Appendix 1

LANDSCAPE ASSESSOR’S GENERAL REPORT ON ISSUES RELATING TO THE NATURAL BEAUTY CRITERION

Introduction

I was appointed as Landscape Assessor to assist the Inspector at the New Forest National Park Inquiry in the consideration of landscape matters. This is my report to the Inspector on matters concerning the natural beauty designation criterion.

The main purpose of my report is to examine the Countryside Agency’s approach to identifying (a) the nature and extent of the New Forest landscape and (b) those areas which possess outstanding natural beauty and therefore merit inclusion in a National Park against the first criterion. I also examine the boundary in relation to the many objections made to the Designation Order and pursued either at the inquiry or in writing.

National Parks in England are defined in statute on the basis that they comprise ‘extensive tracts of country’ satisfying the two statutory designation criteria of “Natural Beauty” and “Opportunities for open-air recreation”. The Natural Beauty criterion is intrinsically connected to the physical and aesthetic state and qualities of the landscape. My report therefore focuses on the Agency’s interpretation and recognition of the Natural Beauty criterion and where appropriate considers any connections to the second criterion such as the (recreational) experience of the landscape of the New Forest.

In particular the report will:-

1. Consider the development of legislation and policy guidance relating to the identification of Natural Beauty and its application in the definition of National Parks in England and Wales.

2. Examine the key conceptual matters relating to the Natural Beauty criterion arising from particular objections to the Designation Order and the Countryside Agency’s responses to these.

3. Consider relevant Core Documents for the explanations they offer on the development of understanding of the landscape of the New Forest area, as published and commissioned by the Countryside Agency and others in the last 10-15 years.

4. Examine past and present evaluations of the New Forest countryside through tools such as landscape character assessment and other methods of
defining and making judgements about landscape quality advocated by the Countryside Agency and the objectors.

5. Draw conclusions on the validity of the proposed National Park boundary as defined in the Designation Order and where necessary make recommendations for boundary revisions based on the Natural Beauty criterion. This is achieved by:-

a) determining whether the Natural Beauty criterion is met in the area proposed for National Park status; and

b) where necessary, recommending modifications to the detailed alignment of the boundary in the Designation Order.

To avoid repetition the following abbreviations are frequently used throughout the report:

- NFNP: New Forest National Park
- NFHA: New Forest Heritage Area
- CA: Countryside Agency
- NB: Natural Beauty (criterion)
- LC: Landscape character
- LCA: Landscape character assessment
- LCT: Landscape character type
- MSRE: Markedly Superior Recreational Experience
- HDPS: Historic Dispersed Pastoral System
- NFDC: New Forest District Council
- LUC: Land Use Consultants
- ERM: Environmental Resources Management Consultants

Rebecca A. Hughes FLI
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Key Core Documents covering the Natural Beauty criterion and the New Forest Landscape.

The following is a list of the core documents that I have assessed in relation to the natural beauty criterion and which cover the extent and nature of the landscape included in the Designation Order

CD104    NFNP Public Consultation Oct 2000
CD107    NFNP Local Authority Consultation June 2001
CD117    CA Board Paper
CD118    CA Board Paper
CD126    ERM Boundary Study (2001)
CD127/A  Landscape Character Assessment of New Forest District (2001)
CD154    Position Paper 1
CD206    NFHA Boundary Study (LUC1991)
CD207    The New Forest Landscape (1986)
<table>
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<tr>
<th>CD220</th>
<th>The Hampshire Landscape (1993)</th>
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<tr>
<td>CD238</td>
<td>Comparison of the Natural Beauty Criteria for the NFHA and NFNP (2003)</td>
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<tr>
<td>CD 301</td>
<td>The Statutory National Park Criteria, Their Interpretation and Application (2002)</td>
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SECTION 1

LEGISLATION AND POLICY GUIDANCE RELATING TO THE NATURAL BEAUTY CRITERION

Introduction

1.1 In order to ascertain the way in which the natural beauty criterion has been applied by the Agency in defining the land that qualifies for NFNP designation, it is necessary to examine the legislation and policy guidance that covers this criterion and the way in which the CA have interpreted it.

The Statutory National Park Criteria, Their interpretation and Application (CD 301)

Analysis in Relation to the Natural Beauty Criterion

1.2 This Core Document was produced by the Countryside Agency at the request of the Inspector during the course of the Public Inquiry. It provides the Agency’s ‘audit trail’ of the way in which they have interpreted and applied the statutory national park designation criteria in the context of preparing the Designation Order for the New Forest National Park (NFNP).

1.3 My analysis of this document seeks to establish whether the CA have undertaken what is required in statute with regard to the natural beauty criterion and where any remaining questions lie. A key area is the development of the Agency’s interpretation of the National Park designation criteria in response to the requirements of statute.

The Statutory Criteria for National Park Designation

1.4 CD 301 gives details of government legislation, policy documents and reports produced since 1945 which have been instrumental in developing the concept of, and defining the criteria for, National Parks in England and Wales. With regard to the terms and wording of the natural beauty criterion the key material is:

1945    White Paper on National Parks in England and Wales (Dower Report)
1947    Report of the National Parks Committee (the Hobhouse Report)
1949    National Parks and Access to the Countryside Act
1974    Report of the National Park Policies Review Committee (the Sandford Report)

1995 Environment Act, section 62

1996 DOE Circular 12/96 para 8

Key Statements Regarding Natural Beauty and National Parks

1945 Dower Report

1.5 This “gave shape to the concept of National Parks” (CD 301) and defined a National Park as:
“an extensive area of beautiful and relatively wild country in which………..
the characteristic landscape beauty is strictly preserved.”

1947 Report of the National Parks Committee (known as the Hobhouse Report)

1.6 This seminal report, which predated and provided guidance for the preparation of the 1949 Act contains (at paragraphs 33-45) sections on the selection of possible areas and a consideration of boundary-making factors.

1.7 The CA note that in paragraph 35 the report focused on factors relevant to the selection of a National Park:-

“The essential requirements of a National Park are that it should be of great natural beauty, high value for recreation and substantial continuous extent……………….. Lastly there is merit in variety; and with the wide diversity of landscape that is available in England and Wales, it would be wrong to confine the selection of NP’s to the more rugged areas of mountain and moorland, and to exclude other districts which, though of lesser grandeur, have their own distinct beauty …………..”

1.8 Paragraph 43 contains critical explanations of “Factors in Boundary-Making” listed a)-g). These were drawn on and updated by the CA for the purpose of defining the boundary included in the Designation Order. The Agency’s ‘updated’ Hobhouse criteria are set out in Table 2 on page 7 of CD 104. The contents of this table were frequently challenged by objectors at the Inquiry.

1.9 Interestingly, although landscape diversity was recognised as a potential merit in paragraph 35 of the Hobhouse report (as quoted above) the New Forest was not then listed as an area recommended for designation as a National Park, although it was mentioned in a footnote on page 6 of the earlier Dower Report. Of the 12 areas that were so listed by Hobhouse, only 3 were located in the lowlands, the remainder consisting of upland areas in England and Wales. It was not until much later in the 1974 Sandford Report that
greater landscape diversity of potential new national parks was encouraged. The 1991 Edwards Report also stated that certain lowland areas could possibly have the necessary scenic attributes to merit national park status (see later paragraphs in this section).

THE 1949 ACT, AS AMENDED BY THE ENVIRONMENT ACT 1995

1.9 This Act sets down the statutory criteria for National Park designation, the statutory purposes of National Parks, and the roles of (what is now) the CA in making designations and the Minister in confirming them.

1.11 Section 5 is critical in stating that: (my high-lighting)

(2)“The said areas are those extensive tracts of country in England and Wales as to which it appears to the Agency that by reason of –
    a) their natural beauty, and
    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 mentioned in the last foregoing subsection.

(3) The said areas, as for the time being designated by order made by the Agency and submitted to and confirmed by the Minister, shall be known as, and are hereinafter referred to as National Parks.”

Also, Section 114 of the Act states

“(2) references in this Act to the preservation, or conservation of the natural beauty of an area shall be construed as including references to the preservation or, as the case may be, the conservation of its flora, fauna and geological and physiographical features.”

1.12 This indicates that some of the terms used in the Act allow considerable scope for judgement by the CA, for example in terms such as “as to which it appears to the Agency” I deduce from this that the Agency is expected to use its judgement in deciding which areas of countryside fulfil the criteria and qualify for National Park status.

1.13 I therefore find (as is indicated in paragraph 7 of CD 301) that the 1949 Act

• gives the Agency the duty to designate areas which fulfil the criteria
• does not fully define natural beauty but states that certain aspects be included
• allocates some discretion to the Agency to define extensive tracts of country
• requires the Agency to use its judgement in determining areas which meet the statutory criteria
1.14 In terms of the purposes of National Park designation the Act states in Section 5:

“(1) The provisions of this part of this Act shall have effect for the **purpose**
a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next and following subsection; and
b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public”

**REVIEWS OF NATIONAL PARK POLICY SINCE 1949**

1.15 The two major reviews of National Park policy in 1974 and 1991 did not result in any amendment of the natural beauty criterion.

1.16 However with regard to national park purposes, the Sandford Report recommended that if a conflict arises between the two purposes specified in section 5(1) of the Act greater weight shall be attached to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area. This later became enshrined in section 62(2) of the Environment Act 1995 and known as the “the Sandford principle”.

1.17 In the second review the 1991 Edwards Report further described the key attributes of the landscape of national parks as:

“the striking quality and remoteness of much of this scenery, the harmony between man and nature it displays........such qualities can be found in lowland areas too, in forests, heathlands and downs for example, but in our view, if an area is to merit the title “National Park”, these qualities must be combined over extensive tracts of distinctive countryside which provide a sense of wildness”

1.18 **1993 Inspector’s Report of the Dartmoor National Park (Designation) Variation Order 1990**

The Inspector’s report on this inquiry is the most recent occasion on which the statutory criteria have been tested. The report contained useful discussion on two issues that relate to the 1947 “Hobhouse” advice on boundary definition issues, namely that:

i) “a review only had to consider the current state of land........an area did not qualify for national park designation because it had potential: it had to be of the required standard at designation.”

ii) with regard to National Parks as “extensive tract(s) of country” the report concluded that “national parks had to comprise extensive tracts of country which are outstanding in terms of natural beauty…”

1.19 The report also stated in paragraph 2.22 that the “**critical test for boundary making in this case was whether the landscape was of both**
**Dartmoor character and national quality.** It thereby recognised the critical need for the presence of both typical landscape character and outstanding landscape quality.

### 1996 Department of the Environment Circular 12/96

1.20 The following statement from paragraph 8 of the Circular is important for various elements of the CA’s case in relation to the NFNP:-

National Parks are “....areas of exceptional natural beauty. They contain important wildlife species and habitats, many of which have been designated as being of national or international interest. But the parks are also living and working landscapes and over the centuries their natural beauty has been moulded by the influence of human activity. Their character is reflected in local traditions which have influenced farming and other land management practices. It is also reflected in the local building material and vernacular style, monuments and landscape, often of archaeological or historical significance, and in the words, customs, crafts and art which mark the individual characteristics of each Park.”

1.21 The Circular also gives guidance in paragraph 11 on “identifying the nature of the special qualities” of a Park (albeit as a duty of a national park authority):

“Particular emphasis should be placed on identifying those qualities associated with their wide open spaces, and the wildness and tranquillity which are to be found within them”.

1.22 From this I deduce that it would be important for the CA to consider (as part of the exercise of seeking areas that meet the natural beauty criterion) these less tangible landscape elements, such as wildness, as well as other physical attributes, that can contribute to an experience of landscape and may also contribute to providing “a markedly superior recreational experience”. The intangible elements of natural beauty as defined by the CA in Table 1 of CD 104 therefore connect to the consideration of areas that may meet the second criterion of recreational opportunity and enjoyment.

### Development of Countryside Agency Policy and guidance regarding the natural beauty criterion

1.23 CA policy papers, publications and Ministerial correspondence relevant to the interpretation of (both) the statutory criteria are:

<table>
<thead>
<tr>
<th>Date</th>
<th>Correspondence</th>
</tr>
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<tbody>
<tr>
<td>29 September 1999</td>
<td>Letter from Michael Meacher to CA</td>
</tr>
<tr>
<td>February 2000</td>
<td>Board Paper (CD114)</td>
</tr>
<tr>
<td>16 March 2000</td>
<td>Letter from CA to Michael Meacher</td>
</tr>
<tr>
<td>8 May 2000</td>
<td>Letter from Michael Meacher to CA</td>
</tr>
<tr>
<td>October 2000</td>
<td>New Forest National Park Draft Boundary (CA19/CD104)</td>
</tr>
</tbody>
</table>
The letter from Michael Meacher of 29th September 1999 required the CA to reconsider its policy for the application of the statutory criteria as set out in the 1949 Act. The CA did so in Board Paper 00/03 (CD 114) and reflected that future National Park designations were likely to be derived from AONBs which are subject to the same test for natural beauty. The bulk of the policy review therefore focused on the recreation criterion.

The policy review did not attempt to define natural beauty more exactly, and in paragraph 6 explained that “The Board expressly decided against using precisely defined measures for each of the statutory criteria, agreeing that decisions to designate will always involve a strong element of judgement, subjective to some extent.”

However Annex 2 to the review provided a checklist to aid application of the criteria. This checklist covers natural beauty as follows:

“Natural Beauty

Quality of landscape, brought about through:

- Distinctiveness and local character
- Harmony between man and nature
- Sense of relative wildness
- Diversity of quality habitats

Plus an additional requirement for positive management of the area, so that the natural beauty can be reasonably secured and enhanced.”

Development of Guidance on Landscape Character Assessment

Between 1987-2002 the CA developed and produced guidance for the assessment of landscape character in the wider countryside. This guidance also contains references to recognising natural beauty in cherished landscapes. While these publications are not policy as such, they state the CA-approved approach for recognising the character and diversity of all landscapes, and set out some guidance on deciphering landscape quality and valued landscapes. These publications are:

1987    CA’s Landscape Assessment Guidance
1993    CA’s Landscape Assessment Guidance (Appendix Q, CD 301)
1999    CA/SNH Interim Landscape Character Assessment Guidance (CD 208)
2002    CA/SNH Landscape Character Assessment: Guidance for England and Scotland (CD 229)
1.28 The 1993 Guidance furthered the description of natural beauty (p4) as: "...in addition to the scenic or visual dimension of landscape, there is a whole range of other dimensions, including geology, topography, soils, ecology, archaeology, landscape history, land use, architecture and cultural associations. All these factors have influenced the formation of landscape, and continue to affect the way in which it is experienced and valued. Cherished landscapes can be said to have a natural beauty. The term embraces all of the dimensions of the landscape listed above, and also implies that the landscape is more than the sum of its component parts."

1.29 All these publications explain the process and evolution of landscape character assessment (LCA) which was devised to identify and describe different landscapes throughout the country. The approach as described in the 1999 version was applied by the CA and their consultants for describing, defining and assessing the landscape character of the New Forest area. In my view the use of this technique now carries a high degree of consensus as a tool used by landscape professionals throughout the UK for describing and assessing various types of landscape for different purposes. The 2002 guidance contains some subtle changes to the definitions but is essentially the same in content, if more refined. Both the 1999 and 2002 versions state definitions for landscape character and landscape quality and value, and indicate the process to be followed in making a national landscape designation, all of which are examined further in my Section 4.

Subsequent Landscape Analysis (See also Section 2 of this report)

1.30 Landscape character assessment was used to establish the “extensive tract of countryside” which it is necessary to examine in the search for an area worthy of designation as the NFNP. The LCA of the wider area contained within CD 209 and 127 also provided material to assist in the search for a suitable boundary for the NFNP as described in CD 126. Likewise the LCA carried out in 1991 by LUC to inform the earlier designation process for the NFHA (as described in CD 207) was also used as background material for the landscape assessment of the NFNP. A more detailed description of the development of the NFHA is given at the end of section 1 below.

Assessing Potential

1.31 In para 41-42 of CD 301 the Agency declare their approach to be consistent with statute and precedent. That approach is concerned with the current quality of the landscape in terms of its natural beauty and not its potential for enhancement to qualifying standard at some point in the future.

Interpreting the Statutory Criteria in the New Forest National Park

1.32 At paragraphs 45-53 in CD 301 the CA define the pathway that led to the production of one of the key documents at the Inquiry - that is CD 104, and particularly Tables 1 and 2.
1.33 Table 1 on page 6 explains the CA’s approach to interpreting the statutory criteria for the NFNP, the first being natural beauty. The natural beauty criterion is interpreted in the following terms:

- “Natural beauty implies a landscape of outstanding national or international importance

- It is defined to embrace flora, fauna, geological and physiographical features. Archaeological, historical, cultural, architectural, and vernacular features are also included (in accordance with guidance and precedent)

- A key concept is that of landscape quality. This is a function of distinctive character, presence of key characteristics, absence of atypical or incongruous features, and the state of repair of the landscape, as well as how intact it is.

- Visual, intangible, ecological, historical and cultural characteristics, features and values are all relevant to natural; beauty and landscape quality

- In the New Forest, the historic dispersed pastoral system is a key cultural characteristic that created and helps to maintain New Forest character, and as such should be taken into account in designation.”

1.34 Following on from this Table 2 (p7) defines the CA’s approach to defining National Park boundaries and their updating of the Hobhouse criteria. This was approved by the CA Board in July 2000 via the report at Annex 2 of CD116. The updated criteria drew heavily on the original Hobhouse report and criteria but also reflected “the new duties of National Park Authorities under the Environment Act, the development of the plan-led system…..and our modern understanding of landscape quality and character and countryside recreation”. This updating process was commented upon by government in November 2000 as a “sensible way of proceeding.”

1.35 With regard to the natural beauty criterion the approaches defined in Table 2 p7 of CD 104 under 1, 2a, 2b, 2d, 2e, 2f, 2h, 2j and 4 are most pertinent and relate to the discussion on issues and concepts in Section 3 and 4 of this report.

The History of the New Forest Heritage Area

Origin of the concept

1.36 The NFHA arose from discussions at the inquiry into the Forest and Downlands Villages Local Plan, placed on deposit in 1983. This followed the Secretary of State’s approval of the South West Hampshire Structure Plan in 1982 and his decision to select the Perambulation as the boundary for a set of restrictive strategic planning policies for the New Forest, including the Green Belt.

1.37 At the local plan inquiry objectors expressed concern that the Perambulation was too restricted as a boundary for planning policy purposes
because it excluded a considerable vulnerable area which should be treated as part of the Forest for all practical purposes and afforded the same policy protection. NFDC expressed sympathy with that view and floated the idea of a wider designation for the New Forest to be adopted “for town and country planning purposes.”

1.38 The Inspector’s report (April 1984) recognised and supported the need for a wider designation but recommended that the plan should not be modified to include such a concept at that stage because the necessary process of consultation would delay adoption.

1.39 In August 1984 the Council issued a consultation note proposing a New Forest Heritage Area. This concept received widespread support and in August 1985 an NFHA policy statement and map was adopted after a further period of consultation. The boundary shown on the map was said to include “all open forest and Crown Inclosures and freeholds, together with the minimum essential pool of private farmland within and around the open forest for the long term sustenance of the socio-economic pastoral system of the New Forest in its entirety”.

1.40 The boundary of the NFHA was to be included within local plans for New Forest and surrounding Districts as they were progressed. The following boundary-drawing criteria were used:

(i) To include peripheral farmland which is or has recently been used as grazing land in connection with the New Forest, or which is part of an area which could be suitable to be utilised for grazing related to the Forest (whether with Forest Rights or not) so as in aggregate to include a sufficient “pool” of land to provide an adequate supply of back-up land in the long term. Convenience of access to the open forest has also been considered in this context.

(ii) To include sufficient land adjoining the open forest to ensure the continuity of local ecological habitats without disruption.

(iii) To include land of exceptional landscape quality historically associated with views of or from the New Forest.

(iv) Where it would not be included by other criteria, to include a minimum of land beyond the open forest to help avoid possible development which would be intrusive within the open forest landscape.

(v) Wherever possible to utilise easily recognised physical boundaries (eg roads or rivers).

Further development of the NFHA up to the LUC report

1.41 The concept of the NFHA was taken up on a wider front by the New Forest Review Group. This was a body set up by the Forestry Commission in
1986 to examine the measures that already existed to safeguard the forest and identify what further measures may be needed to maintain its unique character. The Group comprised representatives of the Forestry Commission, the Nature Conservancy Council, the Countryside Commission, Hampshire County Council, New Forest District Council and the Verderers.

1.42 The Review Group’s Consultation report, published in 1987, strongly advocated the recognition of a wider New Forest to embrace land around the Perambulation comprising enclosed land and settlements which had strong visual and historic links with the Forest and provided off-Forest grazing land needed to sustain commoning. Among their main recommendations were that the Heritage Area should be of the same extent as the wider New Forest; that the existence of the NFHA should be recognised in all relevant development plans; that Government recognition should be sought for the NFHA as an area of the highest national and international status equivalent to that of a national park; and that a new committee should be set up to promote and co-ordinate measures to ensure the conservation of the New Forest.

1.43 In the Government’s response to the report in March 1990 the Minister of Agriculture endorsed the establishment of the New Forest Committee but stated that the Government could not accept “that all the lands within the Heritage Area can be described as being of the highest national and international importance.” He therefore took “the view that the way forward would be for Heritage Area Committee to agree revised boundaries to incorporate essential grazing land as well as the best of the landscape around the Forest’s perambulation in consultation with the Countryside Commission as appropriate. Within such a Heritage Area there might reasonably be a case for applying similar land management policies as those which normally apply in a National Park, but this parallel drawn with National Parks should not be interpreted as a sign that the Government is persuaded of the need for new mechanisms or controls. We would stress the importance of adopting a flexible approach towards the administration of the New Forest and, given that most of the area within the perambulation is Crown land, we agree with the report’s conclusions that National Park designation would be an over-bureaucratic and unnecessary approach.”

1.44 The Heritage Area Committee (now known as the New Forest Committee) was formally established in June 1990. The boundary review requested by Government was taken as one of its priority tasks with the aim of securing Government recognition that the area had equal status with the National Parks. Land Use Consultants (LUC) were commissioned to advise the Committee in carrying out this task.

1.45 Two principal and fundamental criteria were taken as the basis for defining the revised boundary (CD206 paragraph 1.6):

(i) to incorporate the land of outstanding national importance for its natural beauty, including flora, fauna, geological and physiographic features, and elements arising from human influences on the landscape,
including archaeological, historical, cultural, architectural and vernacular features;

(ii) to incorporate essential grazing land. This will include peripheral farmland which is or has recently been used as grazing land in conjunction with the New Forest, or which is part of an area which could be suitable to be utilised for grazing relating to the Forest (whether with Forest Rights or not) so as in aggregate to include a sufficient pool of land to provide an adequate supply of back-up land and the continued functioning of the historic dispersed pastoral regime relating to New Forest commoning in the long term. Convenience of access to the open forest should also be considered in this context.

1.46 Within the context of these two principal criteria, the Committee also indicated (CD206 para 1.7) that the detailed alignment of the boundary should take into account the need to:

(i) incorporate the minimum area of land beyond the open forest which is essential to protect important open forest landscapes in the long term:

(ii) ensure the continuity of local ecological habitats between the open forest and adjoining land;

(iii) utilise wherever possible easily recognisable physical features such as roads or rivers.

1.47 The New Forest Review Group suggested that the aim was “to define the broad landscape area which has a common identity recognisable as the New Forest landscape, even though there may be variations in the types of landscapes which occur within it” (CD206 para 1.9).

1.48 LUC reported in June 1991, recommending a more extensive NFHA than that defined by the NFDC/NF Review Group and commented upon by the Minister (331/1/3 app 3 para 4.19) as not being of the highest national and international importance. Some minor changes were made after a period of consultation, mainly concerning exclusion of areas planned for development (eg Testwood Lakes) and the NFHA was then progressively incorporated into the relevant Local Plans for the New Forest and other neighbouring Districts.

Subsequent development of the NFHA through Local Plans

1.49 In 1992 the NFHA boundary resulting from consultation after the LUC report was tested and refined at the local plan inquiry into Proposed Modifications to the Avon Valley Local Plan, the Coastal Towns Local Plan, and the Forest and Downlands Local Plan. As an outcome of the inquiry some relatively small changes were made around the margins of the NFHA, including some relating to areas that were again in contention at the NFNMP inquiry.
1.50 In 1994 a Government press release (CD4) extended protective planning policies to the NFHA as if it were a National Park. The area so protected was said to be the NFHA “as it emerges from the current process of preparing and adopting local plans”.

1.51 The press release also stated that “A number of representations have been made to include the Avon Valley in the Heritage Area. I have therefore also today written to New Forest District Council asking them to look closely at the merits of this and consider whether there is a case for incorporating the area concerned.”

1.52 In 1996-97 the Avon Valley between Ibsley and Fordingbridge was considered for inclusion at the New Forest District Local Plan Inquiry. However, the outcome was that only minor changes were made to the boundary of the NFHA.
SECTION 2

COMPARISON OF THE LANDSCAPE ASSESSMENTS FOR THE NEW FOREST HERITAGE AREA (NFHA) AND THE NEW FOREST NATIONAL PARK (NFNP)

2.1 In order to ascertain and understand the differences in the geographical extent of the land included within the NFHA and the NFNP it is useful first to examine the landscape character assessments (LCAs) undertaken for the two designations.

A. GEOGRAPHICAL DIFFERENCES AT THE BOUNDARIES

EAST

2.2 The CA used a low topographic ridge to lead the definition of this boundary edge. This ridge runs slightly inland but in parallel with the west shoreline of Southampton Water increasing from south to north in height and presence. This feature provides long distance views to and from the Forest. However the CA boundary also runs down to Mean Low Water (MLW) in 4 places: at Eling, Dibden, Frost Lane and Ashlett. These are the only areas that have not been subjected to the extensive housing and industrial development of the west Waterside area since the middle of the last century. The result is that the shoreline and coastal marshes provide over 50% of the eastern boundary of the NFNP.

2.3 LUC also used the same topographic feature to direct boundary definition of the NFHA but more exactly by taking the top of the ridge line as the outer edge plus the line of the A326 where the ridge fades. More limited departures from this line were also defined at Eling, Dibden and Ashlett. There were differences from the CA’s approach at Frost Lane, which was not included in the NFHA, and at Dibden where the old shoreline formed the boundary, thereby entirely excluding the reclaim, and at Calshot where all the shoreline south of Ashlett including the Point was also omitted.

SOUTH

2.4 The principal differences between the NFHA & the NFNP occur in the middle section of this boundary where the NFHA excludes Lymington (as did the AONB) and pulls back much further inland than the NFNP boundary. The NFHA therefore excludes a larger area of countryside both north of Lymington and in the more built up coastal areas between Milford and Highcliffe. The NFNP boundary also includes a section of land west of Lymington following the Avon Water linking the Forest to the coastal land south of the town, including Pennington and Lymington Marina.

2.5 The section between Lymington and Calshot is treated much the same in both the NFHA and the NFNP apart from at Calshot where the NFHA
excludes the village, the spit and Fawley power station. The CA’s NFNP boundary excludes only the ‘island’ of Fawley Power Station.

WEST

2.6 In this section the NFHA line has been drawn quite rigorously, keeping to the Forest core and Forest edge landscapes below Ringwood and completely excluding river terrace and floodplain landscapes. LUC considered that these landscape types showed ‘few of the characteristic features which give the New Forest its natural beauty’ (CD 106 para 2.25). Above Ringwood the landscape types are somewhat more intertwined and the inclusion of certain areas was affected by issues related to the NFHA back-up grazing criterion. As a result the NFHA boundary here is in places less easily defined in terms of landscape types.

2.7 The NFNP line in the Avon Valley generally takes in all the valley landscapes including meadow land and river terrace farmlands and even extends beyond these to include the lowland heaths of Town Common, the Matchams View-related commons, and the manorial green of Breamore and part of the village.

NORTH

2.7 An extensive landscape transition zone exists between the landscapes of the NFNP and that of the Downlands to the north. The NFHA & NFNP boundaries generally concur in this area except at Redlynch, where more of the village has been included in the NFNP, and at Moor Lane, south of Newton Farm, where again a small section of land up to the road has been added to the NFNP. Between Cowesfield Green and Plaitford Green a large additional section of land north of the River Blackwater covering Melchet Park up to A27 was brought in to the NFNP. From Plaitford Green eastwards, the NFHA and NFNP again concur as far as the Ower roundabout on the A36 after which they diverge. The NFNP boundary continues to follow the River Blackwater until it reaches the Calmore Industrial Estate on the north side of Totton. In this vicinity the NFHA boundary follows the A36T/A326 from the Ower roundabout to Brooke’s Hill and then (after the High Court decision of 25 Jan 2002) continues to follow the A326 to the Loperwood Lane crossing on the northwest side of Totton.
B. LANDSCAPE CHARACTER TYPE DIFFERENCES AT THE BOUNDARIES

Dominant and Subsidiary Landscape Character Types in NFHA & NFNP Boundary Areas

2.8 NFHA

East: dominated by Type 3 & 5 with 1, 4 & 6
South: “ “ “ 2 & 4 with 3, 6 & 8
West: “ “ “ 2, 4 & 10 with 5
North: “ “ “ 5 with 2 & 3

2.9 NFNP

East: Coastal fringe (dominant)
River Floodplain
Enclosed Valley sides

South: Coastal Fringe (dominant)
Coastal Plain Estates Small
Coastal Plain Estates Large
Ancient Forest Farmlands

West: Floodplain (dominant)
River Terrace Farmlands
Enclosed Farmland & Woodland

North: Ancient Forest Farmlands (dominant)
Heath Associated Small Holdings & Dwellings

2.10 Table 1

<table>
<thead>
<tr>
<th>Heritage Area Dominant Boundary LCT's</th>
<th>East</th>
<th>South</th>
<th>West</th>
<th>North</th>
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</thead>
<tbody>
<tr>
<td>1. Forest Core</td>
<td>○</td>
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<td></td>
<td></td>
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<tr>
<td>2. Heathland Estates</td>
<td>●</td>
<td>●</td>
<td>○</td>
<td></td>
</tr>
<tr>
<td>3. Heathland Smallholdings &amp; Dwellings</td>
<td>●</td>
<td>○</td>
<td></td>
<td>○</td>
</tr>
<tr>
<td>4. Forest Smallholdings &amp; Dwellings</td>
<td>○</td>
<td>●</td>
<td></td>
<td></td>
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<tr>
<td>5. Ancient Forest Farmlands</td>
<td>●</td>
<td>○</td>
<td>○</td>
<td>●</td>
</tr>
<tr>
<td>6. Coastal Estatelands</td>
<td>○</td>
<td>○</td>
<td></td>
<td></td>
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<tr>
<td>7. Urban Fringe Coastlands</td>
<td></td>
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<td></td>
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<tr>
<td>8. Coastal Fringe</td>
<td></td>
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<tr>
<td>9. Terrace Farmlands</td>
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<tr>
<td>10. River Meadowlands</td>
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### 2.11 Table 2

<table>
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<tr>
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<td>1 Coastal Fringe</td>
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<td>2 Coastal Plain Estates Small Parliament Enclosures</td>
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<tr>
<td>3 Coastal Plain Estates Large Informal Enclosures</td>
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<td>○</td>
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<td>4 Urban Areas</td>
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<tr>
<td>5 Heath Associated Estates</td>
<td></td>
<td></td>
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<td>●</td>
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<tr>
<td>6 Heath Associated Small Holdings &amp; Dwellings</td>
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<tr>
<td>7 Ancient Forest Farmlands</td>
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<td>●</td>
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<td>8 Mineral Extraction</td>
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<tr>
<td>9 Heavy Industry</td>
<td></td>
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<tr>
<td>10 Fawley Refinery</td>
<td></td>
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<tr>
<td>11 River Terrace Farmlands</td>
<td>○</td>
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<td></td>
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<tr>
<td>12 River Floodplain</td>
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<td>●</td>
<td></td>
</tr>
<tr>
<td>13 Enclosed Farmland &amp; Woodland</td>
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<td></td>
<td></td>
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<tr>
<td>14 Enclosed Valley Sides</td>
<td></td>
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<tr>
<td>15 Enclosed Arable Farmland</td>
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<td>16 Open Arable Downs</td>
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<td>17 Chalk Down Scarps</td>
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<tr>
<td>21 Historic Parkland</td>
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</tbody>
</table>

2.12 From the above it is apparent that the boundary landscapes of the NFHA and NFNP are quite different not only in their geographical extent but also in the landscape character types (LCTs) that they display. The differences are least in the northern boundary area where there is a large degree of concurrence and common recognition of the extent and existence of a particular landscape character type ie Ancient Forest Farmland (type 5 in HA and type 7 in NP).

The Dominant LCTs on the Boundary of the NFHA and the NFNP

1. Ancient Forest Farmlands  
   NFHA type 5  
   NFNP type 7

2.13 This LCT is considered by those defining both the NFHA & the NFNP as a key landscape type occurring both at the core and on the edges. LUC described this type (CD 206) as a landscape characterised by "a strong sense of enclosure and an impression of being in the forest….. A characteristic feature (being) ……ancient woodland complexes which have strong visual and ecological links with the forest …..Ancient forest character reflected in
2.14 The LCT is described almost identically by CA (ERM CD 127) as “a farmed landscape with a strong sense of enclosure and an ancient irregular enclosure pattern….ancient woodlands are a feature….and create a feeling of being in the forest…..a network of winding leafy lanes and drove roads with roadside oaks and wide verges links small areas of remnant wayside common…..scattered farmsteads and occasional roadside cottages.”

2.15 Despite the similarity of both descriptions it is interesting to note that there are some key areas of difference. For instance to the north west of Totton the CA have defined additional LCTs in CD 127 such as 6 - Heath Associated Smallholdings and Dwellings and 14 – Enclosed Valley Sides. These then show a different distribution from the equivalent LCT Type 5 found in the NFHA study by LUC. This is further explored in the cases for Southern Water, Bovis and Bloor.

2.16 There is another difference of LCT identification between the 2 studies in relation to CA’s type 7 which is identified extensively around the north and west of Lymington. In LUC’s assessment for the NFHA this area is covered by a combination of types 3, 4 and 7 namely Heathland Smallholdings and Dwellings, Forest Small Holdings and Dwellings and Urban Fringe Coastlands.

2.17 Again, south of Bransgore in the west there is an area identified as Type 4 by LUC and type 7 (and part type11) by CA covering what appears to be a similar area of land.

2.18 From these examples one can conclude that even though the 2 studies identify an identical LCT in descriptive terms the two do not always agree about where that LCT is found. It is possible that some landscape changes may have occurred in the period intervening between the 2 studies but it is unlikely that these will have been so fundamental as to completely change the landscape character.

2. Coastal Fringes
NFHA type 8
NFNP type 1

2.19 In both the NFHA and the NFNP this LCT, as one would expect, is found extensively along the south and east boundaries. In the NFHA the boundary goes down to the shore mainly in the south but in the east there is a further
type 7 (Urban Fringe Coastlands) found between Hythe and Marchwood. The whole of the west side of Southampton Water is excluded from the NFHA apart from the area around Eling. Although conceding that there is a relationship between the coastal fringes and the New Forest, LUC considered that “this relationship was once much more common along Southampton Water as well as the Solent, but in the majority of cases has been lost as a result of development.” However, “the areas where it remains………are particularly important, especially as some of the grazing marshes are still used by commoners as back-up grazing.”

2.20 The CA have taken a much more inclusive approach with the NFNP boundary since their type 1 Coastal Fringe forms the boundary all along Southampton Water south of Totton down to Calshot and along to Keyhaven and Hurst Point. There are few excluded areas except those core urban and industrial areas such as Marchwood, Hythe and the Fawley Refinery and there is no subdivision of this LCT for land affected by urban fringe effects.

2.21 I believe that the main reason for the differences of approach between the two studies is the CA’s approach to the definition of natural beauty and the part played in their justification by the Historic Dispersed Pastoral System (see the reports of the cases for ABP/Esso/QPA for the Dibden, Fawley and Pennington areas) and Defence Estates for the area south of Marchwood.)

3. River Floodplains
   NFHA type 10 River Meadowlands
   NFNP type 12 River Floodplain

2.22 In the west there is little commonality of boundary definition between the NFHA and the NFNP along the Avon Valley except north of Fordingbridge. Here, the reasons for adopting a meaningful edge were very differently stated.

2.23 The CA were at pains to identify critical links between the New Forest core area and the Avon Valley’s cultural history, valley land management system, and landscape character. The NFNP boundary is based on the extent of the Avon Valley floodplain in most places apart from at Town Common and the Matchams View area (which were later inclusions after consultation) and at Breamore. As a result the only common boundary with the previously defined NFHA was north of Fordingbridge where the valley topography dictates a much closer geographical match to the way in which the NFHA was defined. Here the distinctive ‘forest edge’ and break of slope factors together with the importance of back-up grazing land on the river floodplain (for the purposes of the NFHA) results in a common boundary conclusion for both the NFHA and NFNP.
LANDSCAPE ASSESSMENT FOR THE NFNP

2.24 Landscape character assessment was used to identify the area of search for the potential “extensive tract of countryside” to form the NFNP. In particular the landscape character assessment of the New Forest District Council area (CD 127) provided the most up to date (July 2000) comprehensive information base to assist the CA in their search for a suitable boundary for the NFNP (CD 126). The annexes in CD127A contain LCA record sheets and the Historic Landscape Assessment for this District wide study. These items do not cover other land within the Designation Order beyond the New Forest District Council boundary in Dorset and Wiltshire.

2.25 The NFNP Boundary Study (CD 126, also dated 2000) was informed by several other LCAs in earlier documents including CD 207 (1986), CD 206 (1991), CD 220 (1993), and CD 209 (1999). Assessment of these documents assisted my understanding of their contribution to the CA’s overall assessment of the New Forest landscape for designation purposes.

2.26 My conclusions on these former assessments are as follows:

CD 207 (The New Forest Landscape) produced by the former Countryside Commission in 1986, was the first publication in recent times to give a comprehensive description and appraisal of “the special qualities of the New Forest landscape, which many people agree is of national, if not international, significance.”

The aim of this piece of work was:

“to identify the key elements of the landscape and the factors that have helped shape it in the past and are affecting it now.” (p3).

2.27 Elsewhere in the introduction it is explained that, although the Commission believed the New Forest to be of equivalent quality to a national park, the normal statutory mechanism (of designation under the 1949 Act) was considered not the most appropriate for the New Forest. The intention of the publication was to encourage a better understanding of this “unique landscape asset” for future discussions on (land) management issues.

2.28 However the study only appears to have considered land within the Perambulation as having New Forest character and landscape quality of National Park standard. This a much smaller area than that covered by the NFNP Designation Order.

2.29 CD 206 (New Forest Heritage Area Proposed Boundary) The brief for this study, commissioned by the New Forest Committee, was to define a revised boundary for the NFHA based on two fundamental criteria:

Para 1.6

“i) To incorporate the land of outstanding national importance for its natural beauty, including flora, fauna, geological and physiographic features, and
elements arising from human influences on the landscape, including archaeological, historical, cultural, architectural and vernacular features;

ii) To incorporate essential grazing land……….."

2.30 To do this the consultants identified an area of search based on the historical extent of the New Forest, the extent of the underlying geology that helped to create the distinctive heathy land cover, and the extent of the historic dispersed pastoral system. Within that area of search an LCA was carried out which identified all the component LCTs before a defining a boundary which included land meeting the NB criterion.

(A comparison of the NFHA LCA and the NFNP LCA has been carried out in an earlier part of this section in paras 2.8-2.12)

2.31 **CD 220 The Hampshire Landscape** is a county-wide LCA produced by Hampshire County Council for the purpose of assessing the landscape as the basis for a landscape strategy. This was one of a series of studies looking at the county’s resources that contributed towards a county policy review. It describes the diversity of the county’s landscape character at a regional scale and discusses the forces for change that were evident in the early 1990’s. It covers much of the area covered by the NFNP Designation Order, except in the north which falls into Wiltshire and in the west where Dorset County covers parts of the lower Avon valley.

2.32 The report examines LCTs collectively across Hampshire. This means that the appraisal did not look specifically at the New Forest as such, but instead examined each LCT that occurred throughout the county, identifying common characteristics and key issues for each LCT and not individual geographical areas. For example as part of the Lowland Mosaic landscapes, the Heathland and Forest LCT was evidenced by the New Forest as a key area of this type, but was also a typical LCT found in 4 other locations across the county sharing a common landscape character.

2.33 Whilst this publication provides excellent background information on the various New Forest landscape types at a regional level, it does not cover the whole area within the Designation Order, or provide any qualitative assessment of the landscape, but rather identifies common issues associated with landscape change within each LCT.

2.34 **CD 209** is part of a suite of documents describing England’s Countryside Character in a national mapping project led by the CA. This used Twinspan analysis of 12 national datasets including altitude, landform, ecological characteristics, land capability, surface geology, farm types, settlement patterns, woodland cover, field density and pattern, visible archaeology, industrial history and designed parkland. The analysis, and the subsequent national and regional consultations, resulted in a national map of 159 areas of which the New Forest was one. The key characteristics of this
Character Area are described (p156) and a map shows the general extent of the area, which broadly includes the Avon Valley to the west, land up to Whiteparish in the north, land as far as the south coast between Calshot Spit and Christchurch, and (in the east) land up to the western edge of Southampton Water as far north as Totton.

2.35 By defining the distinctive characteristics of each area at the end of the 20th century, the broad description of the New Forest in this publication “seeks to evoke what sets it aside from any other” (p11) but does not attempt to provide any qualitative assessment of the countryside. The project was designed to provide national coverage “at a broad enough scale……whilst ensuring that significant variation in the character of the countryside was picked up. It would provide a consistent national framework within which more detailed local landscape assessments would sit.” (p8). It therefore appears that the boundaries drawn between different Character Areas are meant to be indicative, leaving detailed clarification to be provided by the aforementioned more local assessments.

2.36 From the assessment of these related core documents it is evident that each provided, to a greater or lesser extent, relevant background material for the NFNP boundary identification described in CD 126.

2.37 The NFNP boundary study (CD126) considered of all the above documents and collated information on various physical and human influences and administrative factors in order to identify the area of search within which the NFNP boundary would be drawn.

2.38 The study also reviews the designation history of the New Forest and the South Hampshire AONB, the past application of the National Park criteria, the evolution of the NFHA, and the way in which the boundary-setting criteria have been interpreted in developing the recommendations for the NFNP. It then focuses on the New Forest’s character and quality with reference to each of the statutory criteria before explaining the framework for defining the boundary of the NFNP.

2.39 It is explained that, subject to the requirement that all land should meet the statutory criteria, the following were taken as the general guiding aims:

i) inclusion of all landscape types linked to the Forest
ii) inclusion of all high quality habitats and sites of nature conservation interest, especially coastal grazing marshes and floodplain grasslands of national, European and international importance
iii) encompassing of important peripheral historic landscapes such as the river terrace landscapes of the Avon Valley and their associated features
iv) inclusion of core commoning areas as well as areas capable of providing backup grazing, and areas formerly characterised by open grazing
v) inclusion of marginal areas that need to be managed in conjunction with the forest core.

2.40 This represents a particularly inclusive approach to the task of boundary definition with special attention given to certain ‘areas in question’ such as land north of Totton, Dibden Bay, Calshot, Lymington and most of the Avon Valley. The report states in para 4.2.1 (p38);

“In general, the approach was a more generous and inclusive one than was used in defining the boundary for the NFHA, with a greater emphasis on the quality of the landscape and recreational experience, and less upon character.”

2.41 This approach was reiterated throughout the Inquiry as the Agency frequently indicated that, in defining the NFNP boundary, greater consideration had been given to the presence of landscape quality than had been the case for the NFHA, which was directed more by the extent of New Forest associated landscape character. A secondary claim was that there is now a greater understanding of the role of cultural factors in recognising outstanding natural beauty (eg the HDPS and historic landscape assessment), than was the case when the NFHA was defined.

2.42 The detailed differences between the criteria for the NFHA and NFNP were further explained in CD 238, a paper produced during the course of the inquiry at the request of the inspector. My assessment of this document is found in Section 3.

2.43 However in explaining the wider extent of land covered by the NFNP as compared with the NFHA, the CA generally referred to the updated Hobhouse criteria and approved policy and precedent (see section 1 of this report) in relation to the interpretation of the natural beauty criterion set out in Table 1 and 2 of CD104.

2.44 As part of the understanding of natural beauty in Table 1 landscape character is part of the key concept of landscape quality which is “a function of distinctive character, presence of key characteristics…..etc”. Part 2a of table 2 (which explains the CA’s approach to defining National Park boundaries) states that “Areas of high landscape quality should be included…….” while 2b states that “Areas to be included may be of differing landscape character: quality will be the key determinant rather than uniformity.” These statements indicate how the CA involved landscape character as part of the consideration of land meeting the natural beauty criterion.

2.45 Whatever the diversity and quality of landscape character, two elements must be met for NFNP status. In connection with this, I agree with the views of the inspector for the Dartmoor National Park Designation (Variation) Order Inquiry 1990 as in para 2.22 of the Inspector’s report: “the critical test for boundary making in this case was whether the landscape was of Dartmoor character and (my bold) national quality”.
2.46 Translated to the NFNP case, this would mean that the critical test for boundary making is the presence of New Forest character and outstanding natural beauty of national or international importance.
SECTION 3

CONCEPTS AND ISSUES RELATING TO THE NATURAL BEAUTY CRITERION

3.1 The Inspector’s report makes reference to certain general conceptual issues raised by a number of objectors – see paragraphs 2.5 (Bovis and Bloor); 3.29 (ABP); 3.128 (Esso); 3.195 (Esso); 3.209 (RMC); 4.6 (Lymington Precision Engineers & S J Fuller); 4.26 (the Quarrying Consortium); 4.111 (Hinton Estate); 5.5 (the Dorset Authorities); 5.59 (the Quarrying Consortium); and 5.114 (Linden Developments).

3.2 In my view the issues raised in the above paragraphs can be grouped together under the following headings:

1. The natural beauty test
2. New Forest character
3. Area of search
4. Differences between the NFNP and the NFHA criteria
5. Historic and cultural factors
6. Process of LCA
7. Landscape quality

1. The Natural Beauty Test

3.3 Several objectors (particularly Bovis, ABP, Esso, Hinton Estates, QPA and Lymington Precision Engineers) commented on the way in which the CA had defined and interpreted the natural beauty criterion. In section 1 of this report I detail the way in which the CA reached their understanding of the criterion, as set out in Tables 1 and 2 in CD 104.

3.4 Although I have found the Agency's interpretation of the criterion to be generally justified by the explanation given in the audit trail in CD301, I am not always convinced by the way in which this interpretation has been applied in defining the precise NFNP boundary.

3.5 Esso argued that natural beauty must be manifest and recognisable by the general public, not hidden, imperceptible or based on a history that is no longer visible. I agree that it is unhelpful to public recognition of national park quality standards if it is necessary to undertake complicated analysis to determine whether or not a piece of land warrants inclusion. It is important that any boundary alignment can be easily read on the ground and understood by the general public, no matter how sophisticated and rigorous the landscape analysis applied to the initial definition of the boundary. Also, the significance of natural beauty may be undermined for national park purposes by the inclusion of land of marginal or questionable landscape quality as in the case of Eling, the Dibden reclaim or Frost Lane. This remains true even if the land in question is of high ranking nature conservation status, as in the case of the majority of the saltmarshes alongside the River Test and Southampton Water.
3.6 I support the notion (as did the CA in Table 1 of CD104, and in many of their responses to objectors) that the key primary consideration of natural beauty is the presence of outstanding landscape quality through the presence of intact and distinctive New Forest landscape character, with an absence of atypical or incongruous features. However I did not find that the Agency applied this approach consistently or with rigor in the case of the Southampton Waterside boundary of the NFNP, or around Lymington and in parts of the Avon Valley.

3.7 All the landscapes of England are heavily influenced by human activity. Bearing that in mind, natural beauty as defined in S114(2) of the Act cannot imply pristine or completely natural landscapes or there would be no land in England that could meet the NB criterion. The terms of the Act must therefore require a high degree of ‘relative naturalness’, accepting that the cultural influences on the landscape should be taken into account in assessing any English landscape. I agree, however, that the essence of natural beauty under the Act is that it must apply to countryside. It must be principally ‘visible’ and ‘natural’ (derived from nature) and it must be outstanding.

3.8 Hinton Estates argue that the CA paid insufficient attention to S114(2) of the Act, and gave too much weight to inappropriate factors such as history, cultural associations, commoning considerations, archaeology and nature conservation interests, even where these are unrelated to landscape beauty. In my view the LCA process needs to take account of these factors, as they are important in understanding how the countryside has evolved to its present state. However, the weight to be attached to them in assessing landscape quality needs to be carefully considered if they are not to be given undue attention in reaching judgements on natural beauty under the Act.

3.9 I believe that the inextricable linking of criteria and purposes is unavoidable in considering designation of the NFNP, as the strict terms of the designation criteria in S5(2) should be informed by the extended definition of natural beauty in S114(2) even if the latter only relates to the statutory purposes set out in S5(1) (as does the reference to ‘cultural heritage’ in S5(1)).

2. New Forest Character

3.10 Several objectors, including Bovis, the Quarry Products Association (QPA) and the Dorset Authorities, submitted that the Designation Order contained a much wider variety of landscape types than had ever been previously recognised as being part of the distinctive group of landscapes comprising the New Forest. It was claimed that this would effectively undermine the essence of the designation and ‘devalue the currency’ represented by the highest national designation that can be awarded to distinctive landscapes of outstanding quality.
The salient landscape characteristics of the New Forest perambulation were aptly described in the Countryside Commission’s 1986 publication ‘The New Forest Landscape’ (CD 207 p46-52) as a ‘mosaic’ of typical landscape elements. Descriptions of the unique landscape that is at the core of the New Forest are found in CD126 (para 3.1), CD206 (para 2.11), CD207, and CD220 (p34-37). The description at CD126 para 3.1 serves to illustrate the point: “a mosaic of old woodland, managed forestry enclosures, extensive tracts of heathland with boggy ground, grassy lawns and enclosed areas of farmland and villages. In other words the New Forest landscape is an intimate mix of a distinctive set of landscape types. There are particularly clear historical and functional linkages between all of these different landscape types.” (my bold). It is also worth reiterating that in moving away from the core area as defined in CD 206 para 2.6; “the continuity is both visual, in that the peripheral landscapes appear to be an extension of the Forest itself, and historical in that they share a common history.”

The key characteristic elements of this mosaic were subsequently explored in more detail by LUC in a landscape character assessment of a wider area for the purpose of defining the NFHA, as described in CD206. This identified the key characteristic landscape types of the New Forest core and peripheral (ie, ‘surrounding’) land as; heathland landscapes, ancient enclosed and settled landscapes, coastal plain landscapes and river landscapes.

These groups were then further sub-divided by LUC into 10 component landscape types as described in para 2.15 of CD206. Of these, 7 were judged to be part of the wider New Forest landscape in that their character and quality were such as to merit inclusion within the NFHA. Of the excluded types, the Terrace Farmlands and the River Meadowlands were found to have a landscape character unrelated to the New Forest landscape mosaic. They therefore did not warrant further consideration for inclusion in the NFHA on natural beauty grounds. Similarly the Urban Fringe Coastlands had little or no landscape character affiliation with the New Forest, containing incongruous features and a marked urban fringe character.

When the CA came to examine the New Forest for the NFNP designation these previous assessments were revisited and provided background material for the updated LCA. However the CA arrived at different conclusions as to the extent of New Forest related landscape, which they justified by drawing on, firstly, their wider interpretation of the statutory criteria and secondly, more detailed information on the historical and cultural connections considered to exist between the peripheral landscapes and the Forest core.

However, as I indicate later in paragraphs 3.29-3.41 of this report the extent of the ‘differences’ between the understanding of the natural beauty criterion for the respective NFHA and NFNP designations is not as marked as suggested by the content of CD238. As discussed in paragraphs 3.58-3.62 of this report the linkages between the Forest core and the peripheral farmland in the Avon Valley are often not strong enough or sufficiently historically

3.15

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proven for this land to be generally considered part of the extensive tract of land that can qualify as part of the NFNP. I recognise that the majority of the Avon Valley, and especially the floodplain landscape, is unique and outstanding in its own right and I am in no doubt that a fascinating landscape evolution has occurred in the valley. However I do not find that there is sufficient cultural, ecological or land management connectivity, to justify the majority of the valley landscapes being part of the suite of types that form the distinctive landscape mosaic that is the New Forest.

3.16 The two areas identified in my boundary recommendations that I consider to be exceptions to this are found between Ripley Wood and the River Avon, in the Bisterne area, and in the river meadowlands between Fordingbridge and Hale. In both instances connectivity to the Forest is evident by the presence of distinctive Forest related landscape features, together with a degree of intactness and landscape quality that meets the natural beauty criterion.

3.17 Elsewhere in the Avon Valley this is not so, especially in the case of the River Terrace Farmlands. This landscape, while being typical of its type, is generally quite ordinary countryside, often under intensive production agriculture and displaying a rationalised field pattern not found elsewhere on the NFNP boundary. This landscape has no particular affinity or relationship with the core Forest landscape character and is not outstanding in any way. In addition the intactness of this character type decreases from north to south, with the exceptions mentioned above, so that by the time one reaches the areas east and west of Burton, it falls well short of meeting the natural beauty criterion for the NFNP.

3.18 Looking briefly to the area between Mockbeggar, Harbridge and Turmer, north of Ringwood, I found that the presence of the River Terrace Farmlands made it impossible to recommend the extension of the NFNP boundary across to the high quality, New Forest related landscape around Harbridge, Turmer and Kent Hill.

3.19 Having established the unavoidable exclusion of this LCT from the NFNP on natural beauty grounds, it follows that any consideration of including the floodplain was precluded, except north of Fordingbridge where there is a close physical and visual relationship with the steeply sloping, wooded Forest edge, the two elements together collectively demonstrating high landscape quality.

3.20 Similar arguments were tendered by Southern Water and Bovis in relation to land north of Totton and at the Testwood Lakes complex. In this area there is again a weak landscape relationship between the Forest edge and the areas in question. This is additionally compromised by the motorway corridor and industrial estate development at Calmore and by an eastward orientation away from the Forest.

3.21 Overall I consider that the CA’s approach became too focused on an excessively wide interpretation of ‘forest’ landscape with the result that areas
deemed to be historically or culturally connected have been assessed as having distinctive character, irrespective of the actual condition of the modern landscape or its discernible intrinsic attraction or interest.

3.22 I conclude that where the Designation Order boundary extends well beyond that previously designated for the NFHA this additional land does not, in the great majority of cases, demonstrate sufficient New Forest character or connectivity to qualify for inclusion in the NFNP on natural beauty grounds.

3. Area of Search

3.23 In para 45 of CD154 it is stated that the CA “…considered what broad area constitutes the New Forest. The New Forest does not simply comprise forest; it is a unique and complex mosaic of woodland, heathland, farmland, coastal and river valley landscape types that extend well beyond the New Forest perambulation.”

3.24 The starting point for the area of search employed by CA for the boundary study (para 1.5, CD 126) was based on administrative, physical and cultural information. However, the extent of the NFHA, the South Hampshire Coast AONB, and Countryside Character Area No 131 (as described in CD 209), were given equally important weight as background material in CD 154, para 46. Other factors taken into account to define the area of search were topography, geology, land-use, commoning, Forest Law and the Perambulation, and cultural perceptions of the New Forest. The views of other bodies were also noted (CD154 para 47), namely the New Forest Committee and the Council for National Parks both of whom encouraged the investigation for a wider area than the NFHA by taking “into account the wildlife, landscape, historical and cultural importance of the coast and more fertile areas around the periphery of the NFHA”, and that there were strong arguments for considering a wider area; “such an area might include sections of the Avon valley and areas of open countryside that stretch down to the coast from the Forest”.

3.25 Objections to the way the CA had defined their area of search were made by Bovis, Hinton Estates, Esso and the Dorset Authorities in particular who were concerned that too much weight had been placed on the national level New Forest Countryside Character Area. The wide boundary suggested by the map on p157 of CD 209, which includes land on both sides of the Avon Valley, is intended to be purely indicative at a strategic level and not meant to give detailed direction for decision making at a regional or local level.

3.26 While the area defined in CD 209 would be an appropriate initial place to start in defining an area of search, it should be no more than that since the mapping exercise originated from broad data sets with a 1 kilometre square resolution. Also, since Countryside Character Areas are defined at a macro-scale it is reasonable to assume that some smaller areas (such as the Avon Valley) would have to fall within a larger unit. Even though such areas may be particularly distinctive in their own right, they may not be large enough to be recognised as a discrete unit. Nonetheless, it appears that the spatial
definition of Countryside Character Area 131 was instrumental in the CA’s decision to consider the Avon Valley as part of the NFNP.

3.27 I conclude that the CA were right in exercising their required duty to identify the area of search in a way that seems fit for purpose, by casting the net wide initially for the area of search and then narrowing down to identify the extensive tract within which the NFNP boundary would be defined. However in certain boundary sections of the NFNP, I am not clear how this was done as the process was less than transparent, as several objectors found. Nor do I find it clear how judgements were made about delimiting the area of search.

4. Differences between the NFNP and the NFHA criteria

3.28 In my view there are some valid reasons why the extent of land qualifying for inclusion in the NFNP under the natural beauty test need not necessarily be the same as that identified for the purposes of the NFHA. The first is the passing of time as eleven years have passed since the LCA study that informed the original NFHA boundary. During that time landscape change may have affected landscape quality, although I concede that it is unlikely in such a relatively short period to have been significant enough to have much impact on whether or not the natural beauty test is met, except possibly at the margins.

3.29 Secondly, the refinement of LCA techniques and the increased level of detail of landscape assessment information available for the New Forest area (ref CD127) could have resulted in different conclusions being drawn about natural beauty in certain cases. Thirdly, and most importantly, the different outcomes of the very different secondary criteria for the two designations (ie backup grazing as against opportunities for open air recreation) would result in the high likelihood of different boundary conclusions.

3.30 For all of these reasons I find it possible to conclude that the boundary of the NFNP could be justified as either greater or lesser in extent than that defined for the NFHA. However, I agree with those objectors who suggested that there were unlikely to be many instances where the NFNP boundary would be likely to be more extensive than the NFHA as a result of applying the criteria.

CD 238 Comparison of the Heritage Area Criteria as used by LUC and the National park Criteria as used by the Countryside Agency

3.31 This paper was produced during the course of the inquiry at the request of the inspector and shows which aspects of the NFNP criteria the CA considered to be different to those used to define the NFHA. The factors identified are as set out below, with the ‘new factors’ identified in bold:
i) Natural beauty implies a landscape of outstanding national or international importance.

ii) A key concept is that of landscape quality. This is a function of distinctive character, presence of key characteristics, absence of atypical or incongruous features, and the state of repair of the landscape, as well as how intact it is.

iii) Visual, intangible, ecological, historical and cultural characteristics, features and values are all relevant to natural beauty and landscape quality.

iv) In the New Forest, the historic dispersed pastoral system is a key cultural characteristic that created and helps to maintain New Forest character, and as such should be taken into account in designation.

3.32 Taking each of these factors in turn; I accept that the reference to “international” is new for the NFNP, but it is difficult to see what this adds as the natural beauty test is only a ‘national’ one. I fail to see that the reference to “landscape quality” is new, since it is referred to in CD206 for the purposes of NFHA definition under “Considerations relating to natural beauty” (in paras 2.4, 2.5 and 2.12(ii)). Rather I consider that the meaning and attributes of the term “landscape quality” have been more fully teased out over the course of time since CD 206 was published in 1991. This is evidenced by the wording of Table 2 of CD 104 and the evolution of terms in LCA guidance contained in CD301 appendix Q, CD 208, and CD229.

3.33 A similar comment would relate to the use of the terms “visual”, “intangible” and “values” since I find actual or implied reference to these in para 2.3 of CD 206: “……..scenic beauty is but one aspect of the value which is attached to landscape…………………………Even scenic beauty has many different facets, reflecting combinations of particular landscape elements, aesthetic factors which affect the way landscape is perceived, and more intangible qualities such as sense of place”.

3.34 Lastly I accept the wider meaning of the concept of the “dispersed pastoral system” as compared with the ‘essential grazing land’ criterion used for the NFHA. There is now a greater understanding of the cultural dimension of landscape evolution through the development of historic landscape assessment. However I believe the interpretation used by LUC was a reflection of the brief that was set to define the NFHA in paras 1.6ii) and 1.7i) of CD206. Also, it is evident that (in setting their area of search in para 1.10) LUC initially applied a wider interpretation to the term “essential grazing land” than has been suggested by the CA. This wider area was originally investigated by LUC before they narrowed down to the more limited terms of para 1.7i).

3.35 Turning now to the boundary-setting issues raised in CD238 with respect to the natural beauty aspects of Table 2 in CD104 (and the accompanying explanatory notes) the CA also assert that these raise various ‘new’
considerations in the NFNP context (as compared with that applying at the time of the NFHA).

3.36 The first two points of Table 1 declare that “The CA shall first (my bold) determine in broad terms that an area of land meets the statutory criteria for designation.” Then secondly “It shall then in drawing a NP boundary take account together (my bold) of the following considerations.”

3.37 Then in comparing the differences for boundary alignments for the NFHA and NFNP (CD238) includes the following comments in relation to the considerations 2a to 2j of Table 2:

“2a Areas of high landscape quality should be included within the area of land identified for designation”. Footnote 2a explains that: “Landscape quality includes visual and intangible features and values. 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. This is in line with the CA’s approach to landscape assessment.”

3.38 The above approach is very different to the NFHA’s first boundary concern of “incorporating the minimum area of land beyond the Open Forest which is essential to protect important open Forest habitats in the long term”. This was a much more specific requirement related to the Open Forest whereas the NFNP rule was much broader, emphasising aspects of landscape quality that contribute to natural beauty.

3.39 Part 2b of Table 2 was considered by the CA to be new in highlighting that ‘variety’ of landscape character was acceptable, but that ‘quality’ would be the key determinant. However I find that while the NFHA boundary alignment criteria did not mention landscape quality and character per se, the requirements were meant to be read “Within the context of” the two principal criteria (para 1.7 CD206) which did, as indicated in para 1.6j). The requirements of the Government statement on the revision of NFHA were to “incorporate essential grazing land as well as the best of the landscape around the Forest’s perambulation”. I would detect from this that the restriction was more of a geographical pointer than one of principle and approach.

3.40 Part 2d is considered by the CA to be new and without parallel in the NFHA, but I find this to be a wider interpretation rather than a new one, since commoning and back-up grazing are part of the rural economy and community life of the Open Forest which were considered for the NFHA, although the emphasis here would necessarily relate to rural settings rather than urban ones

3.41 2e was considered by the CA to be similar for both the NFHA and the NFNP.
3.42 2f, 2g, 2h, 2i, were considered new considerations by CA but in my view 2f was implied for the NFHA, even if not overtly stated in paras 1.7(iii) and 1.8 of CD206.

3.43 Turning to 2j for the NFNP and consideration 1.7 ii) of CD206 for the NFHA, I agree that the NFHA rule is more limited in considering only the continuity of local ecological habitats between the Open Forest and adjoining land. In contrast the rule for the NFNP here requires “the inclusion where practicable of all(noted in bold) nationally important conservation sites on the margins of the park.” My concern here relates to how this was interpreted as I find that “where practicable” and “all” have sometimes been applied inappropriately. An example is the inclusion of the complete extent of certain coastal SSSIs on Southampton Water, where other key aspects of natural beauty are questionable, or are heavily compromised by adjacent development or land uses, thereby affecting the standard of landscape quality.

3.44 In concluding my examination of the comparisons between the criteria for the NFHA and NFNP and the ‘additional considerations’ for boundary making as explained by the CA in CD238, I find that there are some additional elements and shades of meaning, but these are not as wide as the Agency have suggested. They introduce some valid interpretative issues, reflecting the ways in which the terms of the criterion are now understood and the landscape is analysed today. However they are not as markedly different to the considerations of the NFHA as claimed in CD238, and where they are, they cannot supplant the natural beauty criterion which remains the prime consideration and has to be met in its own right. Additional considerations cannot replace or bolster any deficiencies or doubts about natural beauty of land under consideration for NFNP status.

5. Historic and Cultural Factors

The historic dispersed pastoral system (HPDS)

Introduction

3.45 Clearly, the long term practice of commoning has been absolutely fundamental in the evolution of the unique nature of the New Forest landscape and habitats within the perambulation. Also, it has had a heavy influence on many (though not all) of the landscape types still identifiable in various areas around the perambulation. Equally, the right conditions need to be provided to allow a healthy and active commoning system to continue into the future.

3.46 However, a number of objectors submitted that the CA had placed too much weight on the significance of the historic dispersed pastoral system as a contributory factor to natural beauty. Bovis argued that the system is a somewhat nebulous factor which cannot of itself constitute natural beauty or
assist land in qualifying for inclusion in the NFNP. The apparent new emphasis on the contribution of the HDPS and the commoning system to natural beauty was also a cause of concern to ABP, the QPA and the Dorset Authorities who all suggested that there are more effective ways of protecting back-up grazing land than including it in the NFNP.

**The HPDS as a contributory factor in the NFHA**

3.47 In identifying the NFHA it was considered important to go beyond land meeting the natural beauty criterion to include “essential grazing land……so as in aggregate to include a sufficient pool of land to provide an adequate supply of back-up land and the continued functioning of the historic dispersed pastoral regime relating to New Forest commoning in the long term”. However, the amount of land actually included on that basis alone (ie beyond the natural beauty criterion) was very small – only the Avon Valley from Fordingbridge to Hale and the area north of Lymington. One reason given by LUC (3.18) was that the land included within the NFHA on the grounds of its outstanding natural beauty already contained more back-up grazing land than the current number of commoners and stock (or any reasonable increase in that number) might require. LUC also noted that it was very important (given the difficulties for commoners in gaining access to such land) that the potential pool should be large and offer plenty of choice.

**The Agency’s approach to the HDPS in defining the NFNP**

3.48 ERM’s approach in the NFNP boundary study is that commoning is crucial to the NF’s continuing landscape and ecological character and therefore represents an important boundary consideration (CD126 paragraph 3.1.4).

3.49 Consequently they examine the commoning system by looking at:

- the geographical distribution of (a) land with rights of common, and (b) numbers of commoners and stock by parish;
- the contents and conclusions of the Way reports (CD204, CD205) concerning the distribution of back-up grazing (although these were shown to be somewhat anecdotal and of not particularly reliable accuracy); and
- the Cox and Reeves report entitled A Review of the Loss of Commonable Grazing Land in the New Forest (CD219)

3.50 The key commoning issue for the boundary study was said to be “how to take into account the long term needs and sustainability of the commoning system in identifying a National Park boundary. The principal aim was to include within the boundary an adequate supply of land (affordable for commoners to own or rent) which could serve as backup grazing; a secondary consideration was to include areas such as those described above that were formerly grazed in conjunction with the open forest”
3.51 My comments on this ‘key issue’ are:

- the ‘principal aim’ does not necessarily have anything to do with natural beauty. The long terms needs of commoning (and in particular the availability of an adequate supply of affordable and accessible back-up grazing) certainly form a crucial issue. However, these mainly need to be tackled in other contexts, eg in the ways set out in CD215 part 4.1, not as part of the NFNP designation process which must be confined to consideration of the statutory criteria.

- the ‘secondary consideration’ may be a feasible aim since such areas (if they are heathland, wood pasture etc) are likely to be identifiable as similar in character to the New Forest and may have the necessary natural beauty. However, I make further comments about this at the final paragraph below.

3.52 The boundary study (CD126) goes on to acknowledge that “There has been lengthy – and often inconclusive – debate in the past about the definition of an adequate supply of back-up grazing; the subject was addressed (by the Illingworth report) in 1993 but has also been examined at a number of Local Plan inquiries. The advice from the Technical Working Group that guided the CA and ERM on information and technical issues related to the boundary study was not to pursue an approach based upon quantitative estimates of the need for back-up grazing. Instead the Group recommended a more qualitative approach to identifying at a strategic level, land capable of providing back-up grazing”.

3.53 It has been hard to pin down what is meant by this ‘more qualitative’ approach or ‘a strategic level’, not least because the CA frequently said (as they do in Position Paper 1, para 70) that backup grazing and other commoning factors were never deciding factors in themselves.

3.54 At the overall ‘strategic level’ the evidence of Mr Steele for Bovis seems to indicate quite convincingly that there is more than enough actual and potential back-up grazing in a quantitative sense.

3.55 While rightly pointing out the difficulties of assessing the adequacy of back-up grazing (eg J Martin in response to ABP at paras 58-61), the Agency then went on to rely on a more holistic approach to commoning (eg J Martin in response to ABP at paras 53-57). The difficulty is that the Agency’s ‘strategic qualitative approach’ ultimately has to be applied to particular areas of land and, when it is, it usually appears to suggest that the natural beauty rating of an area is increased in proportion to the presence of factors such as the existence of common rights; high numbers of forest stock or commoners in the area; and ‘suitability’ for back-up grazing as measured by various factors such as the Way reports, the existence of small grazing fields or the presence of low quality agricultural land (see J Martin in response to ABP para 56).
This approach is not very convincing. These various commoning factors may lie behind or explain some aspects of the existence of outstanding natural beauty but their presence by no means guarantees it, nor does it boost the scenic quality of any piece of land. For example, the existence of common rights is a historic factor (which, although interesting in its own right, may or may not have practical relevance to present day commoning practice and may or may not have any relationship with currently recognisable natural beauty. On the whole commoning factors help us to understand why the landscape has evolved as it has both within and beyond the perambulation but they do not in themselves make it outstandingly beautiful or coincide with land that meets the first designation criterion. Yet J Martin’s proof in response to ABP states (para 55) that commoning is one factor that is relevant as to whether or not the natural beauty criterion is met. This point is stretched further in paras 56 & 57 which appear to endorse a tick-box approach.

With regard to the secondary commoning consideration in the boundary study (ie, including areas that were formerly grazed in conjunction with the open forest), ERM seem to have been overly influenced by some of the more idealistic notions of the Cox and Reeves report. For example para 7.1.2 of that report refers to extending the NFNP to include the full extent of summer stock straying, suggesting a vision either of stock once more straying widely along roads between the perambulation and a number of the adjacent and dispersed commons identified in tables 3 and 4, or of self-contained grazing regimes upon these commons. While individual commons or former commons may benefit from the reintroduction of grazing this is no justification to stretch the NFNP artificially to include them within the boundary, if they do not already satisfy the natural beauty criterion.

CD237 (Links between the Avon Valley and the Forest Core)

The Inspector requested the Agency to produce this paper in order to give them the opportunity to give full details of the case for considering the Avon Valley to be an integral part of the New Forest. The document discusses the significance of a number of factors including ecological, landscape and historical features, such as landscape history, field boundary patterns, water meadows, settlement patterns, architectural vernacular, river crossings, drove roads, commons and the influence of commoner's stock, and a range of socio-economic and cultural factors such as the development and pattern of common rights.

The CA declare that in defining the boundary of the NFNP (para 4 CD237), it must first consider the intrinsic qualities of land as part of an extensive tract of country in relation to the statutory criteria. Then, having decided which areas meet the criteria, the CA go on to consider a number of other factors including the unifying factors that link the land with the core of the Forest.

The factors described by the CA in CD237 give details of some aspects of the landscape and socio-economic evolution of the Avon Valley and the
western edge of the New Forest. However the significance of many of these aspects is at odds with other factual evidence provided by objectors. In particular, the Dorset Authorities evidence by Le Pard questions convincingly the significance, origin and use of the ‘drove’ roads and river crossings, the typicality of the settlement pattern within the valley, the extent of New Forest vernacular architecture, the former extent of commons in this part of the country and the economic importance and pattern of common rights.

3.61 In the view of the Dorset Authorities the historic linkages between the New Forest and the Avon Valley are no more than one would expect between two adjacent areas of land and the linkages are actually stronger north to south, rather than east to west, as the valley itself acted as a barrier to the latter.

3.62 Looking collectively at the submitted evidence, together with my own direct field investigations, I am led to conclude that although there are discernible strands of a past closer relationship between the two geographical areas in functional terms, these do not necessarily have much to do with the special character and qualities of the New Forest or with the unique aspects and current extent of the Forest’s historic dispersed pastoral system. In my view the CA approach in the Avon Valley became focused on an excessively wide and over-inclusive interpretation of Forest landscape. Areas deemed to be historically or culturally connected with the Forest (even to a limited extent) have been included within the NFNP boundary, even where the primary constituents of natural beauty, such as landscape character and quality are not present or are only tenuously linked. That is not to say that much of the Avon Valley is not an outstanding landscape in its own right.

6. Issues related to process

Field information

3.63 The CA’s published guidance on landscape character assessment (CD229) was a key document considered at the Inquiry. However, according to a number of objectors (eg Bovis, ABP and Hinton Estates), the Agency did not always follow clearly the guidance in paragraphs 5.5 and 5.17 concerning the need for transparency in the keeping of appropriate field records. It was suggested that in certain areas (eg north of Totton, along the Waterside and in the Avon Valley) it was not possible to trace the pathway of landscape assessment and appraisal procedures that had led the Agency to reach their conclusions on land meeting the natural beauty criterion.

3.64 Paragraph 5.5 of CD229 states that “Information should be recorded on a field record sheet designed specifically for the purpose. This encourages surveyors to make systematic observations and to record them in a consistent way.”
More critically, under the heading “Keeping Appropriate Records”, the guidance also states;

“Landscape Character Assessment is now being used in circumstances where the results are subject to public scrutiny and debate, such as public inquiries into special area designations, or into development plan policies and proposals. The results of an assessment must be robust enough to stand up to such scrutiny and the existence of comprehensive, accessible and consistent survey records plays an important part in this. Time and resources can inevitably limit the scale of field survey work. Within reason, however, it is better to have too much survey information than too little, provided that it is appropriate to the purpose of the work and the level of detail required, and that it is properly recorded in an accessible way”

Although Annex A of CD127A contains LCA record sheets for all the Landscape Character Areas covered by the New Forest District Council-wide study, no further field records were available for the additional landscape field survey work referred to in paragraph 4.2.2 of the boundary study (CD126). Some objectors claimed that the lack of such information hampered their understanding of the CA’s justification for the selected boundary, especially in the six areas in question listed later in the same paragraph.

It is certainly the case that the CA did not act in accordance with its own advice in terms of producing detailed evidence based on field survey data. Table 5.1 of CD126 provides only generalised points of support for the selected boundary in each of the 17 boundary sections and the Agency’s responses to individual objectors tended to be couched in terms of general statements and assertions rather than detailed site-specific survey data or information.

Some objectors claimed that the lack of field data made it difficult for them to obtain evidential verification of the claims made about the merits of including various areas in the NFNP and asked the Inspector to rule that the Agency should be required to produce the consultant’s field notes. However, after joint consideration of these requests between the Inspector and myself, he gave rulings in these cases as follows:

“I have considered your request for me to ask the Countryside Agency to make available the findings of the field survey sheets and the papers relating to ERM’s boundary options. I have also considered what is said in CD229 about accessible records.

I can understand that your clients may consider that the Agency presented a limited quantity of site specific information and assertion to support its position on this area of contention (although I make no judgement about the merits of the material at this stage). However, I generally take the view that it is for inquiry participants to choose for themselves how to present their case and at what level of detail.
I do not think your clients should feel that they have been prejudiced or prevented from making their cases effectively, nor from making such comments as you have seen fit on the material presented by the CA.

In addition, my colleague and I do not think it would assist our consideration to ask for any more information than we already have and so we do not feel it necessary to ask for the production of more papers”.

3.69 In making this ruling the Inspector stressed that he and I would be carrying out thorough inspections of the areas in contention and would rely on our own judgements rather than merely on the fieldwork of others, in whatever form it may have been produced.

The role of consultation

3.70 Turning to the role of consultation in the process of boundary definition, several objectors (eg ABP, Esso and Linden Developments) suggested that the CA had placed undue weight on the opinions of consultees. While there is now a new emphasis on stakeholder participation, as indicated in CD229 para 2.18 – 2.20, the results of such consultation in a National Park context have to be applied as part of an overall informed judgement set against the strict terms of the statutory designation criteria.

3.71 In two particular instances, at Frost Lane between Hythe and Fawley Refinery and at Ringwood, I consider that the weight given to the opinions of consultees was not in keeping with the above requirement.

3.72 In the case of the Frost Lane area, which was excluded from the draft boundary of the NFNP, it appears that views expressed to CA’s Board by one of its members (after she had visited the area) were influential in leading to the Board’s decision to include this area of countryside in the NFNP despite advice from CA officers that the land was of marginal landscape quality. Although information gained during the public consultation appeared to be given great weight in the reconsideration of this area I have not been convinced that this information was particularly germane to a decision against the statutory criteria. I found the area isolated, limited in extent, heavily compromised by adjacent land uses and not of a standard to merit inclusion in the NFNP on natural beauty grounds contrary to professional advice.

3.73 Turning to the case of Ringwood, where the results of the public consultation exercise resulted in the town being brought into the NFNP, Linden Developments questioned the conclusions drawn as not being in the longer term economic interests of the town. The ‘fine balance’ noted by CA in CD107 p33 was swayed by later information gained from the consultation regarding the history and cultural connections to the Forest, despite continuing concerns regarding the extent of modern development and the impacts of the A31. Even with this additional information, I am not convinced that the case is ‘sufficient to tilt the balance in favour’ (p34 CD107) for the town’s inclusion on natural beauty grounds. Overall the town does not, in
itself, meet the requirements of the NB criterion nor does it form part of the extensive tract of countryside that does, so that no matter how much 'further information' is provided it does not change that fundamental fact. I therefore find that undue weight was given to the information gleaned from the public consultation exercise in this case.

7. Issues related to Landscape Quality

3.74 Assessing land for inclusion in a National Park involves consideration of the key natural beauty concept of landscape quality (Table 1, p6, CD104) before applying the second criterion concerned with recreational opportunity.

3.75 The CA’s definition of areas demonstrating the required degree of landscape quality to satisfy the natural beauty criterion raised conceptual objections from Esso, ABP, Bloor, the Dorset Authorities and the QPA. These related to the definition of the terms ‘landscape quality’, ‘landscape value’ and ‘landscape condition’ but also questioned the attributes assessed and the judgements made in determining the land to be included in the Designation Order. Esso, ABP and QPA were also concerned about the lack of landscape and visual impact assessment employed in determining the effect of landscape detractors on landscape quality.

3.76 Looking first at the CA/SNH publication on Landscape Character Assessment (CD229), landscape quality is there described in para 7.8 as being “based on judgements about the physical state of the landscape, and about its intactness, from visual, functional, and ecological perspectives. It also reflects the state of repair of individual features and elements which make up the character in any one place.” In my view this refers to the level of integrity of a landscape, or in other words its physical state of health or condition, that helps deliver distinctiveness of landscape character. Often, and especially in the case of national landscape designations, such as the National Parks, the greater the intactness and distinctiveness of landscape character the higher the standard of landscape quality.

3.77 Landscape Value is defined in the same paragraph (7.8), as that which: “is concerned with the relative value that is attached to different landscapes. In a policy context the usual basis for recognising certain highly valued landscapes is through the application of a local or national landscape designation. Yet a landscape may be valued by different communities of interest for many different reasons without any formal designation, recognising, for example, perceptual aspects such as scenic beauty, tranquillity or wildness; special cultural associations; the influence and presence of other conservation interests; or the existence of a consensus about importance, either locally or nationally.” In this definition, it is the values placed on a landscape by people and society in general, and their recognition of different aspects of landscape importance in any location, whether national or local.
3.78 I did not find, as argued on behalf of Bloor, that the CA had confused the terms landscape quality and value. However, their assessment of the intactness of landscape character, as part of landscape quality, was at odds with my own examination of the landscape north of Totton.

3.79 QPA wished to see a clear and careful distinction drawn between “the relatively value-free process of (landscape) characterisation and the subsequent making of judgements based on knowledge of landscape character” (CD229, para 7.2). With respect to the guidance given in CD229 7.21- 7.23 on “attaching status to landscapes” QPA queried the lack of available assessment information using the criteria listed in para 7.22.

3.80 The CA refer to this matter in CD238, (paras 12 –14) where they argue that the criteria listed for the making of value judgements are “indicative, and intended primarily for identifying broad areas of landscape that may merit designation” explained by reference to para 9.5 in CD229. Also, in para 12 of CD238, the CA state that “they are most relevant at a broad, area-wide scale (at a local, site-specific scale they are not very meaningful and become increasingly difficult to meet) and also that there is no need for an area to satisfy all the landscape value criteria to be suitable for inclusion in a National Park.” In para 13 they go on to state “However the Agency recognises that, where relevant, they may guide and inform judgements made in applying the statutory criteria and the Agency’s approach to defining National Park boundaries. Therefore, insofar as they are relevant, they were taken into account in drawing the boundary of the NFNP”. Para 14 explains how and where each of the landscape value criteria, that is “landscape quality, scenic quality, rarity, representativeness, conservation interests, wildness, associations and tranquillity” are covered within Tables 1 and 2 of CD104.

3.81 While I accept that 7.21 and 7.22 of CD229 gives indicative guidance for broad areas, the assessment of the criteria listed are pertinent “to guide and inform” decisions for landscapes under consideration for special attention, as in a landscape designation process. I also see that the same criteria have been covered but only briefly, in the Tables 1 and 2 of CD 104, with little or no substantiation in any other background information except in passing descriptions within the LCAs contained within CD 126 and CD 127. I find that the scant substantiation has given objectors credible cause for concern that the process of ascertaining the landscape quality of land within the boundary of the Designation Order has not been determined as recommended by the CA’s own guidance in CD229.

3.82 As the Dorset Authorities pointed out in the case of the Avon Valley, it is impossible to find any assessment of the rarity or otherwise of the landscape of the River Terrace Farmlands or any consideration of whether the Valley is a wild landscape. Nor is there any clear assessment of the tranquillity of the heathland areas to the west of the Avon.
3.83 I also find that in the case of item d) of the further statement that follows para 14 in CD 238, the meaning of the term ‘representative’ has been incompletely interpreted. In my understanding, the term is intended to cover the representativeness of the landscapes being selected for recognition, as much as to being representative of the views of stakeholders, as to those landscapes worthy of designation. This is an important point where the NFNP is concerned as the whole exercise of defining the National Park is concerned with determining the area which represents the New Forest landscape, as well as being of outstanding landscape quality.

3.84 ABP, QPA and Esso were particularly concerned about the lack of consideration of the role of detractors in assessing landscape quality, including the impact of major industrial sites on Southampton Waterside such as the Fawley Oil Refinery and other associated activities. All three objectors found that too much emphasis has been placed on landscape character and not enough on the ‘natural’ element of natural beauty and landscape quality. As a result, in their view, inappropriate areas have been included such as the extensive extraction sites at Pennington. These objectors also considered there to be little or no reference to landscape and visual impact assessment and little consideration of the tensions created by the juxta-positioning of several major industrial sites close to the National Park boundary, as on the Waterside, the presence of which may compromise or even prevent the recognition and experience of natural beauty within the Park.

3.85 In the case of Southampton Waterside I find myself in agreement with the objectors’ views that the Frost Lane area and the Dibden reclaim lack the required standard of landscape quality to meet the natural beauty criterion to justify NFNP status. The same is true for the Pennington extraction sites. However I am not convinced by the same arguments for the Ashlett area which greatly benefits from the wider tract of high landscape quality covering the coastal edge and the surrounding countryside.

3.86 In conclusion I agree that the information and background material provided by the CA for areas deemed to be of high landscape quality was sometimes inadequate for the purpose of understanding the justification for inclusion of certain areas within the NFNP. This approach also appears to fall short of the recommended best practice in CD229 for making judgements about landscape quality.
SECTION 4.

CONSIDERATION OF AREAS SATISFYING THE NATURAL BEAUTY CRITERION AND RECOMMENDED BOUNDARY MODIFICATIONS

4.1 My detailed consideration of the areas in contention around the boundaries of the NFNP, and my recommendations as to boundary modifications based on the natural beauty criterion, are set out in the following paragraphs of the main report of the inquiry:

- Boundary sections 1-2, paragraphs 2.99 - 2.115
- Boundary sections 3-10, paragraphs 3.242 - 3.289
- Boundary sections 11-12, paragraphs 4.127 - 4.170
- Boundary sections 13-15, paragraphs 5.266 - 5.328
- Boundary sections 16-17, paragraphs 6.83 - 6.124

4.2 A series of maps (LA1- LA20) illustrates these recommendations and is included as Annex 1 to this report.