Dear

PROPOSED NEW FOREST NATIONAL PARK:
INQUIRY REPORT RECOMMENDATIONS

1. I am directed by the Minister of State, the Rt Hon Alun Michael MP on behalf of the Secretary of State, to say that consideration has been given to the report of the Inspector, Mr Roy Foster, MA (Oxon) MRTPI, who held a public local inquiry into the New Forest National Park (Designation) Order 2002. The inquiry was called under Part I of the First Schedule to the National Parks and Access to the Countryside Act 1949, paragraph 2(2)(a) to hear objections and representations made to the New Forest National Park (Designation) Order 2002. The inquiry was a joint one, extended to hear the separate but related issue of the establishment of a New Forest National Park Authority, under section 63 of the Environment Act 1995, and its operation.

Inspector's Recommendations

2. The Inspector, whose conclusions are given in the extracts from his report at Annex A, has recommended:

(a) that the New Forest National Park (Designation) Order 2002 be confirmed, with modifications to the boundary;

(b) that the South Hampshire Coast Area of Outstanding Natural Beauty (Revocation) Order 2002 be confirmed;

(c) that a New Forest National Park Authority be established under the provisions of section 63 of the Environment Act 1995; and
(d) that the Countryside Agency’s advice to the Secretary of State on the operation of a National Park Authority be considered by her as if it were subject to amendments.

**Principle of a National Park**

3. The Inquiry addressed whether the area as a whole enclosed within the boundary of the National Park, as defined in the Designation Order, meets the criteria and purposes of designation as a National Park set out in the National Parks and Access to the Countryside Act 1949.

4. The criteria for National Parks are that they should be extensive tracts of country which it appears to the Countryside Agency that by reason of:

   (a) their natural beauty;

   (b) the opportunities they afford for open-air recreation, having regard both to their character and to their position in relation to centres of population;

   it is especially desirable that the necessary measures shall be taken for the purposes set out beneath.

5. National Parks are designated for the purposes of:

   (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the designated areas;

   (b) promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

6. **The Minister has decided**, in line with the Inspector’s conclusions and having accepted his reasons and those of the Landscape Assessor, that there is a core area which meets the designation criteria under the National Parks and Access to the Countryside Act 1949 and that the principle of a National Park for this area has been established.

**National Park Boundary**

7. The inquiry also addressed whether the boundary as defined in the Designation Order should be altered to include or exclude any areas specifically referred to by objectors to the Order, bearing in mind the criteria and purposes of designation. The Inspector has recommended a number of modifications, both to bring in some additional areas of land that are outside the Countryside Agency’s Designation Order boundary and to exclude certain areas that are within the Designation Order boundary.

8. The Minister has decided to accept the Designation Order boundary subject to the following modifications –
(a) the additions recommended by the Inspector listed at paragraph 9 below, which he is minded to accept;
(b) the further proposed addition at paragraph 11, which he is minded to include; and
(c) the exclusions recommended by the Inspector listed at paragraph 13, with the exception of those at 13(c) and 13(k), which are addressed further at paragraphs 14 to 23.

Additions to the Designation Order boundary

9. The Inspector, supported by the Landscape Assessor, recommends that the boundary is modified to include the following three areas of land:

- approximately 23.5 hectares of land next to the northern side of Fawley Power Station;
  (paragraphs 3.313 to 3.316 + map INSP6 in Annex A & paragraphs 3.277 to 3.285 + map LA6 in Annex B)
- approximately 1.5 hectares of woodland south of Searchfield Farm, to the west of North Charford;
  (paragraph 6.126 + map INSP17 in Annex A & paragraph 6.85 + map LA17 in Annex B)
- approximately 1 hectare of land south of Newton, on the west side of the A36;
  (paragraph 6.132 + map INSP19 in Annex A & paragraph 6.89 + map LA19 in Annex B)

Their reasons are given in the report extracts attached at Annexes A and B to this letter, as are the details of the land concerned (see references above).

10. The Minister is minded to accept these additions. However, in accordance with Part I of the First Schedule to the National Parks and Access to the Countryside Act 1949, paragraph 2(3), he cannot confirm a Designation Order which affects land not affected by the Order as submitted to him, without giving notice of the modifications and inviting representations or objections. Therefore, before he can decide to accept these additions, they must be placed on public deposit to allow the public and interested parties to make objections and representations in respect of them.

11. The Minister also proposes a fourth additional area of approximately 46.5 hectares, shown on Inspector’s map no. 6 as the area comprising Fawley Power Station. He does not consider it fitting for a National Park to contain within it an area that is not part of the National Park although it is surrounded entirely by the Park. The Designation Order, even as amended in accordance with the recommendations of the Inquiry Inspector, would create this situation for Fawley power station. As it is sited wholly “within” the National Park, any development on that land would have to take the Park into account and respect the tighter planning policies to ensure that there was no adverse impact on the nationally designated area. There are precedents for having a major industrial site within
a National Park, and the Minister considers that, in this case, it is sensible to take the entire area inside the actual designated area of the National Park.

12. All the above additions will shortly be placed on public deposit for a minimum of 28 days. If any objections and representations are made, an inquiry or hearing will be called to hear them and a report will be provided to the Minister who will then consider whether or not to include the areas within the National Park.

Exclusions from the Designation Order boundary

13. The Inspector has recommended excluding various areas from the National Park that are within the Designation Order boundary. The broad areas are listed below:

Boundary sections 1 & 2 (paragraphs 2.116 to 2.122 in Annex A & paragraphs 2.99 to 2.115 in Annex B)
(a) land north of Totton, east of the A36/A326 (maps INSP1 in Annex A and LA1 in Annex B);

Boundary sections 3 - 10 (paragraphs 3.290 to 3.319 in Annex A & paragraphs 3.242 to 3.289 in Annex B)
(b) land from Eling to Marchwood, between the A326 and the coast (maps INSP2 in Annex A and LA2 in Annex B);
(c) land from Marchwood to Hythe (Dibden), between the A326 and the coast (maps INSP3 in Annex A and LA3 in Annex B);
(d) land in the Frost Lane area and coastal strip (maps INSP4/4A in Annex A and LA4/4A in Annex B);
(e) land south of Holbury, to the east of the Roman Road from Lynwood Farm to Kings Copse Road (maps INSP5 in Annex A and LA5 in Annex B);
(f) in the Fawley to Calshott area, the marshes SSSI area north of Ashlett (maps INSP6 in Annex A and LA6 in Annex B);

(g) the town of Lymington plus the area to the south (down to north of Pennington/ Keyhaven marshes and west of Lower Pennington/ Keyhaven) (maps INSP10/10A in Annex A and LA10/10A in Annex B);
(h) land south of Silver Street, east of Hordle up to and including the Broadmead development (maps INSP11 in Annex A and LA11 in Annex B);

Boundary Sections 13 - 15 (paragraphs 5.329 to 5.349 in Annex A & paragraphs 5.266 to 5.328 in Annex B)
(i) land in the Avon Valley, retracting the boundary to the western boundary of the New Forest Heritage Area, except for an area around Bisterne (maps INSP12-14A in Annex A and LA12-14A in Annex B);
(j) the towns of Ringwood and Fordingbridge and the village of Breamore (maps INSP15-17 in Annex A and LA15-17 in Annex B);

He is supported in his views by the Landscape Assessor, except for in relation to the areas (c) and (k) above. Their reasons are given in the report extracts at Annexes A and B to this letter, as are details of the land concerned (see references above).

14. The Minister accepts the Inspector’s reasoning on all the above, with the exception of areas (c) and (k), where he agrees the Landscape Assessor’s views. **The Minister has decided** to agree the above exclusions, apart from (c) and (k) where he has decided to take the boundary line as recommended by the Landscape Assessor. The Landscape Assessor’s line is shown on maps 3 and 19/20 to Annex B. The Minister’s reasoning behind his decisions follows at paragraphs 15 to 23.

**Minister’s modifications to the land recommended for exclusion**

15. Area (c) Marchwood to Hythe (Dibden), between the A326 and the coast

The Minister has dealt with this area in two parts - (i) the reclaimed land and (ii) the area between the reclaimed land and the A326.

(i) **The Minister agrees** with the Inspector’s recommendation, supported by the Landscape Assessor, that the reclaimed land at Dibden should be excluded from the National Park as it does not meet either of the National Park criteria.

(ii) **The Minister has decided** not to accept the Inspector’s recommendation to exclude the area that lies between the western edge of the reclaimed land and the A326, except for Pumpfield Farm which will be excluded.

16. In making these decisions he has considered the opposing views of the Inspector and the Landscape Assessor on whether the area meets the natural beauty criterion. The Minister has noted the Inspector’s comments in support of his judgement that the area falls below the necessary qualifying level on natural beauty. In particular, he has considered the Inspector’s comments in paragraph 3.290 in Annex A, that the urban fringes “exercise powerful influences and a considerable amount of residential and commercial ribbon development is strung out along the busy local roads” and “there is a marked contrast between the area in question and the much more rural and peaceful countryside to the west between the A326 and the perambulation.” Against this, the Minister has balanced the Landscape Assessor’s observations in Annex B. In particular he has noted her references in paragraph 3.256 to the older historic shoreline and the fine distant views across to the waterside and occasionally into the heart of the New Forest and in paragraph 3.257 that “This farmland, the small scattered village settlement at Dibden and the fine vernacular feature of Dibden church, and the manicured but well treed fairways of the golf course, are all set in a
relatively tranquil landscape with little intrusion from the A326 which is mainly in cutting or the rail line which has relatively infrequent and low speed use."

17. Whilst the area as a whole may not uniformly meet the natural beauty criterion, the Minister is persuaded by the Landscape assessor's arguments that much of it is acceptable. Overall, the Minister takes the view that it satisfies the appropriate standard. The Minister considers that development is largely low density, residential and the area retains a sense of relatively rural character. Also there are fairly large fragments of woodland and hedges dispersed amongst pastoral landscape. These aspects suggest connectivity with the Forest landscape. If the area is excluded from the National Park, it will no longer have the benefit of the strong planning protection it currently has, as the New Forest Heritage Area will cease to exist. The Minister sees a real danger that the loss of planning protection will lead to further urban encroachment resulting in a severe loss of the remaining natural beauty of the area.

18. The Minister takes full note of the Inspector’s view in paragraph 3.303 in Annex A that opportunities for open-air recreation are rather limited and fall far short of offering a markedly superior recreational experience. However, he also notes the Inspector’s statement in paragraph 3.302 that the footpath along the old shoreline offers interesting views of different environments and provides a quiet and peaceful recreational route and in paragraph 3.304 that “No doubt there is potential for improvement to the rights of way network to create better links...”. The Minister concludes that the opportunities currently available, although not of a superior quality, have potential and are sufficient to meet the recreation criteria. The Minister concludes that the area between the western edge of the Dibden Reclaim and the A326 does meet the criteria for National Parks and should be included within the boundary.

19. Area (k) North of the A36, the land from Whiteparish Common up to and including Landfordwood

The Minister has decided not to accept the Inspector’s recommendation to exclude all the land within the Designation Order boundary that lies to the north of the A36. He agrees with the Inspector and the Landscape Assessor that most of the area should be excluded but supports the Landscape Assessor’s view that an area at the western end, around Whiteparish and Landfordwood, should be included.

20. In making this decision the Minister has considered both the Inspector’s and the Landscape Assessor’s reports on the area. He notes the Landscape Assessor’s statement in paragraph 6.99 of Annex B that she found “Whiteparish Common to be the most northerly extension of the New Forest ancient woodland SSSI which has typical New Forest pastoral wood character with a sense of remoteness and considerable landscape quality, forming part of a complex of woods stretching south west into the Perambulation....”. He also notes the Inspector’s support for this view in paragraph 6.140 of Annex A, where he states that “an area bounded by the western and northern limits of the
Whiteparish Common cSAC, Park Water and the boundary recommended by the Assessor in the vicinity of Landfordwood can be considered to meet both of the criteria.”

21. The Minister has carefully considered the need to provide a clearly defined boundary in view of the Inspector’s recommendation that, on balance, “...this area should not be included in the NFNP” because the busy A36 “…forms such a robust and clearly identifiable boundary…” between the extensive tract of qualifying land to the south and the land to the north which, apart from this small area, does not meet the criteria. He agrees the Assessor’s comment in paragraph 6.119 of Annex B that ”The challenge is to define a meaningful boundary that includes all the land meeting the natural beauty criterion well, with a robust, legible and coherent boundary without compromising National Park standards.” Whilst the inclusion of a small area north of the A36 gives a less straightforward boundary, the Minister has decided that the use of a strong feature as the boundary, such as the A36, is not sufficient reason to exclude land that meets the criteria for a National Park and that is evidently connected to woodland that stretches across the A36 into the perambulation, which is within the Park boundary.

22. The Minister concludes that the area around Whiteparish and Landfordwood should be included in the National Park.

23. There is no statutory requirement for further public consultation on land that was within the Designation Order boundary but is excluded from the final boundary, or where the Secretary of State decides to retain land the Inspector had recommended for exclusion.

**Final Boundary**

24. A full written description of the final boundary will be produced with the confirmation of the Designation Order.

**Revocation Order for the Area of Outstanding Natural Beauty**

25. **The Minister has decided** that, in agreeing to confirm the National Park Designation Order, he will confirm the Order revoking the South Hampshire Coast Area of Outstanding Natural Beauty.

26. The boundary for the National Park, which the Minister is minded to accept, takes in all the land currently within the South Hampshire Coast Area of Outstanding Natural Beauty, with the exception of a small area south of Lymington and west of Lower Pennington. The Inspector and Landscape Assessor judge this area as no longer meeting the natural beauty criterion for an Area of Outstanding Natural Beauty or a National Park. The Minister accepts that judgement.
**Appropriateness of a National Park Authority**

27. The designation of a National Park under the National Parks and Access to the Countryside Act 1949 raises the separate but related issue of appropriate management and administration measures. It was decided that the inquiry into the Designation Order should be extended to hear representations on management and administration measures and consider whether a National Park authority established under the Environment Act 1995 would be appropriate for the New Forest and, if so, how might it best be established and operate.

28. The Minister has decided that, in line with the Inspector’s recommendation, a National Park Authority will be established in accordance with the provisions of section 63 of the Environment Act 1995.

**Government Advice to the National Park Authority**

29. The inquiry also considered the Countryside Agency’s advice to Government on how a National Park authority might operate in order to recognise the special characteristics of the New Forest. The Inspector found the advice to be appropriate, although he has recommended a few adjustments.

30. The Minister is considering the Inspector’s recommendations on the administrative arrangements and the advice provided by the Countryside Agency. In due course, Government guidance will be issued to the New Forest National Park Authority on how it should operate to take account of the special characteristics of the New Forest.

**Right to challenge the decision**

31. Under Part III of the First Schedule to the National Parks and Access to the Countryside Act 1949, any person wishing to question the validity of the Order may make an application to the High Court within six weeks after the date of publication of notice of the confirmation of the Order. A High Court challenge should not, therefore, be made at this stage. The application must be made on the grounds that the Order is not within the powers of this Act or that any requirement of this Act, or of any regulation made under this Act, has not been complied with in relation to the making or confirmation of the Order.

**Copies of the full Inquiry Report**

32. The full Inquiry report may be viewed on the Defra website at
A paper copy (250 pages) can be provided on request to the address at the top of the letter.

33. This letter has been sent to all those who were heard at the inquiry or who have registered an interest in receiving the report, to local Members of Parliament, to the relevant Local Authorities and all other interested parties.

Yours faithfully

Gillian Lewisohn
Authorised by the Minister of State for Rural Affairs and Local Environmental Quality to sign on that behalf

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Annexes
A Extract from the Inspector’s report
B Extract from the Landscape Assessor’s report