New Forest National Park (Designation) Order 2002

This report relates to the inquiry into the above Order which I conducted at the Lyndhurst Park Hotel, Lyndhurst between 8th October 2002 and 10th April 2003. I was assisted at the inquiry by Rebecca Hughes BSc BPhil FLI who acted as Landscape Assessor.

The inquiry sat on 51 days. In addition, site visits were undertaken on 23 further days when the Assessor and myself carefully inspected the many areas in dispute by vehicle, by boat, and extensively on foot.

The terms of reference of the inquiry were as follows:

1. Does the area as a whole enclosed within the proposed boundary meet the criteria and purposes of designation as a National Park set out in the National Parks and Access to the Countryside Act 1949?

2. Should the boundary be altered to include or exclude any areas specifically referred to by objectors to the Order, bearing in mind the criteria and purposes of designation?

3. Is a National Park Authority appropriate in the New Forest and, if so, how might it best be established and operate?

I deal with the first and third of the terms of reference in part 1 of the report under the heading ‘Issues of principle and administration’. The second of the terms of reference is covered in parts 2-6 of the report covering boundary sections 1-2, 3-10, 11-12, 13-15 and 16-17. Parts 2-6 all follow same sequence, namely (1) a summary of the cases made by the parties, broken down into relevant sub-areas; (2) the conclusions and recommendations of the Landscape Assessor on the natural beauty criterion; and (3) my overall conclusions and recommendations on the two designation criteria. For the most part my conclusions on the natural beauty criterion concur with the Landscape Assessor’s. However, in a small number of instances I have reached a slightly different conclusion on natural beauty or found that while certain areas have the required natural beauty they do not qualify against the second designation criterion (opportunities for open-air recreation).

In addition, there are two main appendices to the report. Appendix 1 has been prepared by the Landscape Assessor and gives her view of the Countryside Agency’s general approach to the identification of land meeting the first statutory designation criterion (natural beauty). Appendix
2 is a short note prepared by myself covering the Agency’s approach to the second designation criterion (opportunities for open-air recreation) and some general points raised by objectors about this matter.

Other appendices give details of the persons taking part in the inquiry (appendix 3); the core documents (appendix 4); the list of items of other inquiry documents (‘list of proofs’) (appendix 5); a list of those making representations to the Order in numerical order (appendix 6) and a list of those making representations to the Order in alphabetical order (appendix 7).

At the pre-inquiry meeting I stated that since there were no statutory rules governing an inquiry of this type I intended, as far as possible, to follow the spirit of relevant parts of the Town and Country Planning (Development Plans) (England) Regulations 1999 (SI 3280). Specifically, I indicated that I would follow the provisions relating to Unitary Development Plans and Local Plans and the procedures outlined in the former DETR’s ‘green book’ because in my experience these would provide a flexible framework allowing objectors from a wide range of backgrounds to present their views in an effective and time-efficient way. Although initially a small number expressed some concern that inquiry time would not be made available to those who wished to lend some form of support to the Agency’s case (eg by voicing shared views or cross-examining other objectors with different views), only one objector [179] pressed this point to the extent of asking to cross-examine rival objectors. I did not permit this, but heard brief representations on the points of concern.

I think it is helpful for me to record here that an important point of clarification was made on the first day of the inquiry with regard to boundary-setting criterion 3 in the Agency’s reinterpretation of the ‘Hobhouse criteria’ as set out at CD104 table 2. The Agency accepted that this should read: “Not all land within the Park must necessarily satisfy both (designation) criteria to the same extent but there should be a high degree of correlation”. The significance of this is that some had taken the original wording to mean that one of the criteria need not be met.

I thank the following for their help with the inquiry and their patience in assisting me:

- Rebecca Hughes, the Landscape Assessor
- Bob Wiggins, the Inquiry Co-ordinator
- Barbara Bay, the Programme Officer.

I also thank all the participants at the inquiry for their contributions, especially the Countryside Agency’s Officers and their advocate Robert Griffiths, for their helpful responses to all my many requests for further information.

Roy Foster
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Appendices

1. Landscape Assessor’s report on the Agency’s approach to the first designation criterion (natural beauty)

2. Inspector’s report on the Agency’s approach to the second designation criterion (opportunities for open-air recreation)

3. List of persons taking part in the inquiry

4. List of core documents

5. List of other inquiry statements, including objectors’ statements

6. List of the Countryside Agency’s rebuttals

7. List of representations in numerical order

8. List of representations in alphabetical order
LIST OF COMMONLY USED ABBREVIATIONS

ANPA  Association of National Park Authorities
AONB  Area of Outstanding Natural Beauty
BUG   Back-up grazing (a term used in connection with definition of the NFHA)
CA    Countryside Agency
CD    Core document
CNP   Council for National Parks
DEFRA Department for Environment, Food and Rural Affairs
ERM   Environmental Resources Management (consultants to the CA)
HCC   Hampshire County Council
LDF   Local Development Frameworks
LUC   Land Use Consultants (consultants to the NFC in definition of the NFHA)
MHW   Mean High Water
MLW   Mean Low Water
NFC   New Forest Committee
NFDC  New Forest District Council
NFHA  New Forest Heritage Area
NFPNA New Forest National Park Authority
NPA   National Park Authority
RSS   Regional Spatial Strategies
SOS   Secretary of State
SUMMARY OF MAIN RECOMMENDATIONS

I recommend:

(1) That the New Forest National Park (Designation) Order 2002 be confirmed, with modifications to the boundary as indicated on the attached maps found at the end of each of the boundary sections and described beneath (and that detailed inset maps be prepared at certain points as also detailed beneath);

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

(3) That a New Forest National Park Authority be established under the provisions of section 63 of the Environment Act 1995;

(4) That the Countryside Agency’s advice to the Secretary of State be considered by her as if it were subject to some detailed amendments set out at paragraph 1.274 of this report.

Description of the boundary of the National Park, as recommended for modification

From the Ower roundabout at the meeting of the A36, A36(T) and A3090 the recommended boundary runs southwards along the western edge of the A36 to its junction with the A326. It then continues along the western edge of the A326 to a point just north of the Hardley roundabout. From there it follows the boundary shown in the Designation Order around Holbury and Blackfield as far as Roughdown Lane. The recommended boundary then follows Roughdown Lane to the edge of the perambulation and follows the latter until it meets the boundary in the Designation Order at Kings Copse Road. It then continues along the boundary in the Designation Order as far as the objection site known as The Ruffs, omitting that land together with the small area of open space associated with the housing estate to the south. The recommended boundary then follows that shown in the Designation Order around the Blackfield and Fawley urban areas as far as the A326.

From the A326 the recommended boundary follows that of the New Forest Heritage Area as far as the car park west of Ashlett Mill. It then follows Ashlett Creek to the MLW mark where it turns to follow the Designation Order boundary south to the end of Calshot Spit. The island of excluded land at Fawley Power Station is reduced at its north-west end so that it follows the outer (northern) edge of the planted tree-screen to the north-west of the power station buildings.

From the end of Calshot Spit the recommended boundary follows the Designation Order boundary as far as the landward end of Hurst Castle Spit. From here it turns east along the MHW mark as far as a point near Salt Grass Cottages. The recommended boundary is then drawn tightly around the village of Keyhaven (as described in more detail in the third descriptive section of paragraph 4.141 of this report). After this it follows the ditch running northwards to the west of the Avon Water, before crossing the river and returning south down the ditch to the east of the river. The recommended boundary then includes a triangle of restored land before following the byway eastwards to the end of Lower Pennington Lane. From here it follows Lower Pennington Lane as far as the AONB boundary and a footpath going north-west from Sadlers Farm. Just north of here it turns east, following another path which crosses Lower Pennington Lane and continues to Ridgeway Farm. The recommended boundary then follows Poles Lane to the junction with Normandy Lane before following the boundary of the built-up area of the town along Viney Road to Delaware House, turning east along All Saints Road and
then following Westfield Road. From the end of Westfield Road it follows bunds and footpaths passing around the marina before crossing the river to the NFHA boundary.

The recommended boundary then follows the NFHA boundary around the eastern, northern and western sides of Lymington as far as the A337. It then returns up the western side of the valley, still following the NFHA boundary as far as a point south of Broadmead where it then continues up the north-south track as far as Silver Street. The recommended boundary then follows Silver Street as far as the built-up edge of Hordle. From here it again follows the NFHA boundary for a considerable distance past New Milton, Beckley, Hinton and Hinton Admiral Station. West of the station it follows the NFHA northwards around Burton Common but near Waterditch it extends slightly further west than the NFHA, following a small north-south running stream marking the county boundary to a point near Waterhouse Farm.

The recommended boundary then excludes the whole of the built-up area of Bransgore as defined in the Local Plan together with the playing fields and public open spaces associated with the village. North-west of Bransgore it follows the NFHA boundary as far as Ripley Wood. The recommended boundary then turns west to include the Bisterne Manor parkland, meeting the B3347 near Lower Bisterne Farm. It then crosses the road skirting woodland including Lower Side Copse and Alder Bed Copse before returning in an easterly direction to the B3347 via the minor road. The recommended boundary then skirts the north side of the Bisterne Manor parklands, excluding an extensive arable area south of Dragon Lane, before rejoining the NFHA boundary and following this northwards as far as Cross Lanes at the north-east edge of the Blashford Lakes complex.

The recommended boundary then follows a line defined around and to the west of the linear settlements of South and North Gorley to the Hungerford T-junction. It then follows the NFHA boundary through Stuckton to the B3078 near Criddlesley. From here it continues to follow the NFHA boundary along the east bank of the Avon to Lower Burgateon the A338 where it joins the Designation Order boundary for a short distance to Burgate Cross. The recommended boundary then departs from the Designation Order boundary to follow the raised embankment of the disused railway line to a point north of Breamore where it again joins the Designation Order boundary south of South Charford Farm and continues across the floodplain to a point opposite Searchfield Farm.

From here the recommended boundary continues to follow the Designation Order to Redlynch except that a small excluded woodland area south of Searchfield Farm is taken into the National Park. From Redlynch it follows the Designation Order boundary via Grove Lane and Moor Lane nearly as far as Newton. From a point opposite the southern end of Lowdens Copse the recommended boundary leaves Moor Lane to turn east following a footpath to the A36, but departs from the Designation Order boundary to take in a small nib of land within a mire lying about half way along the footpath and exclude a north-pointing triangle of land at the eastern end bounded by two paths and the A36. The recommended boundary then follows the A36 back to Ower.

**Inspector’s further recommendation concerning the boundary referred to above**

In my view the scale of the Designation Order maps can make it difficult to draw (and then decipher) the exact line of the National Park boundary in certain places, especially where it skirts the edges of some built-up areas and villages – in particular at Upper Pennington, Keyhaven, Bransgore and North and South Gorley. It would be helpful for those who will have to use the Designation Order if it included more detailed inset maps at these locations. I therefore recommend that such maps be prepared for formal inclusion in the Order.