Defra to undertake this work. Though clearly we consider the existing boundary presented in the Order to be the correct one, we recognise the need to carry out this work.

Other relevant considerations

11. Defra has also just received the Court of Appeal decision on the Meyrick case which relates to a legal challenge to an area of land included within the New Forest National Park. This ruling makes some reference to both the application of the statutory criteria and to the considerations to be made during the boundary drawing process.

12. The Meyrick judgement may have implications in terms of the methodology adopted for the review that will be the subject of this contract. Any subsequent proposal or methodology applied to this work will need to take Meyrick into account.

Project Brief

13. This contract requires the following tasks: -

- Produce a detailed proposal for reviewing the Boundary sections E-H in the light of the Inspector's findings;
- Present a definitive line for this proposed 'alternative' boundary for consideration by the Minister in due course;

14. The methodology applied to this work must clearly assess the area in question against the statutory designation criteria and identify a precise 'alternative' boundary. Natural England will help develop the revised methodology, in line with the Inspector's findings, for use in carrying out this work. We can also provide some cartographic and GIS support 'in-house' during the period of the contract.

15. To produce a precise boundary that is consistent with the Inspector's findings will require some fieldwork. The indicative line will be the starting point but this alternative proposal needs to be based on a detailed landscape assessment. Detailed field notes detailing the reasoning behind the Boundary selection will need to be kept.

16. When completed this proposal, along with any supporting technical papers or statements, will need to go out for public consultation. This will need to accompany the Inspector's Report and recommendations. Interested parties will be invited to comment.

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Method of working

17. In order to deliver the objectives of the project requirements the appointed consultants will need to liaise closely with relevant staff at Natural England.
18. Contractors will need to help develop a robust methodology for assessing the Boundary.
19. Contractors will also need to be:
 - Sensitive to the restricted nature of this work and avoid sharing information with those not taking an active part in the operation;
 - Aware that all details of the work will be made available for full public scrutiny and consultation at some stage after completion.

Status of the project

20. This work is currently classed as restricted, at the direct request of Defra. The proposal and the supporting statements will only become publicly available when they choose to release it. Until then we must insist on full confidentiality.
21. All staff involved with this task needs to be aware that circulation is to be strictly limited. Anyone contracted to act in relation to this work should not discuss it with anyone else not directly involved with the task or with any external contacts.
22. There are significant risks related to this work either through compromising our case at a re-opened Public Inquiry, further legal challenge or delays/failure of the designation process itself. This would be damaging to the reputation of Natural England with Defra, along with our external partners and the public.

Report specifications

23. Electronic versions formatted as an MS Word document sent as e-mail attachments, or alternatively on Windows NT compatible CD/R media. Mapping data to be provided in ArcMap or Mapinfo formats.

Timescales

24. It is expected that this work will begin early in March with an inception meeting following award of contract.

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Tender response by 2nd March 2007

Attend a commissioning meeting and be ready to commence contract – 9th March 2007

Completed Field Work – During March/ Early April

Provide a **final report** indicating a revised boundary line and a full rationale for this – before the 30th April 2007

25. This timetable is indicative only. Due to the pressing nature of this work we would like to complete this work earlier if that was realistically achievable. Please provide a timetable that you would be able to achieve, in your response. We would be receptive to milestone payments at the completion of the Field Work and on completion and acceptance of the final report.

26. The contractor should allow for regular meetings with the Natural England's officers during the term of the contract, the first being at the project commencement, which will be held at the Natural England's offices at Portland House in London.

Copyright

27. The results of this work and all intellectual copyrights whatsoever which are produced as a result of this contract, shall be the property of Natural England. Subject to any written agreement to the contrary, copyright of all material produced under this contract, including digital data, published and unpublished results and reports, etc. shall become the property of Natural England.

28. Natural England has the right to use the results and to determine whether the results of, or reports on, the project shall be published and whether the material or results shall be exploited commercially and, if so, on what conditions.

Terms and conditions

29. The contractor will be appointed by Natural England on an inclusive, fixed price contract. An informal tender interview may be held prior to award of contract. The contract will be subject to Natural England's Conditions of Contract, PS 08 attached as Annex 1 and Natural England's Travel and Subsistence rates PS 12 attached as Annex 2

Environmental conditions

30. Natural England has an adopted policy for requiring contractors to use recycled paper when producing written work and environmentally sustainable working practices. All paper outputs associated with agency work (tenders, interim, draft and final reports) should use an environmental grade paper and text should be printed on both sides of a page. All travel associated with this work should be by public transport (or foot or cycle) unless it is genuinely unavailable or necessitates excessive additional time.

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Project management

31. The contract will be overseen by Chris Fairbrother as Natural England's South Downs Designation project manager. The contractor will be expected to manage the project through one named project manager, who can act as first point of contact and be responsible for delivery of outputs. All financial and contractual issues relating to payments and invoices should be addressed to Pippa Botley, Procurement Services.

32. Because of the sensitive nature of this work you are required to treat all information supplied by the Natural England as confidential and you may not communicate any of that information to any other party or make use of that information for any purpose other than preparation of a response to the Invitation to Tender.